



## NEWBERRY COUNTY COUNCIL

### AGENDA

September 21, 2016

7:00 P.M.

Courthouse Annex – Council Chambers  
1309 College Street  
Newberry, SC 29108

Call to order: Henry H. Livingston, III, Chairman

Invocation and Pledge of Allegiance: Henry H. Livingston, III, Chairman

1. *Additions, Deletions, and Adoption of Agenda*

2. *Newberry County Service Awards*

*Betty Boulware, Treasurer's Office – 5 years*

*Richard Hudgens, Sheriff's Office – 5 years*

*Janet Rutherford, Sheriff's Office – 5 years*

*Wayne Adams, County Administrator – 10 years*

*William (Bill) Waldrop, Councilman – 30 years*

3. **Ordinance #06-11-16:** An Ordinance amending and revising Zoning Ordinance No. 12-24-01, codified in Chapter 153 of the Newberry County Code of Ordinances.  
a. Third Reading

**Four amendments are proposed for consideration at third reading. An attachment to this agenda provides more detailed information for each of these amendments, which are listed below by title.**

**Amendment 1:** Conditional Permitting of Cemeteries; Minimum Size, Setback and Signage Requirements for Cemeteries

**Amendment 2:** Conditional Permitting of Large Animal Processing and Taxidermy Uses; Concealment of Carcasses and Disposal of Remains (animal processing and taxidermy); Management of Emissions and Odorous Gases (taxidermy)

**Amendment 3:** Conditional Permitting of Agritourism Uses; Buffers, Vehicle Logistics and Accommodations, Waste Materials Storage; Management of Light, Glare, Odors and Noise

**Amendment 4:** Lake Development Setbacks; Minimum Setback of 50 Feet from Specified Contour Lines (360 contour line for Lake Murray, 440 contour line for Lake Greenwood); Exception/Determination of Setbacks for New Structures on Lakefront Lots Situated between Two Lots with Structures Existing on the Date of Ordinance Adoption (new lot observes a setback equal to the average distance of existing principal structures on the two adjacent lots from the applicable contour line)

4. **Ordinance #08-16-16:** An Ordinance to repeal Newberry County Code Section 34.45 “Petty Cash Expenditures Revolving Fund” and to revise and restate the section to address affirmative action.
  - a. Third Reading
  
5. **Ordinance #09-17-16:** An Ordinance authorizing the execution and delivery of an amendment to the Fee In Lieu Of Tax Agreement and to the Infrastructure Finance Agreement by and between Newberry County, South Carolina and West Fraser, Inc. with respect to certain economic development property in the county, whereby such property will be subject to certain payments in lieu of taxes, and West Fraser, Inc. will receive certain infrastructure credits in respect of investment in related infrastructure; and other matters related thereto.
  - a. Second Reading
  
6. **Resolution #14-16:** A Resolution Adopting the All Natural Hazards Risk Assessment and Mitigation Plan Update for the Central Midlands Region of South Carolina
  
7. **A Proclamation Declaring September 2016 as Kinship Care Month**
  
8. **Appointments**

9. *Executive Session (if needed)*
  
10. *Public Comments (by those who signed up at meeting)*
  
11. *Comments from County Administrator*
  
12. *Comments/Request from Council Members*
  
13. *Future Meetings*
  - a. Public Safety and Courts Committee 10/3/16 @ 5:00 p.m.
  - b. County Council 10/5/16 @ 7:00 p.m.
  - c. Public Works and Planning Committee 10/17/16 @ 7:00 p.m.
  - d. County Council 10/19/16 @ 7:00 p.m.
  - e. Economic Development Committee 10/25/16 @ 7:00 p.m.
  
14. *Adjournment*

# ATTACHMENT

## AMENDMENT 1: CEMETERIES

### Reason for amendment

Conditions pertaining to cemeteries are included in the current Zoning Ordinance, but were inadvertently not included in the new Zoning Ordinance draft. The following amendment (in red text) is recommended to reinstate conditions for this use. Additionally, consultants and staff recommend consolidating all references to cemeteries in one place.

## Article 5. Zoning District Regulations

### §153.073. Zoning District Table of Uses

(D) Zoning District Table of Permitted Uses. *(amend the table as shown below in red)*

**Zoning District Table of Permitted Uses**

P = Permitted C = Conditional SE = Special Exception Dash (-) = Not Permitted											
Description of Use	2012 NAICS	R2	RS	RSV	RSM	RG	LC	GC	IND	C/SE Reference	
<b>OTHER SERVICES</b>											
Cemetery	81222	C	-	-	-	-	C	-	-	153.125	
<del><b>ACCESSORY USES TO NON-RESIDENTIAL USES</b></del>											
<del>Cemetery and/or Columbarium, Accessory to Religious Use</del>	<del>81222</del>	<del>P</del>	<del>-</del>	<del>-</del>	<del>-</del>	<del>-</del>	<del>P</del>	<del>-</del>	<del>-</del>		

**Article 6. Conditional Use Regulations** *(add the following conditional use requirements)*

### **§ 153.125. CEMETERIES**

Cemeteries, including gravesites, mausoleums, crematoriums, and columbariums, shall meet the following requirements where conditionally permitted.

- (A) Minimum size of the property shall be two acres.
- (B) The use, including gravesites, must meet all setback requirements for the applicable zoning district.
- (C) One non-illuminated sign not over 30 square feet in area or 10 feet in height is allowed.

## AMENDMENT 2: LARGE ANIMAL PROCESSING and TAXIDERMY

### Reason for amendment

Large animal (including deer) processing and taxidermy are not specifically addressed in the current Zoning Ordinance and are not included in the new Zoning Ordinance draft. The following amendment (in red text) is recommended as provided below.

