



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

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

1. Adoption of Consent Agenda:
 - a. Newberry County Public Safety and Courts Committee Minutes – October 13, 2025.
 - b. Newberry County Council Work Session Minutes – October 15, 2025.
 - c. Newberry County Council Meeting Minutes – October 15, 2025.
2. Additions, Deletions & Adoption of the Agenda.
3. Special Recognition:
 - a. St. Phillips Fire Department.
4. 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. Third Reading.

5. 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. Third Reading.

6. Ordinance 11-01-2025. An Ordinance amending 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 by amending Section 153.174, PDD – Planned Development Districts, Section 153.18, Existing Vegetation, 153.182 Buffers, Section 153.184 Landscaping, 153.185 Open Space, and 153.231 Definitions.

- a. First Reading.

7. Ordinance 11-02-2025. An Ordinance adopting the requirements of the South Carolina Local Government Development Agreement Act; creating uniform requirements for the execution and delivery of development agreements by Newberry County Council; And Other Related Matters.

- a. First Reading.

8. Ordinance 11-03-2025. An Ordinance authorizing the County of Newberry, by Newberry County Council, to enter into an Option and Purchase Agreement to evaluate the sale of real property to be determined through negotiations of all purchase terms and conditions, for economic development purposes with Project Altair.

- a. First Reading.

9. Ordinance 11-04-2025. An Ordinance to enter into an agreement between Newberry Electric Cooperative, Inc. and Newberry County to exchange property known as Tax Map number 576-11 for a portion of the property known as Tax Map number 576-12 and described fully herein.

- a. First Reading.

10. Consideration and Approval of a Proposal for Inmate Food Service from Victus Food Service – Captain Daniel Floyd.
11. County Council may take action on matters discussed during executive session of the 5:00 p.m. meeting.
12. Appointments.
13. Public Comments (Three Minutes).
14. Comments/Requests from County Administrator.
15. Comments/Requests from Council.
16. Future meetings:
 - a. Veterans Day – November 11 – Offices Closed.
 - b. Newberry County Council Work Session – November 19 at 5 p.m.
 - c. Newberry County Council – November 19 at 6 p.m.
 - d. Thanksgiving Holiday – November 27-28 – Offices Closed.
 - e. Newberry County Economic Development Committee – December 1 at 5 p.m.
 - f. Newberry County Finance Committee – December 8 at 5 p.m.
 - g. Newberry County Council Work Session – December 17 at 5 p.m.
 - h. Newberry County Council – December 17 at 6 p.m.
 - i. Christmas Holiday – December 24-26 – Offices Closed.
17. Adjournment.

**NEWBERRY COUNTY COUNCIL PUBLIC SAFETY AND COURTS COMMITTEE
MINUTES
October 13, 2025**

The Newberry County Council Public Safety and Courts Committee met on Monday, October 13, 2025, at 5:00 p.m. in Council Chambers at the Courthouse Annex, 1309 College Street, Newberry, SC, for a special called meeting.

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

PRESENT: Stuart Smith, Committee Chair
Leon Fulmer, Committee Member
Karl Sease, Committee Member
Jeff Shacker, County Administrator
Coroner Laura Kneece
Eric Nieto, I.T. Director
Brandon Wicker, Emergency Services Coordinator
Andrew Wigger, Clerk to Council/PIO

Mr. Smith called the meeting to order at 5 p.m.

Mr. Smith led the Invocation and Pledge of Allegiance.

1. Additions, Deletions and Adoption of the Agenda.

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

2. Proposal for First Responder Insurance Coverage – Marcia Greer, SC Firefighters Insurance Services.

- Representatives from Firefighters Insurance Services presented policy options to the committee, as attached, and explained each policy and how they would cover first responders in Newberry County.

- Mr. Smith said he knows they had one question that presented itself about juniors; to which they said they are covered.
- Mr. Sease said on the first sheet they received; they have plan one, two and three; A, B or A and B and it is broken down. He asked if the price broken down comes out to roughly \$15.69 per firefighter; they answered in the affirmative and said that is for double coverage.
- Mr. Fulmer asked for clarification that these were two different plans; they said that is correct, they are two different policies, and they did not have to purchase both of them, they could purchase one or none. One policy only covers what they are doing for the fire department, and the other is 24 hours.
- Mr. Smith said there is a chief who has to run errands, get supplies, would he be covered if he's coming into town to pick up supplies and return back home. They responded by saying if the fire department has said something as easy as lunch, they are having a meeting please go buy a pizza, and you get into an accident, you are covered, anything on behalf of the fire department.
- Mr. Fulmer asked if this coverage also covered volunteer EMS as well, to which they answered in the affirmative.
- Mr. Fulmer asked if you have an older member that isn't active within the firefighting, but still provides services to the department, would they be covered; they said they probably wouldn't get up to the 300 or 600, but there is a benefit to cover them because it is based on loss of wages, if they don't have loss to show them they cannot get up to the full benefit amount.
- Mr. Fulmer said looking at both policies, you are looking at about \$27,000 per year for both policies for about 400 people. He said for that amount of coverage in an emergency accident situation, in his opinion, is cheap coverage. Mr. Smith and Mr. Sease both said they agree.
- Mr. Sease said he is in favor of doing both policies.
- Mr. Smith asked if they have this in the current budget; Mr. Shacker said it is not budgeted, but he thinks they can find the money as they had additional money in recruitment and retention programs, and he thinks they can look at other line items within rescue and fire.

- Mr. Shacker said he'd get with Mr. Long when he is back in the office and come up with a plan. He said he came up with \$26,110 which is roughly \$65 a member.
- Mr. Sease made a motion to authorize the county administrator to find the funding within the budget and proceed with both insurance policies; Mr. Fulmer provided the second and the motion carried 3-0.
- Mr. Fulmer requested that they highlight that at a Newberry County Council meeting that this is being provided.

3. Grant Opportunities to Establish a Freestanding Coroner's Office and Morgue Facility – Coroner Laura Kneece.

- Coroner Laura Kneece said she is looking for approval to submit for three different grants. These grants would be utilized to establish a standalone coroner's office and morgue facility.
- Newberry County currently relies on an outside agency for autopsies and body storage. Coroner Kneece said the arrangement increases delays in their investigation and places a burden on the grieving families. She said this facility would centralize their services, strengthen interagency support and ensure dignity, efficiency and accountability for the death investigations in Newberry County.
- At present, the morgue facility is housed in Newberry Health, and the morgue freezer can only hold four bodies and in times of overflow, the Coroner's Office uses the mobile morgue unit. She said there are issues with descendants that are not found immediately and the smells that are permeating through the hospital due to the hospital air duct system not being separate from the current morgue.
- Newberry Pathology Group is a private entity in Newberry County that has established forensic science, forensic pathology and is well known. They service 13 different counties as well as SCDC.
- Coroner Kneece said she knows a standalone coroner's office and morgue facility would mean extra costs that would come from the taxpayers. One of her proposed funding streams would be to charge a \$100 morgue fee for each autopsy that is done that is not Newberry County related. She said Newberry Pathology does about 1,000

autopsies a year, that could roughly be \$100,000 of revenue to come into Newberry County.

- She said she would like permission to apply for three grants, all through the Bureau of Justice Assistance. The first grant could be up to \$24 million, a 24 month grant, which would allow them to do a building, along with some equipment for the facility. They would also like to pursue the Strengthening Medical Examiners and Coroners Grant for equipment they would need for the morgue and a Paul Coverdell Science Competitive Grant. She said they can apply for all three grants. Two of the grants would help with construction of the building and the third would help outfitting the facility.
- Another issue Coroner Kneece said they run into is the fact they don't have a designated spot for family meetings, they are graciously at the Newberry County Sheriff's Office, and they do have one spot, but they'd like to have more of a private area. This would also allow for the families to have time with the descendants.
- Key advantages would be faster responses for autopsies and case resolutions for law enforcement.
- Coroner Kneece said she is requesting the committee allow them to move forward with the grants for an investment for Newberry County.
- Mr. Fulmer asked if the grants are 100% coverage; Coroner Kneece said all three of the grants are 100%, no match.
- Mr. Smith asked who would be doing the grant writing; Coroner Kneece said Deputy Coroner Desiree Monts will, but all three of them will be working on it together. Coroner Kneece said Ms. Monts has done an excellent job with grant writing and getting them funding in the past.
- Mr. Sease asked about the fees Newberry Pathology would be charged and if they'd be asked to sign a contract and if so, what would the length of the contract be and what would happen if they pulled out; Coroner Kneece said they can do that and that Greenville Pathology currently comes down to the Newberry area and is doing autopsies with Newberry Pathology Group due to their case load. She said they can discuss if they think a five-year contract would be more

beneficial, she said she knows Dr. Rose is open to whatever contracts need to be signed.

- Mr. Smith said if they go ahead with the grant, it would need full council approval to get the ball rolling, he asked Coroner Kneece when would they know if they got the grant. She said the due date is October 27. Mr. Shacker said that is something they can add to the agenda, but the committee could authorize the submission of the grant and that there were some things that still needed to be pulled together.
- Mr. Sease said it could cause the county to spend some money, he thinks the whole council should hear it. Mr. Shacker said they can do it that way, or they can authorize it now with the understanding that new report on the project would come back to council, if they get the grants.
- Mr. Sease makes a motion to allow Coroner Kneece to apply for the grants, with the knowledge it will need to come before full council at a future date; Mr. Fulmer provided the second.
- Coroner Kneece said December 15 would be when they learn if they have been awarded the grants.
- Mr. Smith asked if they have a location; Coroner Kneece said she sat down with Mr. Shacker, and a location was found.
- Mr. Sease asked what would they do if they did not get all three grants; Coroner Kneece said depending on what grant it was, they could assist the morgue with equipment.
- The motion carried 3-0.

4. Discussion of Hurst Tools and 800 Radios – Chris Johnson, Board of Rescue Squads Chairman.

- Mr. Johnson said he was speaking as the chief of the Rescue Squad. He did say, on behalf of the board, thank you for the insurance coverage decision.
- Mr. Johnson said the 800 MHz were a great investment, but they failed to plan for the future. He said they have reoccurring cost in the

budget for airtime fees, but we don't have anything in the budget to buy new radios.

- In the last several months, he has had seven new volunteers that do not have radios. He said Mr. Tommy Long has indicated that there are no radios to be given. He said this is a risk to their safety, and that radio could be their only lifeline.
- Mr. Johnson said they are not cheap, Motorola has a great system, but with the 800 system you can only buy certain radios that are going to cost about \$7,000 apiece.
- He said under current administration they have been extremely lucky to have our capital outlay budget restored to about \$13,000 per rescue squad. That will allow for the purchase of one radio, but that will still not cover the full need.
- Regarding Hurst tools, Mr. Johnson said unfortunately they are running on the Hurst 5000 PSI system on the rescue truck, a low pressure system, they had a wreck with entrapment just a week ago, and the tools were not operating like they should. They had a tech come out and saw general wear and tear on the tool, only way to fix it, is to rebuild it. However, that tool is now obsolete and they cannot get it rebuilt.
- He said they have gotten some hydraulics tools, but he doesn't believe those should be their frontline tool for what they do.
- Mr. Johnson said if he were to replace all the tools with hydraulics, \$76,000, but Hurst makes a high-pressure system, and to replace would be \$67,500.
- Mr. Johnson said he wanted this on their radar, and he will be back when the budget time comes.
- Mr. Smith asked about the rescue squads and their radios; Mr. Johnson said there are some that don't have radios and he wasn't sure about the fire departments.
- Mr. Fulmer the Hurst tool replacement, what about other departments; Mr. Johnson said they will be in the same boat, and he will check. He said they have been working on getting an inventory of what they have.

5. FEMA Reimbursement from Hurricane Helene Update from Chris Wood of Berquist Consulting.

- Mr. Wood provided updates with the FEMA recovery progress, his report is attached with these minutes.
- Mr. Sease thanked Mr. Wood for all the work he did helping them through the process and getting those funds.

6. Public Comments.

- None.

7. Comments from Committee Members.

- Mr. Sease thanked everyone for their presentations and questions.

8. Adjournment.

- Mr. Fulmer made a motion to adjourn; Mr. Sease provided the second and the motion carried 3-0.
- The Newberry County Council Public Safety and Courts Committee adjourned at 6:39 p.m.

**NEWBERRY COUNTY COUNCIL PUBLIC SAFETY
AND COURTS COMMITTEE**

Stuart Smith, Committee Chairman

Andrew Wigger, Clerk to Council

Minutes Approved: _____



24-HOUR ACCIDENTAL DEATH & DISMEMBERMENT INSURANCE PROPOSAL

Date Prepared: August 21, 2025

Policyholder Name: Newberry County Departments

Policy Number: To be Assigned

Proposed Effective Date: October 1, 2025

Policyholder State: South Carolina

Proposal ID: 74851

This proposal summary is valid for 90 days from the Date Prepared or 1 day prior to the Proposed Effective Date, whichever date is later.

Covered Class:

Class A: All Active Members of the Policyholder
Class B: All Active Members of the Policyholder

Type of Coverage:

24-Hour Coverage
Line-of-Duty Coverage

Number of Insured Persons (Active Members): 400

Quote Options:	<u>Plan 1</u>	<u>Plan 2</u>	<u>Plan 3</u>
AD&D Principal Sum:	Class A: \$10,000 Class B: \$20,000	Class A: \$15,000 Class B: \$30,000	Class A: \$20,000 Class B: \$40,000
Premium Option for Class A & B Coverage:			
Annual	\$3,176.00	\$4,719.00	\$6,267.00
Premium Option for Class A Coverage only:			
Annual	\$2,268.00	\$3,360.00	\$4,458.00

Premium is due on the chosen effective date.



**Plans of Insurance for the
Newberry County Departments**
Benefits apply while performing a Covered Activity.

Class 1 All volunteer classes of membership including but not limited to a Volunteer Member, Emergency Volunteer, Auxiliary Member, Fire Corps, Community Volunteer, Board Member, Trustee, Administrative Personnel, Junior Member, Member in Training, Probationary Member, and Part-Time Employees of the Policyholder.

Section I: Death Benefits

		<u>Plan 1</u>	<u>Plan 2</u>	<u>Plan 3</u>
A.	Covered Injury Death Benefit	\$25,000	\$30,000	\$35,000
B.	Covered Illness Death Benefit	\$25,000	\$30,000	\$35,000
C.	HIV Positive Diagnosis Lump Sum Benefit	\$25,000	\$30,000	\$35,000
D.	Bereavement Benefit	Up to \$2,500	\$3,000	\$3,500
E.	Dependent Child Benefit (Per Child)	\$10,000	\$10,000	\$10,000
F.	Seatbelt Benefit	\$6,250	\$7,500	\$8,750
	Airbag Benefit	\$6,250	\$7,500	\$8,750
G.	Final Expenses Benefit*	Up to \$2,500	\$3,000	\$3,500
H.	Spousal Benefit	\$15,000	\$15,000	\$15,000
I.	Surviving Spouse Education Benefit	Up to \$10,000	\$10,000	\$10,000
J.	Dependent Child Education Benefit	Up to \$10,000	\$10,000	\$10,000

* Includes repatriation to the funeral home as well as other locations, cremation, burial services, grave marker/headstone.

Section II: Impairment Benefits

A.	Dismemberment, Loss of Speech or Hearing Benefit**	Up to \$25,000	\$30,000	\$35,000
B.	Vision Impairment Benefit**	Up to \$25,000	\$30,000	\$35,000
C.	Cosmetic Disfigurement from Burns Benefit**	Up to \$25,000	\$30,000	\$35,000
D.	Permanent Physical Impairment Benefit**	Up to \$25,000	\$30,000	\$35,000
E.	Felonious Assault Benefit	Up to \$12,500	\$15,000	\$17,500
F.	Impairment Modification Benefit**	Up to \$50,000	\$50,000	\$50,000
G.	Paralysis Benefit**	Up to \$25,000	\$30,000	\$35,000

** Benefits payable are based on the percentage of impairment or loss as defined in the Policy.

Section III: Income Protection Benefits

A.	Weekly Total Disability Benefits	Up to \$300	\$400	\$600
A.i.	Covered Injury Minimum Weekly Total Disability Benefit	\$100	\$100	\$100
A.ii	Covered Illness Minimum Weekly Total Disability Benefit	\$100	\$100	\$100
A.iii.	Covered Injury Weekly Earned Income Replacement Benefit***	Up to \$200	\$300	\$500
A.iv.	Covered Illness Weekly Earned Income Replacement Benefit***	Up to \$200	\$300	\$500
B.	Partial Disability Benefit ***	Up to \$300	\$400	\$600
C.	Cost of Living Adjustment	Up to \$900	\$1,200	\$1,800
D.	First Week Disability Benefit***	Up to \$1,000	\$1,000	\$1,000
E.	Transition Benefit	Up to \$300	\$400	\$600
F.	Retraining Benefit	Up to \$20,000	\$20,000	\$20,000

*** Benefits are payable in coordination with the Loss of Earnings Coverage as defined in the Policy.

Plans of Insurance for the Newberry County Departments
Benefits apply while performing a Covered Activity.

Section IV: Medical Expenses			<u>Plan 1</u>	<u>Plan 2</u>	<u>Plan 3</u>
A.	Medical Expense Benefit****	Up to	\$10,000	\$10,000	\$10,000
B.	Plastic Surgery Expense Benefit****	Up to	\$25,000	\$25,000	\$25,000
**** We will not pay covered medical expenses incurred by an Insured Person that are paid or payable under Workers' Compensation, no fault auto or similar insurance.					
Section V: Additional Benefits					
A.	Daily Hospital Confinement and Outpatient Treatment Benefit		\$10	\$15	\$20
B.	Daily Critical Care Benefit		\$20	\$30	\$40
C.	Family Expense Benefit	Up to	\$5,000	\$5,000	\$5,000
D.	Occupational Rehabilitation Benefit	Up to	\$5,000	\$5,000	\$5,000
E.	Mental Stress Management Benefit	Up to	\$5,000	\$5,000	\$5,000
F.	Traumatic Incident Benefit	Up to	\$5,000	\$5,000	\$5,000
G.	Health Insurance Premium Benefit	Up to	\$12,000	\$12,000	\$12,000

	<u>Plan 1</u>	<u>Plan 2</u>	<u>Plan 3</u>
Annual Premium	\$12,259	\$15,006	\$19,843
<i>The annual payment option offers a one-year rate guarantee.</i>			

Preparation Date: August 26, 2025
Proposed Effective Date: October 1, 2025
Proposal ID: 74850
This proposal is valid for 90 days from the Preparation Date or until 1 day prior to the Renewal Date, whichever is later.
Underwritten by: AXIS Insurance Company

NEWBERRY COUNTY PUBLIC SAFETY MEETING

OCTOBER 13, 2025

PRESENTED BY:

CHRIS WOOD

BERQUIST RECOVERY CONSULTING



AGENDA

- FEMA PA Process & Project Progress
- Engineering & Bridge Projects
- Debris Removal
- Roads Repair
- Parks & Community Facilities
- Hazard Mitigation Grant Program
- HMGP Application Queue
- Federal Shutdown Impact
- Summary & Next Steps



FEMA PUBLIC ASSISTANCE PROCESS & PROJECT PROGRESS

COMPLETED PROJECTS

- Airport Repairs (Project #818294) involved gate and fuel pump awning repairs.



