

STATE OF SOUTH CAROLINA)

COUNTY OF NEWBERRY)

FILED
2025 DEC 18 AM 11:18
ELIZABETH P FOLK
CLERK OF COURT

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:

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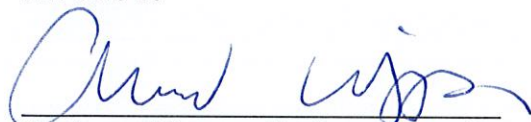
The text of the official zoning ordinance of Newberry County, South Carolina, as codified in Chapter 153 of the code of ordinances of Newberry County, South Carolina, Section 153.174, PDD – Planned Development Districts, Section 153.18, Existing Vegetation, 153.182 Buffers, Section 153.184 Landscaping, 153.185 Open Space, and 153.231 Definitions shall be amended as prescribed by this ordinance.

NEWBERRY COUNTY COUNCIL

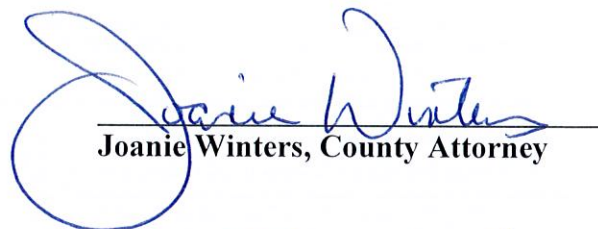
BY: 
Robert Shealy, Chairman

(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