## Article 5. Zoning District Regulations

### §153.073. Zoning District Table of Uses

(D) Zoning District Table of Permitted Uses. *(amend the table as shown below in red)*

P = Permitted   C = Conditional   SE = Special Exception   Dash (-) = Not Permitted											
Description of Use	2012 NAICS	R2	RS	RSV	RSM	RG	LC	GC	IND	C/SE Reference	
<b>OTHER SERVICES</b>											
Large Animal Processing	311611	C	-	-	-	-	-	-	-	-	153.089 153.126
Taxidermy	71510	C	-	-	-	-	-	C	-	-	153.089 153.127

**Article 6. Conditional Use Regulations** *(add the following conditional use requirements)*

### **§ 153.126. LARGE ANIMAL PROCESSING**

The processing of large animals including deer, but not including slaughterhouses as defined by this Ordinance and the State of South Carolina, shall meet the following requirements where conditionally permitted.

- (A) Animal carcasses and any processing activities related to the use must be screened from view from road rights-of-way and adjacent property lines, either by storage in an enclosed structure or by an opaque screen as provided in §153.183 – Screening.
- (B) All animal remains must be discarded per applicable state regulations.

## **§ 153.127. TAXIDERMY**

- (A) Animal carcasses and any processing activities related to the use must be screened from view from road rights-of-way and adjacent property lines, either by storage in an enclosed structure or by an opaque screen as provided in §153.183 – *Screening*.
- (B) All animal remains must be discarded per applicable state regulations.
- (C) All hazardous materials associated with the use must be stored in an enclosed structure.
- (C) There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive to a person of normal sensibilities at the property line or right-of-way.

# AMENDMENT 3: AGRITOURISM

## Reason for amendment

Agritourism is not specifically addressed in the current Zoning Ordinance and is not included in the new Zoning Ordinance draft. The following amendment (in red text) is recommended as provided below.

## Article 5. Zoning District Regulations

### §153.073. Zoning District Table of Uses

(D) Zoning District Table of Permitted Uses. *(amend the table as shown below in red)*

P = Permitted C = Conditional SE = Special Exception Dash (-) = Not Permitted										
Description of Use	2012 NAICS	R2	RS	RSV	RSM	RG	LC	GC	IND	C/SE Reference
<b>ACCESSORY USES TO NON-RESIDENTIAL USES</b>										
Agritourism, Accessory to Agricultural Uses	115	C	-	-	-	-	-	-	-	153.128

## Article 6. Conditional Use Regulations

### § 153.128. AGRITOURISM. *(add the following conditional use requirements)*

Agritourism as an accessory use to Agricultural Uses shall meet the following requirements where conditionally permitted.

- (A) A buffer of at least 100 feet shall be required between all agritourism uses and adjoining property lines of existing single-family residential uses or adjacent residentially zoned properties. Such buffer shall comply with the applicable requirements for buffers provided in §153.182.
- (B) Maneuvering of associated vehicles of any size must be accommodated by and occur on the associated property.
- (C) No uncovered open storage of waste materials shall be permitted in public view.
- (D) All parking for the use must be accommodated and conducted on-site.
- (E) Adequate provisions must be made for safe and efficient ingress and egress for the use.

- (F) Performance standards. Such uses must comply with the following performance standards:
- (1) Light: As required by §153.034 – *Light and Glare*.
  - (2) Glare. As required by §153.034 – *Light and Glare*.
  - (3) Odor. There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive to a person of normal sensibilities at the property line or right-of-way.
  - (4) Noise. As required by §§ 90.01 through 90.99 – *Noise* of the Newberry County Code of Ordinances.

## **Article 12. Definitions.**

### **§ 153.231. DEFINITIONS.** *(add the following definition)*

***AGRITOURISM USE.*** For the purposes of this Zoning Ordinance, uses supplemental and incidental to the primary purposes of a tract's use for agriculture, grazing, horticulture, forestry, dairying, and mariculture that include, but are not limited to: wineries, educational tours, education barns, on-farm historical reenactments, farm schools, farm stores, living history farms, on-farm heirloom plants and animals, roadside stands, agricultural processing demonstrations, on-farm collections of old farm machinery, agricultural festivals, on-farm theme playgrounds for children, on-farm fee fishing and hunting, pick your own, farm vacations, on-farm pumpkin patches, farm tours, horseback riding, horseback sporting events and training for horseback sporting events, cross-country trails, on-farm food sales, agricultural regional themes, hayrides, mazes, crop art, harvest theme productions, native ecology preservations, on-farm picnic grounds, dude ranches, trail rides, Indian mounds, earthworks art, farm animal exhibits, bird-watching, stargazing, nature-based attractions, and ecological-based attractions.

## AMENDMENT 4: LAKE SHORE SETBACK

### Reason for amendment

A setback from the lake shore is included in the current Zoning Ordinance, but was not included in the new Zoning Ordinance draft. The following amendment (in red text) is recommended to revise and reinstate these requirements, enabling more concise and objective measurement from the lake shore that is consistent with similar requirements of neighboring jurisdictions on Lake Murray and Lake Greenwood.

### **Article 8. Area, Setback and Dimensional Requirements**

#### **§153.168. Setback from the Lake Shore.**

All principal and accessory structures shall be set back no less than 50 feet from the 360 contour line on Lake Murray and the 440 contour line on Lake Greenwood. However, where adjacent lake properties on both sides of a property are developed on or before the effective date of this ordinance, the setback shall not be less than the average of the setback from the 360 contour on Lake Murray or the 440 contour on Lake Greenwood of the principal structures on the adjacent lake properties. Mapping and survey data as provided by the Newberry County Geographic Information System (GIS) will be used by the Zoning Administrator to determine the original location of the 360 or 440 contour lines. Local, state, or federal setback requirements from the lake shore may also apply.