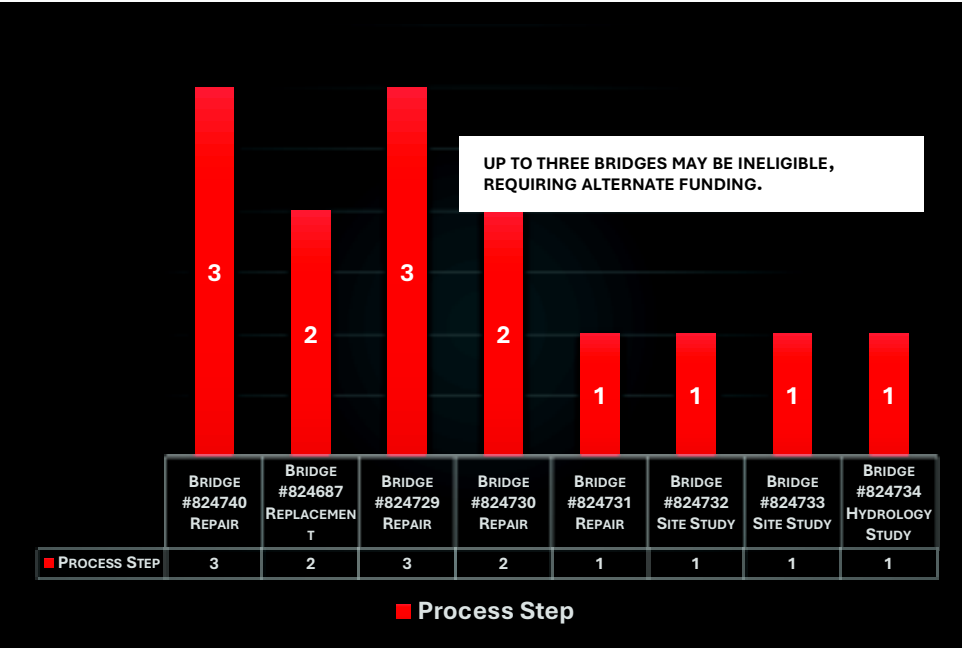
PROJEC (PENDING)

ederal share of \$7,177.55 and
paid, marking a successful
s airport infrastructure and
payment is approximately
68) obligated for \$56,483.34
ect #806991) obligated for
ategory B (Project #806871)
y funded.

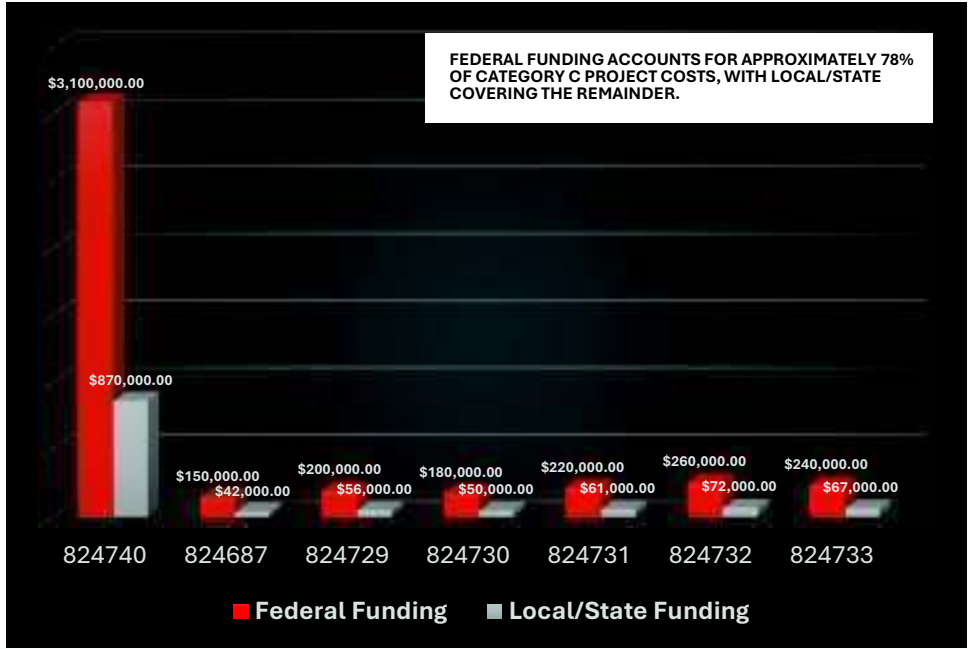
NEWBERRY COUNTY HAS
COMPLETED KEY PUBLIC
ASSISTANCE PROJECTS
INCLUDING AIRPORT
REPAIRS, WITH FULL
PAYMENTS MADE. SEVERAL
PROJECTS TOTALING
\$460,000 ARE OBLIGATED
AND PENDING PAYMENT,
EXPERIENCING A DELAY OF
APPROXIMATELY 16 DAYS.
FEDERAL FUNDING COVERS
THE MAJORITY OF COSTS,
SUPPORTING ONGOING
RECOVERY EFFORTS.

ENGINEERING & BRIDGE PROJECTS

CATEGORY-C BRIDGE PROJECTS & PHASE IN FEMA REVIEW QUEUE



FEDERAL VS LOCAL FUNDING SPLIT



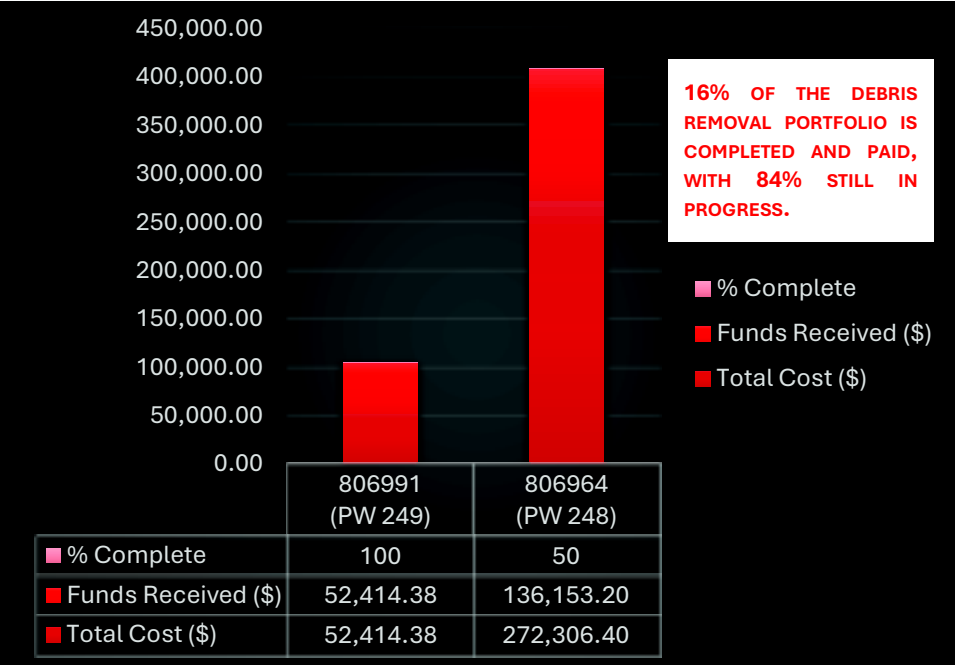
THE BRIDGE PROGRAM IS ESTIMATED AT APPROXIMATELY \$4 MILLION, WITH A PHASED APPROACH PRIORITIZING EVALUATIONS OF KEY BRIDGES AND SITE STUDIES. FEDERAL FUNDING CONSTITUTES THE MAJORITY OF THE CATEGORY C PROJECTS, HIGHLIGHTING THE IMPORTANCE OF SECURING ALTERNATE FUNDING FOR POTENTIALLY INELIGIBLE BRIDGES.

DEBRIS REMOVAL (CATEGORY A)

PROJECT OVERVIEW AND FUNDING STATUS

- Total Debris Removal portfolio is \$324,720.78, fully federally funded (100%).
- Project #806991 (PW 249) is fully complete and paid at \$52,414.38 (16% of portfolio).
- Project #806964 (PW 248) costs \$272,306.40, 50% complete, pending PDMG review.
- Pie chart shows completed \$52,414.38 vs in-progress \$272,306.40 amounts.
- Bar chart details each project's cost, funds received, and % completion.

DEBRIS REMOVAL PROJECT PROGRESS AND FUNDING BREAKDOWN



THE DEBRIS REMOVAL PORTFOLIO TOTALS \$324,720.78, FULLY FUNDED BY FEDERAL DOLLARS. PROJECT #806991 IS COMPLETE AND PAID, WHILE #806964 IS 50% COMPLETE AND PENDING REVIEW, SHOWING ONGOING PROGRESS.

ROADS REPAIR (CATEGORY C)



Roads Repair Project Overview

- Current estimated total project cost: \$960,385.50, pending FEMA scope and quantity validation.
- Last week, a full-day coordination meeting was held to review and confirm eligible repair sites.
- A follow-up coordination session is scheduled this Thursday to finalize project scopes.
- Once scopes are agreed, the next steps include obligation of funds, procurement of contractors, and construction initiation.
- Category C summary table presents detailed status and completion percentages across repair sites.

THE ESTIMATED TOTAL COST FOR ROADS REPAIR UNDER FEMA REVIEW IS \$960,385.50, WITH DETAILED COORDINATION ONGOING TO FINALIZE ELIGIBLE SITES. FOLLOWING AGREEMENT ON SCOPE AND QUANTITIES, THE PROCESS WILL ADVANCE THROUGH OBLIGATION, PROCUREMENT, AND CONSTRUCTION PHASES TO RESTORE CRITICAL INFRASTRUCTURE EFFICIENTLY.

FACILITIES

PARKS & COMMUNIT

SIGNIFICANT PROGRESS
IN PARKS AND
COMMUNITY FACILITY
PROJECTS WITH KEY
REIMBURSEMENTS
PENDING AND
COMMUNITY EVENTS
SCHEDULED,
REFLECTING ACTIVE
RECOVERY AND
ENGAGEMENT EFFORTS.

Aug 2025



Lynches Woods Shelter

Construction comp
\$460,000 pending
reimbursement awa
SCEMD payment
processing.

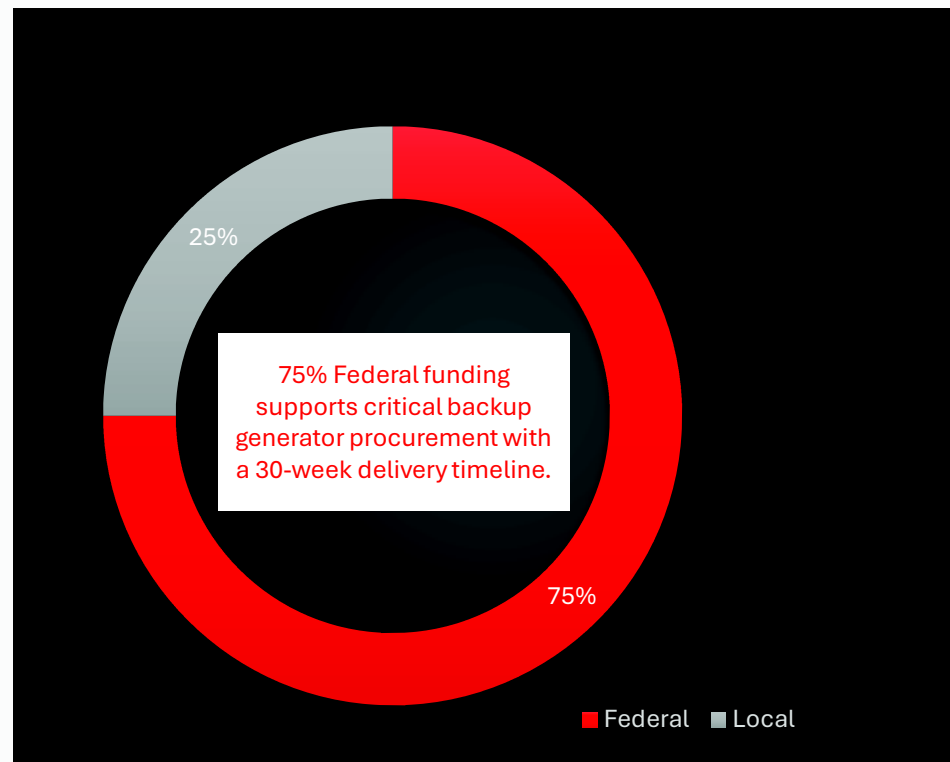


HAZARD MITIGATION GRANT PROGRAM (HMGP)

DETAILS AND VISUAL INSIGHTS

- A purchase order (PO) of \$289,409 has been issued for backup generators under Hurricane Ian, funded with a 75% federal and 25% local cost share.
- The procurement timeline for these generators is approximately 30 weeks, emphasizing the need for early planning and coordination.
- For Hurricane Helene, all hazard mitigation grant applications have been submitted and are now awaiting state review and award decisions.
- The 75/25 funding ratio aligns with FEMA HMGP cost-sharing rules, ensuring strong federal support while engaging local investment.
- Ongoing monitoring of procurement progress and application reviews is essential to maintain momentum and meet project timelines.

HMGP FUNDING & PROCUREMENT TIMELINE



THE HMGP PROGRAM IS PROGRESSING WITH A SIGNIFICANT PURCHASE ORDER ISSUED FOR HURRICANE IAN BACKUP GENERATORS, REFLECTING THE 75/25 FEDERAL TO LOCAL FUNDING SPLIT AND A 30-WEEK DELIVERY TIMELINE. HURRICANE HELENE MITIGATION APPLICATIONS ARE ALL SUBMITTED AND CURRENTLY AWAIT STATE REVIEW AND AWARD DECISIONS, HIGHLIGHTING THE ONGOING COMMITMENT TO HAZARD MITIGATION IN NEWBERRY COUNTY.

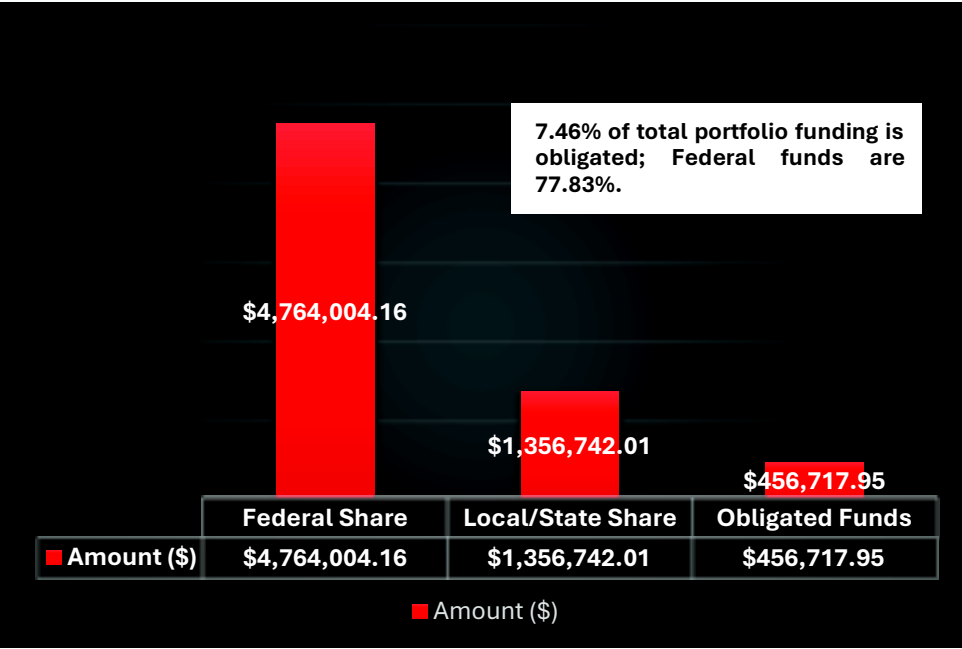
HMGP APPLICATION STATUS UPDATE

	PROJECT TYPE	APPLICATION TITLE	AMOUNT	WORKSPACES COUNT	REFERENCE # & LINK
APPLICATION OVERVIEW	- General (GEN) projects dominate with \$3.28M requested. - Law Enforcement & Fire (LFR) projects total \$414K. - Public Safety (PS) projects represent \$406K.	- Magistrate Office, Airport, Auditor/Treasurer Generators - \$800K. - Public Works, Animal Control Shop Generators - \$400K. - Lynches Woods Park Flood Mitigation - \$150K.	- Total requested: \$4,104,610.07. - GEN requests \$3,284,360.07 (80%). - LFR requests \$414,250.00 (10.1%).	50 total workspaces in queue. - GEN projects use 32 workspaces. - Workspaces indicate application complexity.	- Applications have unique reference numbers. - Each links to portal for detailed review. - Example: Magistrate Office (Ref 100908).
WORKFLOW STATUS	- All 50 applications at Specialist Initial Review. - Queue static for 43 days, signaling delays. - Monitoring and expediting reviews are critical.	- Applications in review for 43 days. - Consistent duration suggests backlog. - Timely completion essential to avoid delays.	- GEN projects receive largest share. - LFR and PS funding smaller but significant. - Allocation aligns with project priorities.	- Higher WS counts can slow review. - Balanced workload recommended. - Monitor WS counts to identify bottlenecks.	- Open portal access supports transparency. - Stakeholders monitor progress. - Facilitates timely grant management.

