

**NEWBERRY COUNTY COUNCIL WORK SESSION
MINUTES
October 1, 2025**

Newberry County Council met on Wednesday, October 1, 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
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

ABSENT: Leon Fulmer, Council Member

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

1. Executive Session:

a. Personnel Matter(s):

- i. Discussion of matters related to the employment, appointment, and compensation of employees within County Administration pursuant to SC Code of Laws Section 30-4-70(a)(1).
- Mr. Smith made a motion to go into Executive Session; Mr. Sease provided the second and the motion carried 4-0.

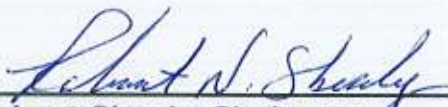
- Newberry County Council went into Executive Session at 4:04 p.m. Mr. Reeder and Mr. Johnson joined the meeting during the Executive Session.
 - Mr. Sease made a motion to come out of Executive Session; Mr. Smith provided the second and the motion carried 6-0.
 - Newberry County Council came out of Executive Session at 5:17 p.m. and no action was taken.
2. Review and discussion of proposed revisions to the buffer and open space requirements in the Zoning Ordinance of Newberry County codified in Chapter 153 of the Code of Ordinances of Newberry County.
- Mr. Shacker said this will go before the Joint Planning Commission at their next meeting, but staff wanted to show these revisions to the zoning ordinance to Newberry County Council first.
 - These revisions would address current zoning districts, and it would correct some existing language in the ordinance as it applies to planned development districts and buffer and landscape requirements.
 - Mr. Shacker reviewed the proposed revisions to the zoning ordinance, as presented with these minutes.
 - Mr. Shacker said one thing that is not in the revisions relates to clearcutting. He said in some counties they identify exemptions; they require a tree survey and a permit to be issued any time land is clearcut unless it is exempt. He said you typically would have a period of time the land could not be developed unless the provision in the ordinance related to the survey and maintaining buffers were complied with.
 - Mr. Sease said he'd like to put that in the ordinance as he could see someone go in and claim to be doing a timber project but then sell the property to a developer six months later.
 - Mr. Shacker said there is a minimum acreage it applies to and then a waiting period.
 - Mr. Sease said he'd like that language added, and Mr. Shacker said that is easily added.

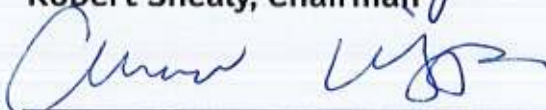
- Mr. Sease asked about duplex, he said to him, the duplex should also have a 100 feet buffer. Mr. Shacker said they can make that change.
- Mr. Johnson had two questions, regarding the discussion during the last Work Session and the new zoning district. He said it was suggested that moving from eight to six houses during public comments per acre in developments, and if administration has looked back at that and could Mr. Shacker provide an update. Mr. Shacker said he has looked at that, and it is not in the proposed ordinance for first reading, but as it has been said many times that is a living document until it gets to third reading. He said he did calculations on it, and it would be a reasonable standard.
- Mr. Johnson's other question has the proposed ordinance (from the last Work Session) been put on the website and if not, could it be. Mr. Shacker said they can get that on the website.
- Regarding the duplex discussion, Mr. Shealy said if it is a single duplex he doesn't have a problem with it, but if it is multiple duplexes they need to specify. Mr. Sease said they need to clarify, single duplex. Mr. Shacker said he will add some clarifying language.

3. Adjournment.

- Mr. Reeder made a motion to adjourn; Mr. Smith provided the second and the motion carried 6-0.
- The Newberry County Council Work Session adjourned at 5:47 p.m.

NEWBERRY COUNTY COUNCIL


Robert Shealy, Chairman


Andrew Wigger, Clerk to Council

Minutes Approved: Oct. 15, 2025

§ 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.