

**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

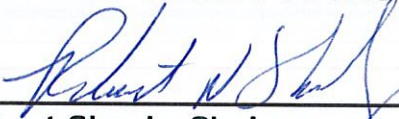
amount of money, but you'd have requirements related to how it is spent, and some are timely. This would put the county in a position of coming up with a source of additional revenue to pay for the items.

- 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.

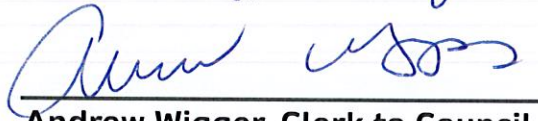
2. Adjournment.

- 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: 11-05-2025

§ 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.