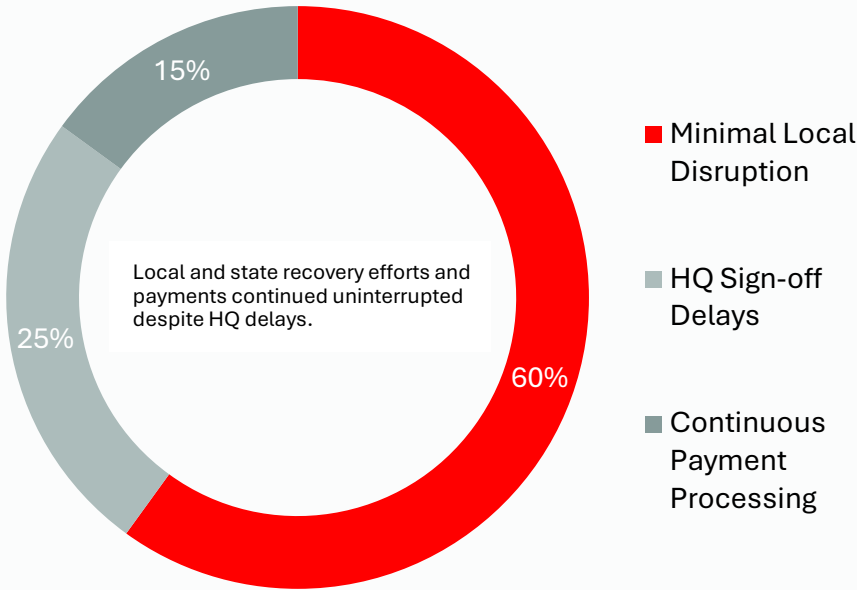
THE HMGP APPLICATION QUEUE HOLDS 50 APPLICATIONS TOTALING \$4.1 MILLION, MOSTLY GENERAL PROJECTS. ALL REMAIN AT SPECIALIST INITIAL REVIEW FOR 43 DAYS, INDICATING A PROCESSING DELAY THAT NEEDS ADDRESSING TO ADVANCE FUNDING AND PROJECT IMPLEMENTATION.

FEDERAL GOVERNMENT SHUTDOWN IMPACT

FUNDING DISTRIBUTION & OBLIGATIONS



OPERATIONAL IMPACT SUMMARY



LOCAL RECOVERY AND PAYMENT PROCESSING CONTINUED SMOOTHLY DESPITE THE FEDERAL SHUTDOWN, WITH ONLY HQ SIGN-OFF DELAYS CAUSING MINOR OBLIGATION HOLD-UPS. THIS ENSURED STEADY PROGRESS IN RECOVERY FUNDING AND PROJECT EXECUTION.

SUMMARY

SUMMARY & NEXT STEPS

KEY ACTIONS TO ADVANCE RECOVERY AND ENSURE STAKEHOLDER AWARENESS

- Advance CRC and PDMG actions towards obligation to expedite funding and project execution.
- Track the Hazard Mitigation Grant Program (HMGP) queue closely, noting 9 applications totaling \$4.10M, all currently in Specialist Initial Review for 43 days.
- Proceed with procurement for HMGP backup generators, accounting for the ~30-week delivery timeline to avoid delays.
- Prepare and deliver the Q4 update to the Board, highlighting obligation progress and outcomes related to bridge eligibility.
- Maintain clear communication channels with stakeholders to ensure transparency and timely decisions.
- Coordinate with engineering and project teams to finalize documentation and resolve any pending eligibility concerns.
- Contact for further information: Chris Wood – Berquist Recovery Consulting.

FOCUS ON ADVANCING OBLIGATION ACTIONS FOR CURRENT PROJECTS, CLOSELY MONITOR THE HMGP APPLICATION QUEUE, AND PREPARE FOR LONG-LEAD PROCUREMENT TO MAINTAIN MOMENTUM IN RECOVERY EFFORTS. PROVIDE TIMELY UPDATES TO LEADERSHIP ON PROGRESS AND CRITICAL ELIGIBILITY OUTCOMES.



**NEWBERRY COUNTY COUNCIL WORK SESSION
MINUTES
October 15, 2025**

Newberry County Council met on Wednesday, October 15, 2025, at 5:00 p.m. in Council Chambers at the Courthouse Annex, 1309 College Street, Newberry, SC, for a Work Session.

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

PRESENT: Robert Shealy, Chairman
Karl Sease, Vice-Chairman
Leon Fulmer, Council Member
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 the South Carolina Local Government Development Agreement Act and the proposed adoption of the requirements of the Act and the creation of uniform requirements for the execution of development agreements under the Act.
 - Mr. Shacker said Newberry County Council has taken a number of steps to do housekeeping with land development regulations and laws in the county and responding to changing development patterns in the area and state. These steps included revising the Land Development Regulations, repeal of clustering, the proposed

Residential Master Plan Districts Ordinance, and reworking the open space requirements within the zoning ordinance.

- Mr. Shacker said there is a statute, the South Carolina Local Government Development Agreement Act, with a purpose of dealing with larger developments where the amount of time involved with the development can be lengthy. During that period, you can have changes in regulations and laws. You can identify what the impacts are of that development and the facility needs are and get them addressed on the front end.
- Mr. Shacker said you cannot apply these agreements to every tract of land and there are minimum requirements, one being size and the tract has to be 25 acres or more of highland. The second is development time, the greater the number of highland acres, the longer time you can have for the agreement.
 - Mr. Fulmer asked, regarding the 25 acres, that is set at the state level, but could they go less than 25 acres. Mr. Shacker said they can make that higher, but they cannot go under 25 acres.
 - Mr. Johnson said this also lets them look at impact on public safety, as well; Mr. Shacker said this along with the land development regulations and concurrency, they can get feedback from the Land Development Review Committee, which consists of representatives from the school district, utilities, etc. and gather that input that can inform the development agreement.
- Mr. Shacker said there is a statute for impact fees, but this is for development agreements, while similar, are different.
- Mr. Shacker reviewed the proposed ordinance, as attached with these minutes. He said what is in state law is incorporated within the ordinance.
- Mr. Fulmer said he understands the 25 acres requirement is set by state law, but his concern with everything they are doing, which is to try and make sure that they have appropriate control over the what, where and how, to a point it doesn't get out of hand and residents still have a voice on what they would like to see in their

county and the burden is not placed on them to provide services for developments they don't want to start with. Regarding the 25 acres and the two houses per acre, he said they are stuck with the 25 acres, he would love to see it less than that because you can see 24 acres that cause just as much impact.

- Mr. Fulmer asked Mr. Shacker to explain the difference between a development fee and an impact fee.
 - Mr. Shacker said development fees would be either negotiated, or they could be provided for by ordinance so there is consistency, which is what staff is recommending. He said that would be a payment to the county in recognition of the impact the development is having on the county. This would not be restricted to specific capital items, not tied to a CIP and does not have to be obligated within a certain amount of time and it doesn't have to be expended within a certain amount of time. He said they would fill in the gaps, in terms of how they impose that and how the county uses the funds.
 - Impact fees are dictated statutorily in the Impact Fee Act and there are limitations to capital items, which have to be qualifying to service areas that the statute permits. There has to be a development of a CIP and then pretty sophisticated calculations that go into determining what impact fees the rates are. He said that is why it is unusual for a local government not to hire a consultant to prepare it. Mr. Shacker added that there is a minimum capital expenditure requirement where it's got to be \$100,000 and within one of the qualifying service areas.
- Mr. Shealy said there is more flexibility with development agreement fees than with impact fees; to which Mr. Shacker agreed.
- Mr. Fulmer said he brought that up because they need to be careful on what they call it.
- Mr. Shacker said, regarding impact fees, as of right now the amount of revenue they would generate would not be a significant

amount of money, but you'd have requirements related to how it is spent, and some are timely. This would put the county in a position of coming up with a source of additional revenue to pay for the items.

- Mr. Johnson asked Mr. Shacker to clarify something with the residential section. He said if he did his math right, currently under General Residential, they allow four houses per acre, a house every 10,000 square feet, to do less than that would be more restrictive than what is already allowed in General Residential; Mr. Shacker said that is correct.
- Mr. Fulmer said a concern he has is the issue that regardless of the size of the tract of land, anytime you have development, anytime you have more houses, more people, more structures, there is going to be an impact. He said his concern is not putting any more, not reducing the burden, any more than what we have to because 25 acres, that's a pretty little chunk of land, but you can have lots of 10 acre tracts that give you just as much impact as two 25 acre tracts. He said his concern he does not want to put any less of a limitation.
- Mr. Shacker said if there is not an objection, they would like to get this ordinance in front of the Joint Planning Commission, there was no objection.

2. Adjournment.

- Mr. Johnson made a motion to adjourn; Mr. Sease provided the second and the motion carried 7-0.
- The Newberry County Council Work Session adjourned at 5:52 p.m.

NEWBERRY COUNTY COUNCIL

Robert Shealy, Chairman

Andrew Wigger, Clerk to Council

Minutes Approved: _____

DRAFT

§ 153.174 PDD – PLANNED DEVELOPMENT DISTRICTS.

(B) *PDD Requirements.* The following regulations shall apply in all PDD districts. Whenever there is a conflict between these regulations and any other regulations in this chapter, the most stringent shall prevail.

(7) *Conceptual plan and text requirements.*

(a) A conceptual plan meeting the requirements for site plans contained in § 153.049(D) - Application requirements for permits shall be submitted along with a conceptual land use plan for the entire site. A complete application shall also include the following:

1. Additional site plan information provided to scale including: topography, vegetation, drainage, delineated flood plains and wetlands, waterways, landscaping, open spaces, walkways, means of ingress and egress, vehicular circulation, utility services, structures and buildings, signs and lighting, berms, buffers, setbacks, screening devices, surrounding development, and any other information that may reasonably be required for review.

(12) *Changes in approved PDD plans.* ~~Except as provided below,~~ Approved PDD plans shall be binding on the owner and any successor in title. Any subsequent amendments to the PDD plan shall be reviewed by the Planning Commission and approved by County Council.

(a) ~~*Minor changes.* Changes proposed in writing by the applicant which do not alter district boundaries and which involve revision or minor characteristics of the PDD such as revision of floor plans, facades, landscaping, drainage structures, and features which do not substantially alter the approved plan concept, anticipated offsite impacts, or violate any applicable regulations may be approved by the Zoning Administrator. The authority given to the Zoning Administrator to grant such minor changes shall be construed to be permissive and not mandatory and the Zoning Administrator may decline to allow such change. In the event this occurs, the applicant shall have the right to request a major change to the PDD as stipulated in division (b) below.~~

(b) ~~*Major changes.* Changes proposed in writing by the applicant which alter district boundaries or which substantially alter the characteristics of the PDD shall be submitted under normal zoning amendment procedures applicable to establishment of the PDD.~~

§ 153.181 EXISTING VEGETATION.

- (A) Land clearing. No tract of land proposed for development as major subdivision, multi-family residential, or manufactured home park shall be clear cut before a tree survey is conducted per the requirements of 153.181 (B).
- (B) Tree survey. Prior to grading or clearing a lot or parcel proposed for development as major subdivision, multi-family residential, or manufactured home park, the developer/owner/applicant shall conduct a tree survey, conducted by an ISA certified arborist, landscape architect, or urban forester, identifying the location of all significant trees. The survey shall include the size (DBH), species, and general condition of each significant tree. However, groups of trees in close proximity may be designated as a clump of trees, with the predominant species, estimated number and average diameter indicated. Said trees shall be shown on a survey plat and physically marked on site with brightly colored tape or other markings. The tree survey shall be provided to the County as part of the preliminary plat or development plan submission.
- (C) Maintenance/replacement of significant trees. The zoning administrator shall work with the developer/owner/applicant to preserve as many significant trees as possible based on the proposed land use and proposed development plan. Significant trees may be removed and replaced with like-kind commercial trees in designated areas of the site with the approval from the zoning administrator.

§ 153.182 BUFFERS.

- (E) *Use of buffers.* A buffer may **not** be used for passive recreation. All other uses are prohibited, including off-street parking. However, where permitted, freestanding signs may be installed in required buffers. Otherwise, only landscaping and approved fences, berms and walls shall be permitted within a required buffer area.
- (H) *Property buffers.*
- (1) Property buffers shall be required along all applicable property boundaries for new development sites, redevelopment sites and whenever an existing commercial or industrial use is expanded by more than 25%. Buffers for expansions of existing commercial or industrial uses shall only be required for the expanded area and/or structure.
- (2) The property buffer width shall be established for applicable new or expanded development as follows:

REQUIRED BUFFER WIDTH	
Proposed Use	Existing Adjacent Use

	All Uses on Lots Zoned R2 Rural	Residential, Single-Family	Residential, Duplex*	Residential, Multi-Family*	Manufactured Home Park	Other Uses
Residential, Single-family, Detached	0	0	0	0	0	0
Residential, Duplex	0	0	0	0	0	0
Residential, Single-family Attached	100	25	25	25	25	0
Residential, Zero Lot Line	100	25	25	25	25	10
Residential, Multi-Family	100	100	50	50	50	10
Residential, Major Subdivision	See § 153.182 (H)(3)					
Manufactured Home Park	100	50	50	50	50	20
Commercial	100	50	50	30	30	25
Industrial	100	50	50	50	50	25
*Existing residential properties and residentially zoned properties						

(3) For residential developments identified as a major subdivision, an exterior boundary treatment buffer shall be provided and meet the following requirements:

(a) A perimeter buffer of 100 feet shall be established along the perimeter of the development site including along all road frontage.

(b) The perimeter buffer area shall be an undisturbed natural area preserved prior to construction permitting. Additional plantings may be required by the zoning administrator to fill in areas as necessary to form a continuous buffer area.

(c) The buffer area shall be identified as perimeter buffer and maintained in perpetuity by a homeowners association or property managers association.

(d) The area within the buffer area shall not be considered in the overall open space calculation for the site.

(e) Areas adjacent to undeveloped parcels must be buffered.

(K) Landscaping. Landscaping in buffers shall adhere to the requirements provided in § 153.184 Landscaping.

§ 153.184 LANDSCAPING.

(A) General standards.

(1) All required plantings installed shall be:

(a) Nursery grown stock that is free from pests or growth problems;

- (b) Installed and maintained according to best management practices and standards set forth by the American Nursery and Landscape Association, ANSI Z60.1-2004, as amended;
- (c) Installed in a manner that is not intrusive to above and below ground utilities; and
- (d) Selected from the list of preferred plant species for Newberry County unless otherwise certified by a licensed landscape architect or arborist as suitable for Newberry County's climate and comparable in habit and growth rate to a plant included in the list of preferred plant species for Newberry County. **The list shall not include plant species identified as invasive in South Carolina by the USDA, Clemson Extension Services or SCDNR.**

(K) Entranceway Enhancements.

- (1) Improvements at entranceways. Each entranceway to a residential development shall have a designated entranceway enhancement area that includes signage, landscaping, lighting, and walls and fencing.
- (2) Area. The area designated for entranceway enhancements shall be no less than 5,000 square feet on one or both sides of an entranceway.
- (3) Signage. Signs related to designation of a residential development shall be governed by § 153.218. All signs shall be a monument type sign with no clearance between the base of the sign and the ground. Additionally, subdivision signs may be incorporated into a wall or other brick structure. All structures shall be constructed with brick, split-face concrete block, decorative concrete masonry units, stone, terra cotta, fiber cementitious board siding materials, traditional stucco or plaster, or wood.
- (4) Landscaping. Landscaping shall be provided within the entranceway enhancement area. Landscaping shall be applied to the foundation of any development signage. At no time shall landscaping encroach within a site triangle. All landscaping shall meet the standards of § 153.184 *Landscaping*. Landscaping shall include a minimum of 12 shrubs as well as one large maturing tree, two medium maturing trees, or three small maturing trees.
- (5) Walls and fencing. Walls and fencing may be used as a sign structure as well as a boundary treatment for the development. Walls shall be constructed of masonry, brick, and stucco. Fencing shall be made of wood, traditional or split rail style construction, or painted metal in black or brown tones.
- (6) Lighting.
 - (a) Safety. All lighting related to the entranceway enhancement area shall meet the applicable requirements of § 153.034 *Light and Glare*.

- (b) Signage. Residential development signage shall not be illuminated by an internal source.
- (c) Landscaping. Landscaping may be illuminated or up lit to enhance the entranceway.
- (d) Color. Lighting shall be limited to white light.
- (e) Lamps. Lamps may be utilized with a natural gas source to illuminate the sign or provide an architectural effect.
- (f) Location. Landscaping illumination shall be placed between the roadway and the landscaping.

§ 153.185 OPEN SPACE.

The following standards shall apply to all required open space unless otherwise noted.

- (A) In residential master planned districts ~~cluster developments~~, multi-family developments, equestrian subdivisions, manufactured home parks, planned development districts, and major subdivisions as defined in Chapter 154 - Land Development Regulations of the Newberry County Code of Ordinances:
 - (1) No existing development shall be expanded or enlarged unless the minimum open space requirements of this section are met.
 - (2) ~~Required buffers may be included in open space if held in common ownership.~~
- (B) Open space requirements shall be calculated using the open space ratio of at least 15 percent.
- (C) 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.
- (D) All required open space shall be well buffered from moving vehicles.
- (E) Required open space shall be substantially clustered around the edges of the development to buffer the development against adjacent tracts of land, especially land used for agriculture and low density residential development.
- (F) The land used for required open space shall have an average slope of 5% or less with no portion of the land exceeding a 15% slope.
- ~~(G) Open space areas set aside in residential cluster developments may be used for onsite treatment of stormwater.~~

- (G) Required open space may be public or private. The planning, construction, and maintenance of privately owned facilities shall adhere to the following:
- (1) Private open space intended to count towards the open space requirements of this section shall be held and maintained by a legally constituted homeowner's association or corporation. Land designated as open space may not be separately sold, subdivided or developed.
 - (2) Public open space may be held by any private non-profit organization created for such purposes that has been approved by the County Council. Public open space shall:
 - (a) Have direct access from public streets;
 - (b) Be visible and easily accessible; and
 - (c) Have multiple points of entry.
 - (3) High maintenance cost facilities such as swimming pools shall not be counted in determining compliance with the minimum open space requirements of this section. Bridges along pedestrian and bicycle paths and similar high cost facilities shall not be permitted as an integral part of any required open space or recreational area unless no feasible alternative exists.
 - (4) Each phase of a phased development shall meet the minimum requirements for open space. All plans for such developments shall demonstrate compliance for each phase. No certificates of occupancy shall be issued until all such required facilities have been installed or bonded by the developer and approved by the county.
 - (5) The responsibility for the perpetual maintenance of open space shall be with the owner. Maintenance for required open spaces shall include ensuring that no hazards, nuisances or unhealthy conditions exist; and keeping the property neat and orderly in appearance and free of litter and debris. Failure to adequately maintain open space shall constitute a violation of this chapter and shall subject the owner to any and all remedies permitted herein.

§ 153.231 DEFINITIONS.

TREE, SIGNIFICANT. Any existing healthy and structurally sound tree which has a diameter at breast height (DBH) of eight inches or greater.

**NEWBERRY COUNTY COUNCIL
MINUTES
October 15, 2025**

Newberry County Council met on Wednesday, October 15, 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 (virtual)
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
Sheriff Lee Foster
Eric Nieto, IT Director
Andrew Wigger, Clerk to Council/PIO

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

Mr. Fulmer led the invocation and Pledge of Allegiance in place of Mr. Johnson who was attending virtually so that he could be at his church's revival, where he is the pastor.

1. Adoption of Consent Agenda:

- a. Newberry County Council Work Session Minutes – October 1, 2025.
 - b. Newberry County Council Meeting Minutes – October 1, 2025.
- Mr. Reeder made a motion to accept the minutes as presented; Mr. Smith provided the second and the motion carried 7-0.

2. Additions, Deletions & Adoption of the Agenda.

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

3. Public Appearances:

- a. Colonel William Matheny Jr., Commander of the 117th Engineer Brigade, South Carolina National Guard.
 - Colonel Matheny gave some background on the 117th Engineer Brigade. He said about 15 years ago the Brigade headquarters, that were here, moved down to Charleston, and in that time, the Newberry Armory had had small sized units there. They identified that was sort of a mistake and the patriotism and the support they had in the City and County of Newberry were greatly underappreciated and they rectified that about five years ago with the establishment of the 117th Engineer Brigade here in Newberry.
 - The Engineer Brigade is one of the newest in the Army inventory, but their historical ties take them back to World War I when President Woodrow Wilson established the 42nd Infantry Division and the 117th Engineer Regiment at that time was established with three companies from South Carolina and three companies from California. Those engineer companies came together to form the 117th Engineer Regiment and they were in combat in France in World War I, and they carry that legacy on with them.
 - The 117th Engineer Brigade will be deploying this month in support of the 42nd Infantry Division overseas.
 - At home, the 117th commands two engineer battalions that are scattered across the state, as well as multiple engineer companies. In times of need, they will have the engineer resources that the county and the residents of Newberry County need to recover from any type of natural disaster that may occur.
 - Colonel Matheny thanked Newberry County Council for their support and hospitality and make sure they understood exactly what they felt

was needed here and they have reestablished part of that and thanked them for their continued support.

- Mr. Shealy thanked Colonel Matheny for attending the meeting and for all they do for the community and protecting them. He added for God to protect each and every one of them.
- Colonel Matheny requested prayers for the families, and they will have multiple events throughout the state, but Family Readiness Groups will be having events here as well.

4. Special Recognition:

a. Employee Recognition:

- Katherine Folk 10 years Communications.
- Garrett Lominack 30 years NCSO.
- Odell Schumpert 30 years NCSO.
- Mr. Shacker recognized the above employees for their service to Newberry County, highlighting their accomplishments and pivotal moments while working for Newberry County.

5. 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. Third Reading.

- With there being no changes, Mr. Fulmer made a motion to approve third reading; Mr. Reeder provided the second and the motion carried 7-0.

6. 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. Third Reading.

- Mr. Shacker said this request is basically a downzoning from General Residential to R2-Rural, and the Joint Planning Commission has recommended it.
- Mr. Reeder asked if anyone disagreed with the rezoning; Mr. Shacker answered in the negative.
- Mr. Sease made a motion to approve third reading; Mr. Smith provided the second and the motion carried 7-0.

7. 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. Public Hearing.

- Mr. Shealy declared the Public Hearing open.
- Mr. Tyler Johnson said the only thing he saw that he thought might need to be added would be the zero wetland mitigation allowed for residentially developed properties so that stream beds existing in those properties can't be destroyed and later on developers go somewhere else and mitigate them there. He said he doesn't think they need to have any damage done to the waterways because of the adverse effects it would have on neighboring landowners.
- Ms. Liesha Huffstetler said she would persuade the council to think about no lot lines, and it is just not safe. She also asked they go with no mitigation to preserve the natural beauty and natural streams. She said they have had issues in Chapin where they destroyed streams, and they had massive flood down their road because the water had nowhere to go. She said civil engineers are able to design

developments based on the topography of the land with saving the trees with the other things they need to save.

- Mr. Tyler Turner said looking over the new LDR, one of the things that goes to his mind while he lives in Newberry County, he has a business outside of the county, there are a lot of times you see subdivisions approved and once they are approved, they disappear into a developer's filing cabinet for a dozen years or so. He said when an approval is given, there needs to be some kind of time limit in place, there needs to be a start date. The approval of that subdivision should be based off where the county is, at that time. He said the last thing they want to do is look at a road with no developers and several approved, and then 10 years down the line that causes issues. He said he'd like something with a start time, end time, something that won't be stretched out over a long period of time.
- With no one else signed up, Mr. Shealy declared the Public Hearing closed.

b. Second Reading.

- Mr. Reeder made a motion to approve second reading; Mr. Smith provided the second.
- Mr. Fulmer said to address a couple of the comments, starting with the wetlands, he knows there is a requirement you cannot damage wetlands, but there is a possibility you can do wetlands mitigation and that is a state law, he thinks they have the ability to not allow that, but asked Mr. Shacker to take a look at that. Regarding the timeframe comments, Mr. Fulmer said he believes the permits do actually have a time frame, to which Mr. Shacker said they do.
- The motion carried 7-0.

8. 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. Public Hearing.

- Mr. Shealy declared the Public Hearing open.
- Mr. Randy Subser voiced his concern about the land development and houses per acre. He said they live in Prosperity and right now they are developing. He said they have lived here all their lives, and they are not used to a lot of traffic and a lot of development. He said they have neighbors who moved in close to them who used to live in Lexington County, and he moved from there to Chapin to find a good place to live and now he is worried about land development in Newberry County. He said Newberry County has always been a great place to live and why can't they keep it that way, not close to everyone in one place and you have many problems when you have that.
- Mr. Tyler Johnson said to coincide during the work session, they are already requiring a 10 acre minimum development side, raise it to 25, you solve that problem. In the current ordinance, he would like to see the zero lot lines removed, he said he knows it was misrepresented by accident during the Joint Planning Commission when they were discussing it as zero lot lines being the same as duplexes, he said he now knows they are not. He said they would be serving themselves well by removing that from there. He said go along with raising the minimum, he'd like to see them create a maximum and they discussed how this is a living, breathing document, he said currently Newberry County is not set up as far as infrastructure for these gigantic projects and why not go ahead and put a maximum in there to cap it. In the last one, currently they require a two-year notice to begin, he said he is pretty sure the Joint Planning Commission voted to drop that down to one year, from the time they get approval they have time to start the project.
- Jonathan Wedaman had overall comments about development in Newberry County, he said he has been here all his life and has seen how things have grown in neighboring counties and things seem to have gotten out of hand, quickly. He said hopefully they can come up with some things to prevent that. He thinks the development fees are very important to take the burden off the taxpayers. He said all these developments come in here and they will need updates to the water/sewer, emergency services. He said the number of houses per

acre to him is very important, a lot of people around the county have seen people move here to escape what they are talking about and are talking about having to move again. He said they need to try and do what they can, he also knows they can't stop it, and it is probably coming. However, they can make the best of it and make sure the proper measures are in place.

- Alyssa Wedaman said many families have lived in this county for generations and built this county with their hard work. She said the residents of the county value open space, the peace, the quiet, the roads, sense of connection to the land, and the freedom that comes with low density living. She said this type of development or overdevelopment threatens this way of life for everybody. She said overdevelopment doesn't just mean more houses, but more traffic, strained systems, overcrowded schools, loss of farmland, wildlife that Newberry County residents love. Packing five houses, six houses per acre, that makes it a suburb, and it is not rural anymore. She said that is not what Newberry County wants, that is what developers want. This type of development is overcrowding, and people are coming for less expensive housing, and they are going to stay 3-5 years and then they're going to want bigger lot sizes, nicer house and then they'll leave. She wants people to come here and invest in Newberry County. She said give people larger lot sizes and make them the permanent place they are going to live and stay for generations. She said as council members, they are elected to be their voice and how many residents of Newberry County have they heard from that are in favor of this, probably not many. She said whatever happens should not be on the backs of the taxpayers and the developers should pay their fair share. She said her final note, if council would not want six houses per acre in her backyard, don't put it in hers.
- Mr. Tyler Turner said he agrees with a lot that was said before him. One thing he wanted to highlight, part of him is concerned as a parent, what those larger subdivisions brings in as far as overcrowding in schools, the stress upon those schools, the taxpayers that fund those schools, teachers that work at those schools and the kids that attend those schools. He said he wants to see his kid go to the same type of schools he went to, for him seeing

his child attend the same kind of school he did and not have to worry about it being overcrowded with classrooms at the maximum number of students. He asked they keep that in mind, the schools.

- With no one else signed up, Mr. Shealy declared the Public Hearing closed.

b. Second Reading.

- Mr. Shealy said that they have heard the residents regarding this Ordinance. He said a lot of work goes into these ordinances, starting with staff, then to Joint Planning Commission, then to Newberry County Council. He said that they think this is a good package, and they are not going to stop growth, but they want to control growth, and they think this is a good avenue to control growth. He said it may need more work, but there has been a lot of work put into it so far.
- Mr. Fulmer made a motion to approve second reading; Mr. Smith provided the second.
- Mr. Fulmer said before they move forward he wanted to make one thing clear, everything they are voting on tonight, everything they have discussed, is an effort that they are trying to do what the residents are asking, he said it is a start, may not be the end game, but it's a start. He said there are things he thinks they need to tweak in order to fully hit what they want to hit, but it is a start. He said everything they are voting on and discussing is an effort to maintain that control. He also requested staff to come back and consider some of the comments they heard and come back with possible recommendations for changes. He said he certainly understands the density issue, and that is a starting point and that is not end game.
- Mr. Johnson said both the moratorium and the extensive effort by the Joint Planning Committee, and this is trying to say we heard the residents, he said they cannot just pass this and put it on a shelf, it has to be living and breathing because things keep changing. He thinks they have laid a good foundation. He doesn't want any resident to think they haven't heard them, and they understand the

integrity of Newberry County and the specialness of it, and they want to keep that and manage and control what they are doing.

- Mr. Sease said he knows they started out with eight houses per acre and now it is six, maybe look at it again to make a compromise. Mr. Shacker said he would bring them back a recommendation on a reduction. Mr. Shacker reminded them that they will have the minimum open space requirement and the 100 foot minimum permitter buffer.
- Mr. Sease said they are trying to manage the growth because if they don't, it will be the Wild West out there. He said they appreciate the input, and it helps them to make better decisions.
- Mr. Shealy said they all live here, and they all love Newberry, and he hopes this is a step toward managing the growth instead of letting it overrun them.
- The motion carried 7-0.

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

- No action was taken.

10. Appointments.

- There were no appointments.

11. Public Comments (Three Minutes).

- Ms. Liesha Huffstetler said for information an EMS vehicle itself is \$400,000, to fully equip it with staff is over a million. She said she doesn't know the cost of a fire truck, but she is sure it is not cheaper. She said it cost \$1 million to pave one mile of road. In regard to development fees, she said to keep these figures in mind because \$2,500 for the 200 development housing division is only \$500,000 and that would pay for maybe one truck. She said they need a little bit more of a development fee. She said \$10,000 on a 200 house subdivision is \$2 million and that would pay for a truck, staff, recycling centers, whatever is needed. She said Lexington County only allows 20 acres to be

developed at a time. She said she is in full agreement with two houses an acre with a yard.

- Ms. Becky Boland said two houses per acre is one house too many and she would like to see it still be one house per acre, one year development to start and she would like to know what the starting actually looks like, she would like to see where the existing development that she fought hard to stop on Jollystreet Road, she would like to see everything they need for that area to be serviced before another housing development even comes to the forefront. She said if they cannot provide for what's already here, there is absolutely zero point to even entertain for someone to come back and bring it to this council until the county can pay for what we already have. She said she wants to make sure the tax implications are not passed on to the current taxpayers, and has to come from development fees, she said the number they heard from the Work Session would not come close to covering it. She said the turnover stats of 3-5 years you see people to start selling houses in the developments, she said it takes between 5-8 years for what we thought was a nice housing development to go to pot. She said she wants all of those things to be thought about, but the tax implications to the current people have got to be in the forefront of what they are thinking, and safety. She said do you want your grandbaby to be on the second floor of a house that is only 10-feet away from the house on fire next door.

12. Comments/Requests from County Administrator.

- Mr. Shacker said the Prosperity parks project, a CPST project, have bids due November 4 and will have a recommendation during the second meeting in November. There will be a recommendation during the same meeting on the award for the Safe Streets for All Grant. There will be recommendations for items that council would like for changes in the two ordinances.

13. Comments/Requests from Council.

- Mr. Sease said they can try and mitigate what goes on in the county, but they have no control over what the City of Newberry

does, and sometimes they annex it in, and they did so before. He said if the city is next to a piece of property and that owner wants to annex into the city and they can do that, and the property then comes under city zoning controls. He said they are trying to control what happens in the county and minimize what happens.

- Mr. Reeder said as long as you have input, they can try and make those changes and if they keep coming out and let them know what they want and need, they will try and work with everybody in the county because this is their county too.
- Mr. Fulmer said if you are a landowner in Newberry County, a landowner with farmland or timber land in the county and they want that to stay as it currently is; he encourages them to look at land trusts. He said if you look at USDA numbers on loss of farms and farmland nationally, it will scare you to death. He said it starts here at home, so if you are a landowner or farmer, look at the possibility of land trusts.
- Mr. Shealy said they haven't taken this lightly at all, through staff, Joint Planning Commission and Newberry County Council, he said you are being heard, and they are trying to manage the growth.

14. Future meetings:

- a. Newberry County Executive Committee – October 27 at 5 p.m.
- b. Newberry County Council Work Session – November 5 at 5 p.m.
- c. Newberry County Council – November 5 at 6 p.m.
- d. Newberry County Council Work Session – November 19 at 5 p.m.
- e. Newberry County Council – November 19 at 6 p.m.
- f. Veterans Day – November 11 – Offices Closed.
- g. Thanksgiving Holiday – November 27-28 – Offices Closed.

15. Adjournment.

- Mr. Smith made a motion to adjourn; Mr. Scurry provided the second and the motion carried 7-0.
- Newberry County Council adjourned at 6:53 p.m.

NEWBERRY COUNTY COUNCIL

Robert Shealy, Chairman

Andrew Wigger, Clerk to Council

Minutes Approved: _____

DRAFT

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

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

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

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

ARTICLE III. SUBMISSION AND APPROVAL PROCEDURES

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

ARTICLE IV. SURVEY AND PLAT REQUIREMENTS

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

§ 154.042. Bonded Final Plat.

§ 154.043. Declaration of Restrictive Covenants Required.

§ 154.044. *Reserved.*

§ 154.045. *Reserved.*

ARTICLE V. DESIGN STANDARDS AND IMPROVEMENTS

§ 154.046. Standards Are Minimum Requirements.

§ 154.047. General Requirements.

§ 154.048. Lots.

§ 154.049. Streets.

§ 154.050. Easements.

§ 154.051. Blocks.

§ 154.052. Open Space.

§ 154.053. Sprinkler and Irrigation Systems.

§ 154.054. Storm Drainage.

§ 154.055. Erosion and Sedimentation Control.

§ 154.056. Areas Subject to Flooding.

§ 154.057. Sanitary Sewage Disposal.

§ 154.058. Water Supply.

§ 154.059. Oversized and Off-Site Improvements.

§ 154.060. Maintenance.

§ 154.061. *Reserved.*

§ 154.062. *Reserved.*

ARTICLE VI. DEFINITIONS

§ 154.063. General Rules of Construction.

§ 154.064. Definitions.

Article I – General Provisions

§ 154.001. AUTHORITY.

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

§154.002. TITLE.

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

§ 154.003. JURISDICTION.

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

§ 154.004. PURPOSE.

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

§ 154.005. SCOPE.

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

§ 154.006. SEVERABILITY.

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

§ 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.*

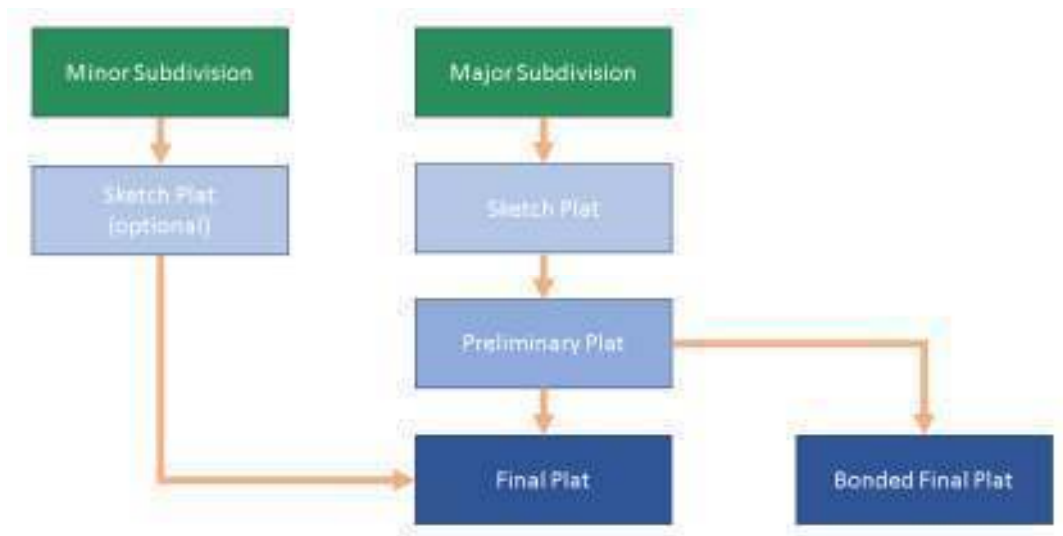
§ 154.024. *Reserved.*

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 or SCDES shall certify that the property has percolated for adequate septic systems and the plans as submitted are acceptable.
- (3) Access. Applicant shall supply approved encroachment permits for access onto public rights-of-way in accordance with county and state standards. Encroachments onto a private right-of-way shall require written approval from the owner(s).

§ 154.041. FINAL PLAT.

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

FINAL PLAT	
ITEM	ITEM DESCRIPTION
FINAL PLAT	An accurate graphical representation showing one or more lots or 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.

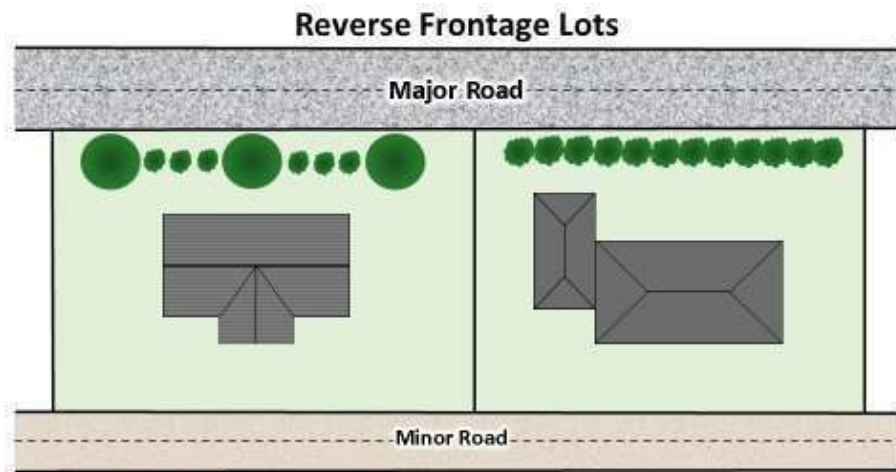
§ 154.049. BLOCKS.

- (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.

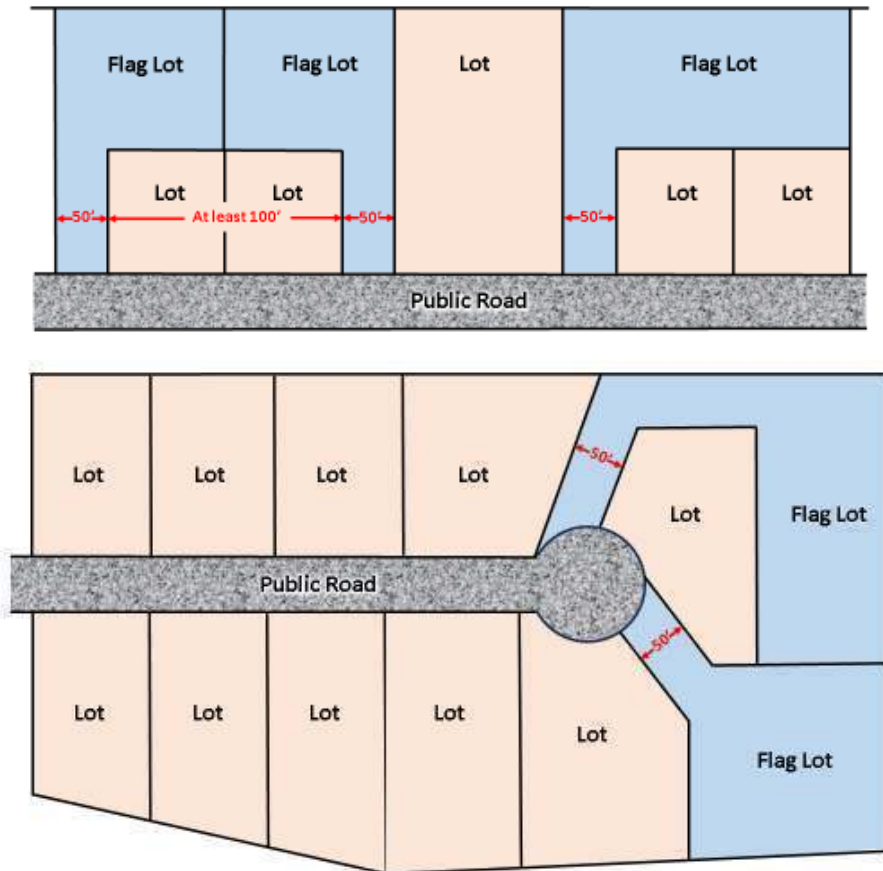
§ 154.050. LOTS.

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

- (1) An access easement is obtained. Easements across other parcels of land to gain access to a landlocked parcel (access easements) must be in the form of a binding agreement approved by the county and recorded in the office of the Newberry County Clerk of Court. Such easements shall be a minimum of 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)
)
COUNTY OF NEWBERRY)

ORDINANCE NO. 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.

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.

<i>District</i>	<i>Primary Uses</i>	<i>Minimum Residential Lot Size*</i>
<i>Primary Zoning Districts</i>		
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
<i>Overlay Districts</i>		
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 six 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

STATE OF SOUTH CAROLINA)
)
COUNTY OF NEWBERRY)

ORDINANCE NO. 10-02-2025

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<i>Overlay Districts</i>		
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(B) *Uses Permitted in RMPD.* The uses allowed in an RMPD are limited to:

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

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(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 six dwelling units per acre. The calculation of dwellings per acre shall exclude acreage in open space and acreage within the required perimeter buffer.

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- (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.
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- (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

STATE OF SOUTH CAROLINA)
)
COUNTY OF NEWBERRY)

ORDINANCE NO. 11-01-2025

AN ORDINANCE AMENDING 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 BY AMENDING SECTION 153.174, PDD – PLANNED DEVELOPMENT DISTRICTS, SECTION 153.18, EXISTING VEGETATION, 153.182 BUFFERS, SECTION 153.184 LANDSCAPING, 153.185 OPEN SPACE, AND 153.231 DEFINITIONS.

WHEREAS, the County of Newberry (the “County”) is a political subdivision of the State of South Carolina; and

WHEREAS, Newberry County Council (the “Council”) is the duly elected governing body of the County of Newberry; and

WHEREAS, the Council is vested with the authority to amend, delete, or create ordinances that are in the best interest of the County pursuant to Section 4-9-30 et al of the South Carolina Code of Laws, 1976, as amended; and

WHEREAS, it has been determined by the Council that certain sections of the Zoning Ordinance of Newberry County were in need of review and amendment.

The following sections of the County Code of Ordinances have proposed amendments:

SECTION 1. The Newberry County Code of Ordinances, Title XV Land Usage, Chapter 153, Zoning Code, Section 153.174 PDD – Planned Development Districts; is hereby amended by adding the word, delineated under Subsection (B) PDD Requirements, (7)(a)(1). Also added under Subsection (B)(12), is the sentence, Any subsequent amendments to the PDD plan shall be reviewed by the Planning Commission and approved by County Council. Deleted from Section 153.174 (12) are paragraphs (a) and (b).

SECTION 2. The Newberry County Code of Ordinances, Title XV Land Usage, Chapter 153, Zoning Code, Section 153.181 Existing Vegetation is added as follows:

(A) Land clearing. No tract of land proposed for development as major subdivision, multi-family residential, or manufactured home park shall be clear cut before a tree survey is conducted per the requirements of 153.181 (B).

(B) Tree survey. Prior to grading or clearing a lot or parcel proposed for development as major subdivision, multi-family residential, or manufactured home park, the

developer/owner/applicant shall conduct a tree survey, conducted by an ISA certified arborist, landscape architect, or urban forester, identifying the location of all significant trees. The survey shall include the size (DBH), species, and general condition of each significant tree. However, groups of trees in close proximity may be designated as a clump of trees, with the predominant species, estimated number and average diameter indicated. Said trees shall be shown on a survey plat and physically marked on site with brightly colored tape or other markings. The tree survey shall be provided to the County as part of the preliminary plat or development plan submission.

(C) Maintenance/replacement of significant trees. The zoning administrator shall work with the developer/owner/applicant to preserve as many significant trees as possible based on the proposed land use and proposed development plan. Significant trees may be removed and replaced with like-kind commercial trees in designated areas of the site with the approval from the zoning administrator.

SECTION 3. The Newberry County Code of Ordinances, Title XV Land Usage, Chapter 153, Zoning Code, Section 153.182 Buffers is amended as follows under Subsection (E) *Use of Buffers*:

A buffer may not be used for passive recreation.

Similarly, under (E) *Use of Buffers* is amended to include:

(3) For residential developments identified as a major subdivision, an exterior boundary treatment buffer shall be provided and meet the following requirements:

(a) A perimeter buffer of 100 feet shall be established along the perimeter of the development site including along all road frontage.

(b) The perimeter buffer area shall be an undisturbed natural area preserved prior to construction permitting. Additional plantings may be required by the zoning administrator to fill in areas as necessary to form a continuous buffer area.

(c) The buffer area shall be identified as perimeter buffer and maintained in perpetuity by a homeowners association or property managers association.

(d) The area within the buffer area shall not be considered in the overall open space calculation for the site.

(e) Areas adjacent to undeveloped parcels must be buffered.

(K) Landscaping. Landscaping in buffers shall adhere to the requirements provided in § 153.184 Landscaping.

SECTION 4. The Newberry County Code of Ordinances, Title XV Land Usage, Chapter 153, Zoning Code, Section 153.184 Landscaping (A)(1)(d) is amended to include:

(d) Selected from the list of preferred plant species for Newberry County unless otherwise certified by a licensed landscape architect or arborist as suitable for Newberry County's climate and comparable in habit and growth rate to a plant included in the list of preferred plant species for Newberry County. The list shall not include plant species identified as invasive in South Carolina by the USDA, Clemson Extension Services or SCDNR.

Section 153.184 is further amended to include:

(K) Entranceway Enhancements.

- (1) Improvements at entranceways. Each entranceway to a residential development shall have a designated entranceway enhancement area that includes signage, landscaping, lighting, and walls and fencing.**
- (2) Area. The area designated for entranceway enhancements shall be no less than 5,000 square feet on one or both sides of an entranceway.**
- (3) Signage. Signs related to designation of a residential development shall be governed by § 153.218. All signs shall be a monument type sign with no clearance between the base of the sign and the ground. Additionally, subdivision signs may be incorporated into a wall or other brick structure. All structures shall be constructed with brick, split-face concrete block, decorative concrete masonry units, stone, terra cotta, fiber cementitious board siding materials, traditional stucco or plaster, or wood.**
- (4) Landscaping. Landscaping shall be provided within the entranceway enhancement area. Landscaping shall be applied to the foundation of any development signage. At no time shall landscaping encroach within a site triangle. All landscaping shall meet the standards of § 153.184 Landscaping. Landscaping shall include a minimum of 12 shrubs as well as one large maturing tree, two medium maturing trees, or three small maturing trees.**
- (5) Walls and fencing. Walls and fencing may be used as a sign structure as well as a boundary treatment for the development. Walls shall be constructed of masonry, brick, and stucco. Fencing shall be made of wood, traditional or split rail style construction, or painted metal in black or brown tones.**
- (6) Lighting.**
 - (a) Safety. All lighting related to the entranceway enhancement area shall meet the applicable requirements of § 153.034 Light and Glare.**

- (b) Signage. Residential development signage shall not be illuminated by an internal source.*
- (c) Landscaping. Landscaping may be illuminated or up lit to enhance the entranceway.*
- (d) Color. Lighting shall be limited to white light.*
- (e) Lamps. Lamps may be utilized with a natural gas source to illuminate the sign or provide an architectural effect.*
- (f) Location. Landscaping illumination shall be placed between the roadway and the landscaping.*

SECTION 5. The Newberry County Code of Ordinances, Title XV Land Usage, Chapter 153, Zoning Code, Section 153.185 Open Space (A) is amended to include “master planned districts” and to delete “cluster developments”, so as to read:

In residential master planned districts, multi-family developments, equestrian subdivisions, manufactured home parks, planned development districts, and major subdivisions as defined in Chapter 154 – Land Development Regulations of the Newberry County Code of Ordinances:

Additional amendments include the deletion of (A)(2) and (G), and the addition under (B) of “*of at least 15 percent.*”

SECTION 6. The Newberry County Code of Ordinances, Title XV Land Usage, Chapter 153, Zoning Code, Section 153.231 Definitions is amended to include:

DIAMETER AT BREAST HEIGHT (DBH). A measurement of the diameter of the trunk of a standing tree at a height of 4.5 feet above ground.

TREE, SIGNIFICANT. Any existing healthy and structurally sound tree which has a diameter at breast height (DBH) of eight inches or greater.

SECTION 7. Conflicting Ordinances. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

NOW, THEREFORE BE IT ORDAINED by the County Council of the County of Newberry, in Council duly assembled this 17th day of December 2025 that:

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, Section 153.174, PDD – Planned Development Districts, Section 153.18, Existing Vegetation, 153.182 Buffers, Section 153.184 Landscaping, 153.185 Open Space, and 153.231 Definitions shall be amended as prescribed by this ordinance.

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: November 5, 2025
2nd Reading: November 19, 2025
Public Hearing: November 19, 2025
3rd Reading: December 17, 2025

STATE OF SOUTH CAROLINA)
)
COUNTY OF NEWBERRY)

ORDINANCE NO. 11-02-2025

AN ORDINANCE ADOPTING THE REQUIREMENTS OF THE SOUTH CAROLINA LOCAL GOVERNMENT DEVELOPMENT AGREEMENT ACT; CREATING UNIFORM REQUIREMENTS FOR THE EXECUTION AND DELIVERY OF DEVELOPMENT AGREEMENTS BY NEWBERRY COUNTY COUNCIL; AND OTHER RELATED MATTERS.

WHEREAS, Newberry County Council ("County Council"), as the governing body of Newberry County, South Carolina ("County") finds:

- (a) the lack of certainty in the approval of development can result in a waste of economic and land resources, can discourage sound capital improvement planning and financing, can cause the cost of housing and development to escalate, and can discourage commitment to comprehensive planning;
- (b) assurance to a developer that upon receipt of its development permits it may proceed in accordance with existing laws and policies, subject to the conditions of a development agreement, strengthens the public planning process, encourages sound capital improvement planning and financing, assists in assuring there are adequate capital facilities for the development, encourages private participation in comprehensive planning, reduces the economic costs of development, allows for the orderly planning of public facilities and services, and allows for the equitable allocation of the cost of public services;
- (c) because the development approval process involves the expenditure of considerable sums of money, predictability encourages the maximum efficient utilization of resources at the least economic cost to the public;
- (d) public benefits derived from development agreements may include, but are not limited to, affordable housing, design standards, and on and off-site infrastructure and other improvements. These public benefits may be negotiated in return for the vesting of development rights for a specific period;
- (e) land planning and development involve review and action by multiple governmental agencies. The use of development agreements may facilitate the cooperation and coordination of the requirements and needs of the various governmental agencies having jurisdiction over land development;
- (f) development agreements will encourage the vesting of property rights by protecting such rights from the effect of subsequently enacted local legislation or from the effects of changing policies and procedures of local government

agencies which may conflict with any term or provision of the development agreement or in any way hinder, restrict, or prevent the development of the project;

- (g) development agreements will provide a reasonable certainty as to the lawful requirements that must be met in protecting vested property rights, while maintaining the authority and duty of government to enforce laws and regulations which promote the public safety, health, and general welfare of the citizens of our State;
- (h) it is the intent of the County Council to encourage a stronger commitment to comprehensive and capital facilities planning, ensure the provision of adequate public facilities for development, encourage the efficient use of resources, and reduce the economic cost of development;
- (i) this intent is effected by authorizing the appropriate local governments and agencies to enter into development agreements with developers, subject to the procedures and requirements of the South Carolina Local Government Development Agreement Act, codified in South Carolina Code Annotated section 6-31-10, et seq. (collectively, "Act"), and this Ordinance; and
- (j) this Ordinance must be regarded as supplemental and additional to the powers conferred in the County and other government agencies by other laws and must not be regarded as in derogation of any powers existing on the effective date of this chapter.

NOW, THEREFORE BE IT ORDAINED by the County Council of the County of Newberry, in Council duly assembled this 17th day of December 2025, as follows:

Section 1. Incorporation of Findings. The County hereby adopts and incorporates the findings contained in the "WHEREAS" clause above.

Section 2. Adoption of State Law. The County hereby adopts and incorporates into the County Code, the Act, including all findings and requirements.

Section 3. Development Agreement Requirements. Development agreements shall be required for all residential developments which consist of Twenty-Five (25) acres or more of highland ~~and which consist of Two (2) or more dwelling units per developable acre.~~ Development agreements shall be approved by the County Council by the adoption of an ordinance. Before entering into a development agreement, the County Council shall conduct at least two public hearings. In addition to any requirements for a valid development agreement as contained in the Act, the County adopts the list of requirements as contained on Exhibit A, which is incorporated herein by reference as if set out in this Ordinance in its entirety.

Section 4. Development Agreement Approval Process. Prior to the consideration by the County Council of any proposed development agreement, the County Administrator in consultation with the County Attorney and Zoning Administrator shall ensure the form, terms, and provisions of the proposed development agreement are consistent with the Act and the requirements of this Ordinance.

Section 5. Development Fees. To lessen the burden and impact on County services, the developer of such projects for which a development agreement is required shall pay a proportionate Development Fee to Newberry County. Newberry County Council determines the anticipated fee to conform to proper spending of such revenue as approved by Newberry County Council. Development Fees and the allocation of the revenue from Development Fees shall be revisited during the fiscal budget process for revision and review. Beginning with Fiscal Year 2026-2027, commencing on July 1, 2026, Development Fee rates shall be prescribed by Newberry County Council in the Uniform Fee Schedule of the Fiscal Year Budget Ordinance. However, until such time, Newberry County Council has determined that an appropriate fee for the development of single-family detached homes shall be the amount of Five Thousand Dollars and No Cents (\$5,000.00) per dwelling unit and that an appropriate fee for the development of single-family attached and multi-family residential units shall be the amount of Four Thousand, Two Hundred, Fifty Dollars and No Cents (\$4,250.00) per dwelling unit. Said rates shall be effective upon adoption of this ordinance and until such time as Newberry County Council establishes Development fee rates in the Uniform Fee Schedule of the Fiscal Year Budget Ordinance.

Section 6. Additional Provisions.

(a) The Chairman of County Council, County Administrator and County Attorney are hereby authorized to execute, deliver, and receive any other agreements and documents as may be required by the County to carry out, give effect to and consummate the transactions authorized by this Ordinance;

(b) This Ordinance shall be construed and interpreted in accordance with the laws of the State of South Carolina;

(c) This Ordinance shall become effective immediately upon approval following third reading by the County Council;

(d) The provisions of this Ordinance are hereby declared to be severable and if any section, phrase, or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, that declaration shall not affect the validity of the remainder of the sections, phrases and provisions hereunder; and

(e) *Section 153.076 – Land Development Agreements* of the official Zoning Ordinance of Newberry County, South Carolina is hereby repealed and replaced with the provisions of this Ordinance. Further, all ordinances, resolutions, and parts thereof in conflict herewith are, to the extent of the conflict, hereby repealed.

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: November 5, 2025
2nd Reading: November 19, 2025
Public Hearing: November 19, 2025
3rd Reading: December 17, 2025

**EXHIBIT A
DEVELOPMENT AGREEMENT REQUIREMENTS**

- (A) A legal description of the property subject to the agreement and the names of the property's legal and equitable owners.
- (B) The duration of the agreement which must comply with section 6-31-40 of the Act.
- (C) A representation by the developer of the number of acres of highland contained in the property subject to the agreement.
- (D) The then-current zoning of the property and a statement, if applicable, of any proposed re-zoning of the property.
- (E) The development uses that would be permitted on the property pursuant to the agreement, including population densities, building intensities, and height.
- (F) A description of the public facilities that will service the development, including who provides the facilities, the date any new facilities, if needed, will be constructed, and a schedule to assure public facilities are available concurrent with the impacts of the development construction timeline for those facilities. If the agreement provides that the County shall provide certain public facilities, the agreement shall provide that the delivery date of the public facilities will be tied to defined completion percentages or other defined performance standards to be met by the developer.
- (G) A description, where appropriate, of any reservation or dedication of land for public purposes and any provisions to protect environmentally sensitive property as may be required or permitted pursuant to laws in effect at the time of entering into the agreement.
- (H) A description of all local development permits approved or needed to be approved for the development of the property together with a statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction does not relieve the developer of the necessity of complying with the law governing the permitting requirements, conditions, terms, or restrictions.
- (I) A finding that the development permitted or proposed is consistent or will be consistent by the time of execution of the agreement, with the County's comprehensive plan, zoning ordinance, and land development regulations.

- (J) A description, where appropriate, of any provisions for the preservation and restoration of historic structures.
- (K) A development schedule including commencement dates and interim completion dates at no greater than five-year intervals.
- (L) If more than one local government is made party to the agreement, a provision stating which local government is responsible for the overall administration of the agreement.
- (M) A listing of the laws and land development regulations that will apply to the development of the property subject to the agreement, including citation to specific ordinance numbers, portions of the County Code of Ordinances, or both.
- (N) A provision, consistent with section 6-31-80 of the Act, addressing the circumstances under which laws and land development regulations adopted after the execution of the agreement apply to the property subject to the agreement.
- (O) A provision stating whether the agreement continues to apply to the property or portions of it that are annexed into a municipality or included in a newly incorporated area and, if so, that the provisions of section 6-31-110 of the Act apply.
- (P) A provision relating to the amendment, cancellation, modification, or suspension of the agreement.
- (Q) A provision for periodic review, consistent with the provisions of the Act.
- (R) A provision addressing the effects of a material breach of the agreement, consistent with the provisions of the Act.
- (S) A provision that the developer, within 14 days after the County executes the Agreement, will record the Agreement with the County Clerk of Court.
- (T) A provision that the burdens of the Agreement are binding on, and the benefits of the Agreement shall inure to, the County and the developer.
- (U) A provision addressing the conditions and procedures by which the Agreement may be assigned, if applicable.

STATE OF SOUTH CAROLINA)
)
COUNTY OF NEWBERRY)

ORDINANCE NO. 11-03-2025

AN ORDINANCE AUTHORIZING THE COUNTY OF NEWBERRY, BY NEWBERRY COUNTY COUNCIL, TO ENTER INTO AN OPTION AND PURCHASE AGREEMENT TO EVALUATE THE SALE OF REAL PROPERTY TO BE DETERMINED THROUGH NEGOTIATIONS OF ALL PURCHASE TERMS AND CONDITIONS, FOR ECONOMIC DEVELOPMENT PURPOSES WITH PROJECT ALTAIR.

WHEREAS, the County of Newberry (the “County”) is a political subdivision of the State of South Carolina; and

WHEREAS, Newberry County Council (the “Council”) is the duly elected governing body of the County of Newberry; and

WHEREAS, the Council is vested with the authority to sell and dispose of real property owned by the County pursuant to Section 4-9-30 et al of the South Carolina Code of Laws, 1976, as amended; and

WHEREAS, Project Altair has expressed interest in property owned by Newberry County for potential economic development; and

WHEREAS, Project Altair desires to conduct due diligence to determine the feasibility of the potential economic development project for a County-owned Property; and

WHEREAS, the County determined, as a fact and following appropriate investigation, that the Property is no longer needed for county purposes and would be of better and higher use and benefit to the County if owned by an individual or entity other than the County, and that as such the Property has been regularly listed a feasible economic development property; and

WHEREAS, Project Altair has proposed, and the County does hereby agree through the proper legislative process of the use of an ordinance under Section 4-9-130 of the South Carolina Code of Laws, 1976, as amended, that the County does authorize that the Newberry County Council enter into an Option and Purchase Agreement with Project Altair.

NOW, THEREFORE BE IT ORDAINED by the County Council of the County of Newberry, in Council duly assembled this 17th day of December, 2025 that:

The Council does hereby authorize entering into an Option and Purchase Agreement with Project Altair so that Project Altair may begin its due diligence to ascertain and determine whether the County-owned Property is suitable for their economic development purposes. Upon such determination, the County will engage in good faith negotiations for the purchase of the property and will conclude any ensuing purchase through the legislative process required by South Carolina law to approve the sale of the Property.

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: November 5, 2025
2nd Reading: November 19, 2025
Public Hearing: November 19, 2025
3rd Reading: December 17, 2025

ORDINANCE NO. 11-04-2025

WHEREAS, Newberry County has expressed an interest in this tract of land and its improvements, and

WHEREAS, following appropriate due diligence on the part of both parties, Newberry County and Newberry Electric Cooperative have determined that it is in the best interest of the County and the citizens of Newberry County to enter into an agreement to contractually exchange these properties and to convey to each other the properties.

NOW, THEREFORE BE IT ORDAINED by the County Council of the County of Newberry, in Council duly assembled this 17th day of December, 2025 that:

Newberry County Council does hereby authorize the exchange of the property as described herein and does hereby authorize the engagement of a contractual agreement for such transaction with the Newberry Electric Cooperative.

This Ordinance shall be effective upon adoption by the Newberry County Council on the date of the final reading approval.

NEWBERRY COUNTY COUNCIL

(SEAL)

BY: _____
Robert Shealy, Chairman

ATTEST:

Andrew Wigger, Clerk to Council

Approved as to form:

Joanie Winters, County Attorney

Jeff Shacker, County Administrator

1st Reading: **November 5, 2025**
2nd Reading: **November 19, 2025**
Public Hearing: **November 19, 2025**
3rd Reading: **December 17, 2025**



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

Agenda Briefing

Prepared By: Daniel Floyd	Title: Captain at Detention Center
Department: NCSO	Division: Detention Center
Date Prepared: 10-23-2025	Meeting Date: 11-03-2025
Legal Review: n/a	Date:
Budget Review:	Date:
Approved for Consideration:	Date:
Request Consideration by Committee / County Council	
Subject: Invitation for Bids No.: n/a	

STAFF'S RECOMMENDED ACTION:

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

ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER: Victus Food Services is willing to provide the services mentioned in their proposal for the months remaining in the fiscal year for the amount of unexpended funds in the line-item food budget at the jail.

SUMMARY DISCUSSION: Victus Food Services is a division of the vendor the detention center uses for its inmate phone services, Combined Public Communications (CPC). Consideration to accept the proposal from Victus Food Services would be an extension of on-going professional services to the existing contract with CPC.

ADDITIONAL COMMENTS FOR CONSIDERATION: Contracting with Victus would eliminate the County's liability exposure of a state inmate preparing food for other inmates, and they would comply with operational standards that are required in the detention center's kitchen. Their staff would be trained and certified in food safety, as well as meeting the nutritional standards necessary for inmates. Victus will enhance the inmate welfare and safeguard the facility from potential legal issues.

ATTACHMENTS: PowerPoint Presentation provided by Capt. Floyd, Victus Proposal, & Sample Agreement



Victus Food Service
Food Service Agreement ("Agreement")

Patel Services, LLC, a Kentucky limited liability company doing business as Victus Food Service ("Vendor"), with its principal place of business located at 100 Aqua Drive, Cold Spring, KY 41076 and with a mailing address of P.O. Box 76573 Highland Heights, KY 41076, and Newberry County Sheriff's Office, a governmental agency, with a mailing address of 3239 Louis Rich Drive Newberry, SC 29108 ("Customer") agree as follows:

WHEREAS, Customer operates a detention facility located at 3239 Louis Rich Drive Newberry, SC 29108, hereinafter referred to as the "Facility";

WHEREAS, Vendor is a food service provider and desires to provide such service for Customer at the Facility;

WHEREAS, Customer desires Vendor to provide such service;

NOW, THEREFORE, the parties agree as follows:

1. SCOPE OF SERVICES

Pursuant to and under the terms of this Agreement, Vendor will be the exclusive provider of food service (commissary and vending machine operations are not part of nor covered by this Agreement) for the Facility and will provide consulting services as to administrative, dietetic, purchasing, and equipment; meal service; and personnel to prepare meals. Vendor will comply with and provide services required herein in accordance with applicable federal, state, and local statutes, ordinances, and regulations; the American Correctional Association Standards; the Food and Nutritional Board of the National Academy Science requirements as prescribed for residents. Vendor will be an independent contractor of Customer and Vendor will retain control over its employees and agents. The employees of Vendor are not, and will not, be deemed to be employees of Customer, and employees of Customer are not, and will not, be deemed to be employees of Vendor.

Food service required outside the scope of this Agreement will be provided by Vendor upon written authorization by Customer and at mutually agreed upon prices for such services.

2. OPERATIONAL RESPONSIBILITIES

- a) **PREPARATION.** Customer will notify Vendor of the actual number of meals to be ordered each day as of midnight count. When such notice is not given,

Vendor will prepare the same number of meals as prepared for the previous day.

Vendor shall ensure the preparation of meals and Facility personnel shall receive them at the Facility kitchen and transport to appropriate areas, returning the trays and support equipment to the kitchen at least two (2) hours before the next meal. The meals to be prepared by Vendor shall be prepared from the approved menus set forth on Exhibit A, which is incorporated herein by reference, unless both the Customer and the Vendor mutually agree otherwise in writing.

- b) **SPACE AND EQUIPMENT.** Customer will, at its expense, provide Vendor with kitchen space at the Facility, said space to be completely equipped and ready to operate, together with such heat, air conditioning, refrigeration, lights, ventilation, dry storage, and other utility services, including but not limited to, electric, natural gas, water, sewage, sanitation, and local and long distance business telephone services as may be reasonably required for performance of the requirements of this Agreement.

Customer will, at its expense, provide and maintain kitchen appliances and equipment; and preparation, storage, serving and holding equipment and utensils. Customer will, at its expense, be responsible for the repair and/or replacement of all kitchen appliances and equipment except when such repair and/or replacement is necessitated by the gross negligence of Vendor. Customer will, at its expense, provide cooking small wares and utensils, trays and eating utensils including replacements as needed.

- c) **SANITATION.** Vendor will, at its expense, be responsible for daily cleaning and housekeeping in the food preparation, service, receiving and storage areas. Customer agrees that Customer personnel may be utilized by Vendor as needed to assist Vendor in sanitation duties. Customer will, at its expense, be responsible for extermination services and the removal of trash and garbage from the designated food service area.
- d) **MAINTENANCE.** Customer will, at its expense, provide general maintenance services to include, but not limited to, gas, water, sewer, ventilation, lighting, air conditioning, refrigeration, duct work, floor coverings, and wall and ceiling surfaces; and shall provide preventive maintenance and equipment repairs and replacements for Customer owned equipment.
- e) **RESIDENT WORK PROGRAM.** Customer agrees to provide ____ (__) residents to assist Vendor in the provision of the services required to be provided under this Agreement. The type of jobs to be performed by such residents will be determined by Customer and Vendor prior to the start up of service with jobs being provided, but not limited to, sanitation, food preparation and production, and storeroom functions.

- f) **CONTINGENCY PLAN.** Vendor will, after consultation with Customer, submit within sixty (60) days of commencement of services herein, a contingency plan to provide meal service in the event the area or services of the Facility cannot be used. It shall be Customer's obligation to provide, at its expense, a contingent space in the event the area or services at the Facility cannot be used. Customer will use its best efforts to assist Vendor by permitting reasonable variations in the menu cycle and method of service, as conditions may require. Additional reasonable costs, if any and if appropriately documented, incurred providing service during this time shall be reimbursed by Customer.
- g) **FOOD PRODUCTS AND CLEANING SUPPLIES.** Vendor will purchase and pay for all food products, kitchen cleaning supplies, and consumable supply inventory, with these products remaining the property of Vendor.
- h) **RETURN OF EQUIPMENT/INSURANCE OF EQUIPMENT.** Vendor will return to Customer at the expiration of this Agreement the food service premises and all equipment furnished by Customer in the condition in which it was received, except for ordinary wear and tear and except to the extent that said premises and equipment may have been lost or damaged by fire, flood, or other disaster (including any and all acts of God), and except to the extent that said equipment may have been stolen by persons other than employees of Vendor without negligence on the part of Vendor or its employees. Customer shall have the sole and exclusive responsibility, at its expense, to obtain and maintain insurance coverage for and on the premises and all equipment furnished by Customer.
- i) **LICENSE, FEES, PERMITS, AND TAXES.** Vendor will secure and pay all federal state and local licenses, permits and fees which may pertain to the provision of services required pursuant to this Agreement. In the event a sales or similar tax is assessed to Vendor under the terms of this Agreement, Customer will reimburse Vendor for such tax. Customer represents and warrants to Vendor that Customer is a Tax-Exempt government entity and any tax would only apply if Customer lost its tax exemption status.

3. PERSONNEL

- a) **STAFFING.** Vendor will provide personnel to perform the services set out herein; provide a written job description to each employee which clearly delineates the duties of the job; and monitor its staff to verify performance compliance with the requirements of this Agreement. Vendor will permit only employees who have a clear background and drug screen to perform service at the Facility unless this is waived by Customer in writing for a specific individual. Customer shall run all potential employees of Vendor for criminal

histories and background checks to their satisfaction prior to that person being hired to work in the Facility.

- b) **ORIENTATION.** Vendor and Customer will jointly provide orientation and training to any Vendor employee providing services at the Facility, prior to the employee performing with such orientation and training addressing at a minimum applicable Customer policies and procedures and security issues.
- c) **HEALTH EXAMS.** Vendor shall cause its employees assigned to work at the Facility to submit to periodic health exams at least as frequently and stringently as required by applicable state statutes and will submit to Customer in the form of a valid food handler's certificate.
- d) **FACILITY ADMITTANCE.** Customer reserves the right, in its sole discretion, to deny admittance to the Facility to any Vendor employee after first providing Vendor with the basis for such denial. The Customer need only give reasonable advance notice to the supervisor for Vendor on duty at the Facility at the time necessary to deny admittance of a Vendor employee. In this event, Vendor shall, as promptly as is reasonably possible, provide alternate personnel to supply services required herein.
- e) **EMPLOYMENT OF STAFF.** Customer and Vendor agree that, without specific permission of the other party, neither party will hire a supervisory employee of the other for the period of this Agreement and for twelve (12) months thereafter unless this is waived by Vendor and Customer in writing for a specific individual.
- f) **SECURITY.** Customer will provide reasonable and adequate physical security at all times for Vendor employees, suppliers, management and other authorized visitors. It is understood by and between the parties hereto that it is impossible for the Customer staff to guarantee the safety and security of any Vendor employee but, the Customer shall take those steps as are reasonably prudent to provide security necessary for Vendor employees.

4. PAYMENT

- a) **UNIT PRICE.** Customer shall pay Vendor the amounts set forth on Exhibit B, the terms and conditions of which are incorporated herein by reference. The fiscal arrangements in this Agreement are based on conditions existing on the date Vendor commences operations, including the Facility's resident population, the availability of resident labor, food and supply costs, Federal State and local sales and other taxes and other operation costs. In the event of a significant change in these conditions, either party may request a revision of the fiscal arrangements to reflect the change.

Two price scales are provided in Exhibit B. Price Scale A will be effective

upon contract commencement and remain in effect until June 30th, 2026. Price Scale B will be effective beginning July 1st, 2026. Any applicable price increases will be applied to the pricing provided in Price Scale B.

Any price increase offered at renewal time cannot exceed the Food Away From Home Index provided by the government on a monthly basis. Vendor must notify Customer of any intention of price change no less than thirty (30) days prior to the expiration of the yearly term of this Agreement.

Jail staff may order meal trays, which will be included in the total meal count and billed to the county at the current per-inmate tray rate.

- b) **PAYMENT/INVOICES.** Vendor shall submit to Customer on the first day of every week for the preceding week an invoice for meals ordered or served, whichever is greater. Payment by Customer will be made within thirty (30) days after receipt of an invoice. Such payment shall be sent to:

Patel Services, LLC
P.O. Box 76573
Highland Heights, KY 41076

The invoices will reflect the preceding week's food services as follows:

1. Actual number of resident meals;
2. Any Officer, staff and visitor meals provided; and
3. Any additional food or beverage services as required.

5. EQUAL EMPLOYMENT OPPORTUNITY

Vendor and Customer mutually agree that they shall not discriminate against any employee or applicant for employment or on any matter directly or indirectly related to employment, because of race, color, religion, sex, sexual preference, national origin, physical or mental handicap where not relevant to the job, height, weight, age between 18 and 70, marital status, or other criteria made illegal by state or federal law or county policy. In addition, Vendor agrees to take affirmative steps to ensure that applicants are employed, and that employees are treated, during employment, without regard to the criteria listed.

6. INDEMNIFICATION

Vendor agrees to indemnify and hold harmless Customer, its officers, employees, agents and servants for any and all claims for accidents or occurrences involving death, bodily injury and damage to tangible property directly caused by Vendor's breach of its obligations under this Agreement and to pay all claims, direct (but not special or incidental) damages, judgments, legal costs, adjuster fees and reasonable attorney fees in relation thereto. However, it is expressly understood

that Vendor shall not be responsible for damages caused by residents of the Facility and/or by the employees, agents, officers or contractors of Customer. Employees, agents, officers, contractors and residents of Customer are not agents or employees of Vendor and as such, no liability is to be incurred by Vendor as a result of the actions or inactions of such parties. Customer agrees to indemnify and hold Vendor harmless from any liability claim by or through such parties against Vendor.

7. RECORDS

Vendor agrees to retain all records and other documents related to its provision of services required pursuant to this Agreement and/or in compliance with applicable state statutes. All such records shall be made available in a prompt of manner as is reasonable to the Customer's administrative staff as requested in writing by them. If requested in writing by Customer within three (3) months after the termination of this Agreement, Vendor shall turn all documents over to the Customer for retention or disposal at the discretion of the Customer.

8. TERM OF AGREEMENT

This term of this Agreement shall be four (4) years commencing on the _____ day of _____, _____. Unless written notice is delivered to either party at least thirty (30) days prior to the expiration of the initial term or any renewal term of this Agreement, this Agreement shall automatically renew upon the same terms and conditions as listed herein.

9. EXCUSED PERFORMANCE

No party to this Agreement shall be liable or responsible to the other party, or be deemed to have defaulted under or breached this Agreement, for any failure or delay in fulfilling or performing any term of this Agreement (except for any obligations to make payments hereunder), when and to the extent such party's (the "Impacted Party") failure or delay is caused by or results from the following force majeure events ("Force Majeure Event(s)": (a) acts of God; (b) flood, fire, earthquake, pandemics, epidemics, or explosion; (c) war, invasion, hostilities (whether war is declared or not), terrorist threats or acts, riot or other civil unrest; (d) government order, law, or action; (e) embargoes or blockades in effect on or after the date of this Agreement; and (f) national or regional emergency; and (g) other similar events beyond the reasonable control of the Impacted Party. The Impacted Party shall give notice within thirty (30) days of the Force Majeure Event to the other party, stating the period of time the occurrence is expected to continue. The Impacted Party shall use diligent efforts to end the failure or delay and ensure the effects of such Force Majeure Event are minimized. The Impacted Party shall resume the performance of its obligations as soon as reasonably practicable after the removal of the cause. In the event that the Impacted Party's failure or delay remains uncured for a period of sixty (60) days following written notice given by it under this Section, the other party may thereafter terminate this

Agreement upon thirty (30) days' written notice without liability to the Impacted Party; provided that payment for services rendered by Vendor prior to the date of termination shall be remitted in accordance with the terms and conditions of this Agreement.

10. TERMINATION

- a) CAUSE. If either party shall refuse, fail or be unable to perform or observe any of the terms and conditions of this Agreement (except as is set forth in Section 9 above), the party claiming such failure shall give the other party a written notice of such breach. If, within thirty (30) days from the date such notice is received, such breach has not been corrected to the reasonable satisfaction of the party claiming breach, then the party claiming breach shall have the right to terminate this Agreement for cause.
- b) Upon the termination or expiration of this Agreement, Vendor shall, as soon thereafter as is reasonably feasible, vacate the Facility and remove its property from the Facility.

11. COUNTERPARTS

This Agreement may be executed in counterparts, each of which is deemed an original, but all of which together is deemed to be one and the same agreement. A signed copy of this Agreement delivered by facsimile, e-mail, or other means of electronic transmission is deemed to have the same legal effect as delivery of an original signed copy of this Agreement.

12. GOVERNING LAW

This Agreement, including all exhibits, schedules, attachments and appendices attached hereto and thereto, and all matters arising out of or relating to this Agreement, are governed by and construed in accordance with, the laws of the State of South Carolina, United States of America, without regard to the conflict of laws provisions thereof.

13. NO THIRD PARTY BENEFICIARIES

This Agreement benefits solely the parties to this Agreement and their respective permitted successors and permitted assigns, and nothing in this Agreement, express or implied, confers on any other person or entity any legal or equitable right, benefit or remedy of any nature whatsoever under or by reason of this Agreement.

14. SEVERABILITY

If any term or provision of this Agreement is invalid, illegal, or unenforceable in any jurisdiction, such invalidity, illegality or unenforceability does not affect any other term or provision of this Agreement or invalidate or render unenforceable such term or provision in any other jurisdiction, is invalid, illegal or unenforceable, the remainder of this Agreement is unenforceable. Upon a determination that any term or provision is invalid, illegal or unenforceable, the parties to this Agreement shall negotiate in good faith to modify this Agreement to affect the original intent of the parties as closely as possible in order that the transactions contemplated hereby be consummated as originally contemplated to the greatest extent possible.

15. CHOICE OF FORUM

Each party irrevocably and unconditionally agrees that it shall not commence any action, litigation or proceeding of any kind whatsoever against the other party in any way arising from or relating to this Agreement, including all exhibits, schedules, attachments and appendices attached hereto and thereto, and all contemplated transactions, including contract, equity, tort, fraud, and statutory claims, in any forum other than the U.S. District Court for the State of South Carolina or, if such court does not have subject-matter jurisdiction, the courts of the State of South Carolina, and any appellate court from any thereof. Each party irrevocably and unconditionally submits to the exclusive jurisdiction of such courts and agrees to bring any such action, litigation or proceeding only in U.S. District Court for the State of South Carolina or, if such court does not have subject-matter jurisdiction, the courts of the State of South Carolina. Each party agrees that a final judgment in any such action, litigation, or proceeding is conclusive and may be enforced in other jurisdictions by suit on the judgment or in any other manner provided by law.

16. EXTENT OF AGREEMENT

This Agreement, including the exhibits attached hereto, represents the entire Agreement between Customer and Vendor and supersede all prior negotiations, representations or agreements, either written or oral. This Agreement may be amended only by written instrument signed by authorized representatives of Customer and Vendor.

Signature page follows.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be signed by their duly authorized representative the day and year first above written.

VENDOR:

PATEL SERVICES, LLC

By: _____

Printed Name: _____

Title: _____

Date: _____

CUSTOMER:

By: _____

Printed Name: _____

Title: _____

Date: _____

EXHIBIT A

Approved Menus

Menus will be added to final contract once approved by Customer.

EXHIBIT B: Pricing Scale A

Victus				
Newberry SC				
Inmate Population Sliding Scale A				
FROM		TO	PRICE	
35	-	39	\$	3.714
40	-	44	\$	3.353
45	-	49	\$	3.072
50	-	54	\$	2.847
55	-	59	\$	2.664
60	-	64	\$	2.511
65	-	69	\$	2.381
70	-	74	\$	2.270
75	-	79	\$	2.175
80	-	84	\$	2.090
85	-	89	\$	2.016
90	-	94	\$	1.950
95	-	99	\$	1.890
100	-	104	\$	1.837
105	-	109	\$	1.789
110	-	114	\$	1.745
115	-	119	\$	1.705
120	-	And over	\$	1.668
Kosher			\$3.00	

EXHIBIT B: Pricing Scale B

Victus				
Newberry SC				
Inmate Population Sliding Scale B				
FROM		TO	PRICE	
35	-	39	\$	4.914
40	-	44	\$	4.403
45	-	49	\$	4.005
50	-	54	\$	3.687
55	-	59	\$	3.427
60	-	64	\$	3.211
65	-	69	\$	3.027
70	-	74	\$	2.870
75	-	79	\$	2.747
80	-	84	\$	2.639
85	-	89	\$	2.543
90	-	94	\$	2.458
95	-	99	\$	2.383
100	-	104	\$	2.314
105	-	109	\$	2.254
110	-	114	\$	2.196
115	-	119	\$	2.145
120	-	And over	\$	2.098
Kosher			\$3.00	



PROPOSAL FOR INMATE FOOD SERVICE

NEWBERRY COUNTY
SOUTH CAROLINA

Presented by:

Mike Byess
Director of Food Services
Victus Food Service
100 Aqua Dr.
Cold Spring, KY 41076
866-459-3888
sales@yourvictus.com



Dear Newberry County Selection Committee,

Victus Food Service is delighted to present our proposal to provide inmate food services to the Newberry County Sheriff's Office. Our unwavering commitment to service separates Victus from any other provider and will make the difference in your food service experience. Our highly-qualified staff has correctional food service experience that spans decades!

Our journey at Victus began auspiciously when the team at Combined Public Communications (CPC) had been receiving overwhelming feedback from jail administrators and sheriffs who expressed a desire for a commissary company that was as responsive and supportive as CPC. The team at CPC has always utilized the phrase "if it doesn't exist, create it," so at several clients' requests, Victus was established in January of 2015. CPC is an ESOP, or an employee-owned stock ownership plan company, and we now employ over 260 wonderful people across the United States who allow us to support our combined 400+ plus facilities across 26 states. We are beyond proud to maintain a 99.7% customer retention rate!

Since the inception of Victus, we have kept one common goal centric to all that we do: to be the best correctional company on the planet. To us, that means distinguishing Victus from any other company or the conglomerates that provide inmate food service. What sets Victus apart from all other responding providers is our dedication to customization and personalized service. Our national presence allows us to be more adaptable and responsive, ensuring that Newberry County receives the attention and support that it deserves. Our commitment to customization is exemplified in our proactive approach to understanding and adapting to the unique needs of Newberry County.

When we say responsive and dedicated, we mean you will be provided with a designated Food Service Team ensuring direct access to known contacts that can provide swift resolutions. For the last 10 years, Victus has grown organically through our reputation of partnership and service excellence.

Our goal is not only to meet but exceed your expectations, delivering a program that reflects the high standards set by Newberry County. We want to reduce the workload for your team and provide an array of cost-effective but nutritious (and delicious!) menu options, flexibility, and service for your population. Our menus are fully compliant with American Correctional Association (ACA) standards and follow both state and federal nutritional guidelines. Our staff registered dietician has developed curated menus for your facility that are sure to satisfy your inmate population.

In choosing Victus Food Service, you are selecting a partner with a proven track record of success and a commitment to excellence that aligns seamlessly with the values of Newberry County. We are confident that our obsession with client satisfaction will make us the best fit for your correctional food service needs. Our leadership team is also here to ensure that your program runs as smoothly as possible.

We are committed to delivering exceptional support services and products to our customers, driven by a foundation of integrity and creativity. At the same time, we focus on advancing the careers of our team members, supporting their professional growth and development. We promise to always operate ethically and respectfully towards our clientele.

The enclosed proposal is designed with solutions to improve your food service program and process for your staff and population. We are eager to contribute to the success and efficiency of Newberry County and would be honored to discuss in further detail how our tailored solutions can meet your unique needs. Please feel free to contact me anytime for discussion or to answer any questions regarding this proposal.

Sincerely,

Mike Byess
Director of Food Services
mbyess@combinedpublic.com

Tim Ponder
Regional VP of Sales
tponder@combinedpublic.com

EXECUTIVE SUMMARY

The Victus Promise

Victus is thrilled to present our proposal to provide a high-quality, cost-effective, nutritious, and delicious food service program to Newberry County Sheriff's Office. With our extensive experience and qualifications serving the correctional industry, we are well-prepared to effectively handle food service operations at your facility.

OUR SERVICES

- ✓ Menu Planning
- ✓ Dietician Services
- ✓ Recipe Development
- ✓ Technical Support
- ✓ Inmate Training Program
- ✓ ServSafe Certification
- ✓ Menu Review
- ✓ Procurement
- ✓ Program Management
- ✓ Program Customization
- ✓ And many more!



As a dedicated correctional company, we recognize the pivotal role that food service plays to the everyday operations of your facility. Our operational plan keeps this in mind—because a well-fed population generally means a happier population. This leads to fewer complaints and grievances, keeping your staff's workload manageable. We are committed to collaborating with Newberry County staff to support your goal of maintaining an efficient working environment and an incident-free facility.

Our registered dietician will create and approve all menu types at your facility. She is one of the best in the business—bringing several years of correctional experience to Victus. She is well-versed in American Correctional Association (ACA) requirements, FDA codes, state regulatory requirements, and other national health and nutritional standards. She will regularly review menus for nutritional compliance.

Our staff is adequately trained in a wide variety of areas—safety, hygiene, equipment operation, sanitization, security, food prep, food safety, PREA, etc. Victus employees are required to complete monthly safety training courses. Our employees are also required to complete ServSafe training.

Our staff is supported by management that has several decades of correctional food service experience! We ensure our management's expertise will lead to an exceptionally efficient and cost-effective food service program at Newberry County.

Victus is not only in the industry to run food service programs—we are also here to educate. We believe food safety and the culinary arts are important skills to have, not just in the correctional setting, but everywhere. This knowledge also helps to reduce recidivism by employing your inmate population with useful life skills.

Victus prides itself on our impeccable customer service. We provide 24/7/365 support and custom tailor our programs to meet our clients' specific needs. There's a reason we have a 99.7% customer retention rate! We also would not be in the successful place we are without our wonderful clients. We **promise** that our service will exceed your expectations!

Victus is proud to present our proposal to provide adult inmate food service to the Newberry County Sheriff's Office.

We provide a comprehensive food service program offering meals 3 times a day, 7 days a week, and 365 days a year. Our program meets all ADA and KAR requirements. Nutrition is our top priority, and all of our recipes are tested in-house before they are ever served at your facility. We will also provide to your facility specialized religious, medical, holiday, and requested sack meals for programs such as work release. We are committed to providing custom meal plans to Newberry County.

Service

Our belief is that each client should be treated as our only client and inmates, and their family and friends, be treated as valued customers.

Programs

We provide the highest quality meals, commissary products, and solutions, developed specifically for the corrections environment.

Value

Victus provides affordable, accessible, nutritious, and palatable meals for clients and their staff members



Nutrition

Our dietician creates menus packed with nutrients and flavor. All menus are ACA and FDA compliant.

OUR QUALITY PLEDGE

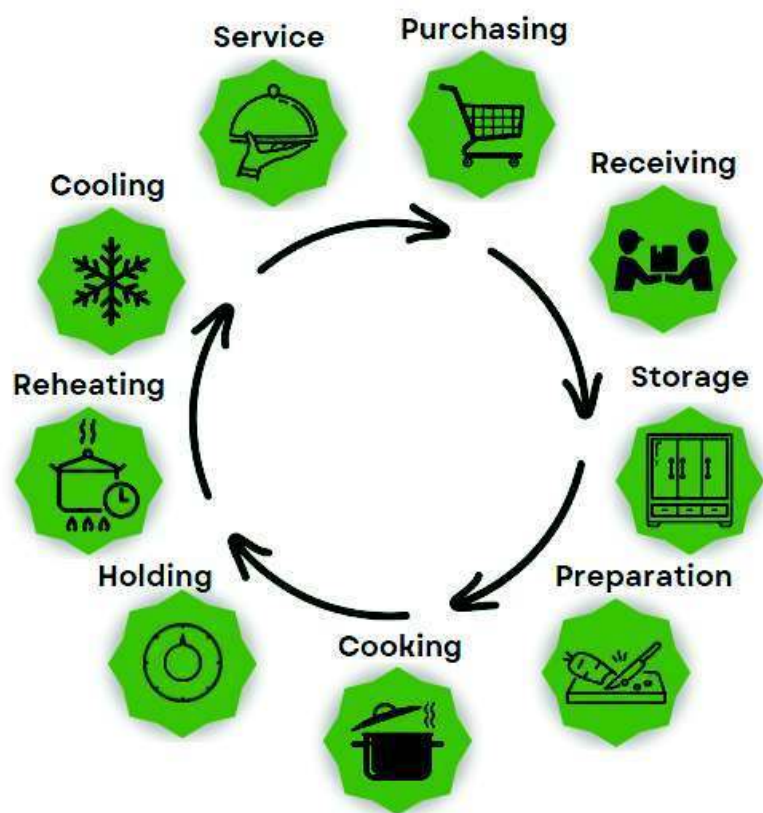
Victus' expertly curated and dietician-approved menus include a variety of protein, carbohydrate, vegetable, and fruit options. We cycle our menus, while still focusing on nutrition as the highest priority, to include an assortment of flavors, textures, and serving temperatures. This variation in meals served also helps to reduce inmate complaints, therefore reducing the amount of menu adjustments needed for the duration of your food service program.

Nutrition is our top priority, and all our planned meals meet daily required nutrient standards as set forth by the ACA. We will adjust our menus as needed to adhere to any changing standards throughout the duration of your food service program. All of our recipes use high quality ingredients and are tested in-house before they are ever served at your facility.

In addition to typical meal planning quality assessment, which includes palatability, appearance, texture, and taste, Victus also recognizes that inmate preferences are important. If inmates are served food they don't like, and therefore don't eat it, your facility would still be charged for that food. If you're paying for inmate meal service, you deserve high quality food that your inmate population will be excited to eat. We guarantee our program meets American Correctional Association Standards.

We serve a variety of textures, cuisines, and temperatures, with local food preferences in mind. Serving a food local to a region where a client is located means the inmate population is more likely to find the food desirable. Our staff attentively monitors all phases of your food service program, from receiving food deliveries to serving it on trays. Corrective action is taken if any steps of our process are identified to not meet our standards. Based on our quality assessments, any adjustments we think will be beneficial to your program will be discussed with your facility administration.

For example, if we notice a particular meal in our cycle menu consistently is not eaten, we may ask to consider removing it from the menu and replacing it with another meal that, of course, is dietician approved. But we will always inspect the ingredients for quality assurance and even retest our recipe to ensure those are up to our high standards.



Our quality assurance guarantee is not just for meals served. It's for every single step of our process. From the second inventory is received its quality is assessed. If we deem it unfit for consumption, we toss it. We are committed to following ADA and FDA regulatory requirements in addition to our own quality philosophy.

We also ask that if your facility has any questions or concerns about quality, meal satisfaction, etc., let us know! We have an open-door policy and are always receiving of feedback and suggestions. After all, we are here to provide you with high quality service, because it's what you and your population deserve. We understand your facility staff has an array of other interactions with your inmate population outside of the kitchen setting. Feedback is helpful and much appreciated.

Our menus, which will all be certified by our registered dietician, will be nutritionally adequate and meet the required caloric intake. Victus will meet regularly with your facility to address any questions or changes to your facility's menu options and preferences. Victus prides itself on our customization options to best meet your facility's expectations for meal prices. All our meals comply with ADA and NCCHC standards.

Stereotypes about correctional food, such as "slop," "gruel," or "mystery meat" **don't exist** within our program. We are devoted to providing the highest quality, nutritionally balanced, and appealing meals for your population, while also keeping in mind that your facility's budget is important. That's why we hired experts in the correctional food service industry to run our Food Service division. They have experience with dozens of accounts and are accustomed to tailoring programs to meet an array of both dietary and budgetary requirements.

We are firm believers that "ugly" food, while still nutritious, does not equate to palatable food, and serving meals that are nutritious, tasty, and visually appealing is a must for overall inmate appeasement. Fresh fruits and vegetables are bright, colorful, *and* nutritious, and make wonderful, nutrient-dense choices for your program. This also decreases complaints and grievances regarding the food service program. We are committed to using a variety of textures, serving temperatures, and cuisines.



Victus has a database of several hundred nutritious recipes that are sure to satisfy your population. Above is an example dinner that may be served at your facility.

FOOD PREPARATION

Our cyclical menus are used as a guide for daily food preparation procedures. This includes ingredient purchasing and preparation logistics. We keep records of what meals are served on any given day, how many portions were made, how many were served to your population, and which staff members prepared the meals. For example, these are the typical procedures for our daily food preparation service:



Date: Which day a meal is served



Meal: Breakfast, Lunch, Dinner



Recipe Number: Which recipe(s) will be prepared that day for a specific meal. This is all tracked in our menu preparation software.



Estimate: How many meals to be served. This will change daily as populations fluctuate.



Estimated Portions: Estimated population count will be multiplied by the number of servings in a recipe to ensure enough portions are prepared.



Plan for Serving: Indicate number of pans of product that will be served



Utensils: Indicate serving utensils needed and quantities



Transportation: Ensure food product is safely transported to serving stations/lines while proper food and beverage temperatures are maintained.



Actual Portions: Actual number of meal portions served. We also record how many portions are left over.

Our proposed software, NetMenu, is used to track inventory, times, temperatures, number of meals prepared, number of meals served, etc. It's also used for billing purposes. As part of standard Victus operating procedures, daily meal and production counts are **always** recorded. Copies of these records will be supplied to your facility monthly or as often as requested, and they will also be made available for auditing and inspection by your facility.

We understand we will be inspected regularly and audited for compliance. Victus' policies ensure we are always prepared for these scenarios. Victus' strict policies and procedures, which include cleaning checklists, are created to mirror already existing regulations so that we are always in adherence with rules from regulating agencies at local, county, and state levels, as well as the health department. Our on-site kitchen manager is responsible for conducting weekly inspections of your kitchen facilities to ensure compliance while also preparing us for inspections from regulatory agencies. Victus guarantees our policies will ensure we achieve satisfactory ratings with each inspection.

Our goal is to ensure your facility's kitchen is always maintained at a cleanliness level that adheres to regulatory standards. Inspection documents will be made available to your facility.

Our policies and procedures include: safety, employee training, purchasing, production, diets, and personnel manuals. These forms are stored in our proposed NetMenu software. Victus employees are also required to complete a monthly safety training course. Each month encompasses a different element of safety.

Victus is committed to providing the highest quality food service within the correctional industry. Our food service personnel are exceptionally trained individuals devoted to delivering top-notch service to your facility. Our on-site manager oversees all phases of food preparation- from receiving to inventory counts to purchasing to food preparation.



From the time inventory is received at the shipping dock to the time it is served to your population, it undergoes meticulous safety procedures to prevent contamination and spoilage. Victus has procedures in place to ensure that all received inventory is properly categorized and stored as soon as it enters the kitchen space. Victus uses a first in first out (FIFO) inventory method to rotate non-refrigerated, shelf-stable inventory to be used first—maintaining efficiency, lower costs, and ensuring our purchased inventory is as fresh as possible. We order fresh produce in accordance with your facility’s approved menus for the week. We will dispose of any inventory that does not meet our strict quality standards.

Victus is also committed to preventing as much food waste as possible, and by using this first in first out inventory method, in addition to prepping our cycled menus, we can order the freshest, most nutritious produce and ingredients for your inmate population while also keeping your facility meal costs low.

Refrigerators and freezers are regularly checked throughout a shift to ensure proper temperature is maintained. We take food safety seriously here at Victus, and following our rigorous food preparation policies prevents food illness for your inmate population, your staff, and our staff as well.

Included below is an example of a recipe that may be served at your facility. This recipe is followed using policies outlined in our procedure manuals.

Spanish Rice

50 Servings

Oil Vegetable Salad	2 Tablespoon
Rice White PB	6 Pound
Onion Yellow Fresh Cleaned, trimmed and 1/2" diced	3 Pound 8 Ounce
Garlic Granulated	1 Fluid Oz
Pepper Ground Black	1 Ounce
Chili Powder	1 2/3 Tablespoon
Tomato Crushed	1 1/2 Quart
Water	2 1/4 Gallon

Portion Size: 1 Cup

Procedure:

1. In appropriate cooking vessel, heat oil. Add rice and onions to oil. Simmer 8-10 minutes until onions are opaque in color.
2. Add spices, tomato product, and water to rice. Blend well.
3. Bring to a boil. Cover. Reduce heat. Simmer 22 to 25 minutes until rice is tender. Do not stir.
4. When rice is done, fluff slightly.
5. Place into appropriate serving pans.

Victus Food Service: Reducing Liability

Food Safety Compliance: Victus ensures adherence to stringent food safety standards, such as FDA and KAR, significantly reducing the risk of foodborne illnesses and potential lawsuits related to unsafe food handling.

Nutritional Standards: By providing well-balanced, nutritious meals, Victus, with the help of our staff dietician, prevents potential legal issues with the utilization of specially crafted menus to meet federal, state, local, and facility-specific calorie and nutrient requirements.

Training and Education: Inmate workers, if provided by your facility, receive proper training in food preparation and hygiene, reducing the likelihood of unsafe practices that could result in liability for the facility.

Consistent Quality Control: Victus maintains consistent meal quality, addressing inmate complaints and minimizing disputes over food, which can contribute to a more peaceful and manageable environment.

Reduced Legal Risks: By delivering reliable, safe, and nutritious meals, Victus helps lower the overall legal and financial risks associated with jail food service operations.

Operational Efficiency: The structured food service model reduces operational challenges, allowing your staff to focus on other critical security and management tasks, further reducing liability.

Victus not only enhances inmate welfare but also safeguards the facility from potential legal and financial pitfalls-- creating a safer, more efficient environment for everyone involved.

Sample Holiday Menu

VICTUS
FOOD SERVICE



Thanksgiving

Roast Turkey and Gravy
Bread Dressing
Mashed Potatoes
Garden Salad with Dressing
Cranberry Sauce
Fresh Baked Roll
Pumpkin Square
Beverage



New Year's Day

Baked Chicken Patty
Black-eyed Peas
Seasoned Carrots
Cornbread
Cookies
Beverage



Memorial Day

Grilled Hamburger
Grilled Hot Dog
Ketchup/Mustard/Relish
Chips
Coleslaw
Watermelon
Cookies
Ice Tea or Fruit Drink

Christmas



Roast Turkey
Mashed Potatoes and Gravy
Seasoned Green Beans
Garden Salad with Dressing
Fresh Baked Roll
Apple Square
Beverage

Easter



Glazed Baked Ham
Au Gratin Potatoes
Seasoned Mixed Vegetables
Green Salad with Dressing
Fresh Baked Roll
Iced Cake
Beverage

Independence Day



Cheeseburger
Hot Dog
Mustard/Ketchup/Relish
Chips
Watermelon
Ice Cream
Beverage

REFERENCES

Victus is pleased to present the following references:

Reference: Campbell County, KY	
Facility Name	Campbell County Detention Center
Address	601 Central Avenue Newport, KY 41071
Contact Name	James Daley, Jailer
Phone	859-431-4611

Reference: Clay County, IN	
Facility Name	Clay County Sheriff's Office
Address	611 East Jackson Street Brazil, IN 47834
Contact Name	Brisson Swearingen, Sheriff
Phone	812-446-2535

Reference: Delaware County, IN	
Facility Name	Delaware County Sheriff's Office
Address	300 S. Tillotson Avenue Suite 150 Muncie, IN 47302
Contact Name	Tony Skinner, Sheriff
Phone	765-747-7870

Reference: Pike County, IN	
Facility Name	Pike County Sheriff's Office
Address	100 S. 4 th Street Petersburg, IN 47567
Contact Name	Brian Maxwell, Jail Commander
Phone	812-354-6024

Reference: Parke County, IN	
Facility Name	Parke County Sheriff's Office
Address	458 West Strawberry Road Rockville, IN 47872
Contact Name	Kyla Clover, Matron
Phone	765-569-5413

Reference: Tipton County, IN	
Facility Name	Tipton County Sheriff's Office
Address	2300 W. SR 28 Tipton, IN 46072
Contact Name	Ray Sheppard, Jail Commander
Phone	765-675-7004

COST PROPOSAL

Victus recognizes your commitment to delivering a high-quality food service program for your inmate population while staying within budget. Our comprehensive food service solution addresses your needs by focusing on quality, nutritional compliance, legal obligations, humane treatment of inmates, and cost-effectiveness. We are dedicated to providing a service that meets all these criteria while fitting seamlessly into your facility's budget.

Our financial plan is specifically tailored to meet your food service needs, providing exceptional value for your investment and showcasing Victus' commitment to being a long-term partner with Newberry County. We are dedicated to respecting and supporting your financial goals and will work continuously to help you achieve them. Our plan ensures that your menus comply with American Correctional Association standards. Additionally, we will ensure that our onsite staff is both well-trained and fairly compensated. Happy employees are crucial to the success of your program.

Victus proposes the following solution model:

- ✓ Full-time kitchen staff who will handle procurement, training, inventory management, inspection compliance, and ancillary support for Newberry County
- ✓ Dietician Services
- ✓ Recipe Development
- ✓ Production Worksheets
- ✓ Quality Assurance Program
- ✓ NetMenu Software and reporting tools

Victus's goal is to retain as much of your current kitchen staff as possible. We offer competitive wages and benefits to our employees because we understand that content employees are generally happier, reliable, and more likely to be dedicated for the long-haul.

Victus will regularly review usage, which encompasses total meals served and prepared, cleaning supplies, paper products, etc. We are proposing a Net 30 payment model.

Please see our proposed pricing on the following pages.

Jail staff may order meal trays, which will be included in the total meal count and billed to the county at the current per-inmate tray rate.

PRICE SCALE A

Price Scale A will be effective upon commencement and remain in place until June 30th, 2026. Price Scale B, provided on the following page, will go into effect July 1st, 2026.

Victus				
Newberry SC				
Inmate Population Sliding Scale A				
FROM		TO	PRICE	
35	-	39	\$	3.714
40	-	44	\$	3.353
45	-	49	\$	3.072
50	-	54	\$	2.847
55	-	59	\$	2.664
60	-	64	\$	2.511
65	-	69	\$	2.381
70	-	74	\$	2.270
75	-	79	\$	2.175
80	-	84	\$	2.090
85	-	89	\$	2.016
90	-	94	\$	1.950
95	-	99	\$	1.890
100	-	104	\$	1.837
105	-	109	\$	1.789
110	-	114	\$	1.745
115	-	119	\$	1.705
120	-	And over	\$	1.668
Kosher			\$3.00	

PRICE SCALE B

Price Scale B will go into effect July 1st, 2026.

Victus				
Newberry SC				
Inmate Population Sliding Scale B				
FROM		TO	PRICE	
35	-	39	\$	4.914
40	-	44	\$	4.403
45	-	49	\$	4.005
50	-	54	\$	3.687
55	-	59	\$	3.427
60	-	64	\$	3.211
65	-	69	\$	3.027
70	-	74	\$	2.870
75	-	79	\$	2.747
80	-	84	\$	2.639
85	-	89	\$	2.543
90	-	94	\$	2.458
95	-	99	\$	2.383
100	-	104	\$	2.314
105	-	109	\$	2.254
110	-	114	\$	2.196
115	-	119	\$	2.145
120	-	And over	\$	2.098
Kosher			\$3.00	

Newberry County Sheriff's Office
3239 Louis Rich Drive
Newberry, SC 29108

Dear Newberry County Selection Committee,

Victus Food Service is delighted to present our proposal to provide inmate food services to the Newberry County Sheriff's Office. In choosing Victus Food Service, you are selecting a partner with a proven track record of success and a commitment to excellence that aligns seamlessly with the values of Newberry County.

Our enclosed proposal outlines practical, cost-effective solutions designed to help your facility meet both immediate and long-term budgetary goals. We understand the importance of balancing high-quality service with financial responsibility, and we are fully committed to delivering a program that maximizes operational efficiency while providing long-term value to the county. In short, we understand the unique, but immediate needs in your kitchen, along with the budgetary restrictions that also exist this fiscal year. Therefore, we are prepared to offer a unique and creative solution to help meet these needs immediately. **We are prepared to begin operations at your facility as soon as possible.**

Highlights of our proposal include:

- **No-Profit Service Commitment:** Victus will operate your food service program at no profit through June 30, 2026. Please refer to Price Scale A in the attached proposal.
- **Future Pricing:** Beginning July 1, 2026, Price Scale B will go into effect.
- **Menu planning & recipe development**
- **Dietician Services**
- **Comprehensive Program Management & Procurement**
- **Liability Reduction Strategies**
- **Ancillary Operational Support**

We are eager to contribute to the success and efficiency of Newberry County and would be honored to discuss in further detail how our tailored solutions can meet your unique needs.

Sincerely,



Mike Byess
Director of Food Services
mbyess@combinedpublic.com

Tim Ponder
Regional VP of Sales
tponder@combinedpublic.com

Kitchen Proposal

CPC and Victus Food
Services

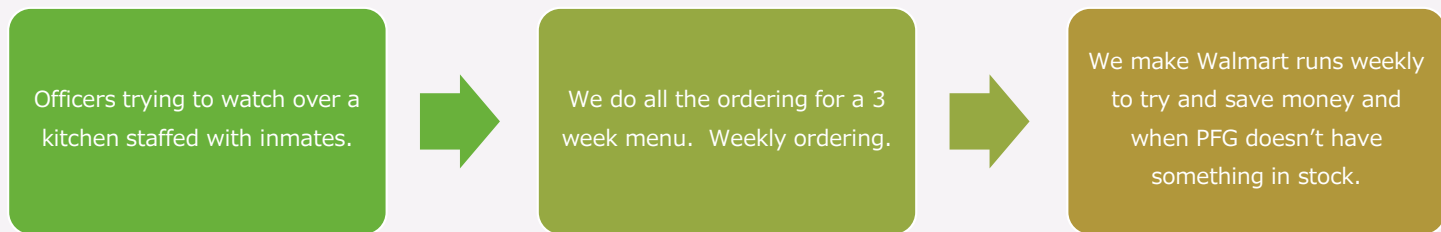


Why? A food service vendor

1. Limits liability exposure
2. Sanitation and Safety Requirements
3. Nutritional Standards and Menus
4. Compliance with Operational Standards
5. Staffing and Training Certified in Food Safety
6. Facility and Equipment Needs



What we have currently



Our Major problems

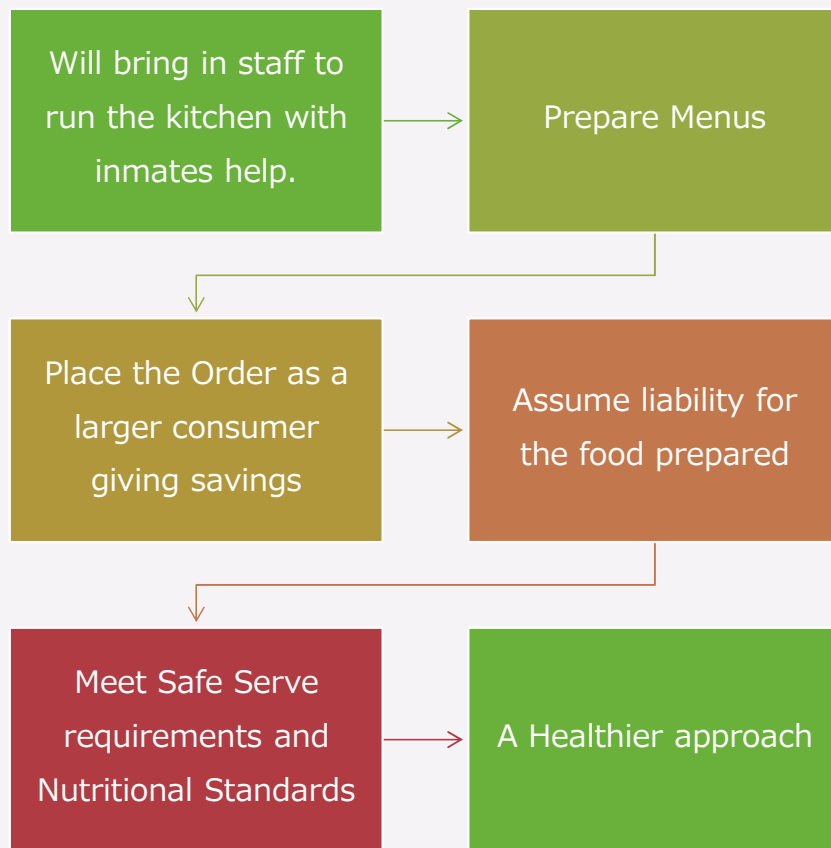
Getting inmates that
can cook from SCDC

Ordering to stay
within budget as
prices continue to soar

Time to make runs to
pick up from Walmart
or PFG back orders

Not having Officers
continuously in the
kitchen

Wasting food or giving
out too much or not
enough



Victus Food Services with Combined Public Communications

The Proposal

Victus Food Service has Proposed to come in at our current budget to take over the food service through the end of our fiscal year. For the proposal they do have a 4 year contract that would start July 1st, 2026. This contract would take the meal price up from \$2.27 to \$2.87 and would require our budget for next year to go up.

