



**NEWBERRY COUNTY COUNCIL
ZONING WORK SESSION
MINUTES
APRIL 27, 2015
6:00 P.M.**

Newberry County Council met on Monday, April 27, 2015, at 6:00 p.m. in Council Chambers at the Courthouse Annex, 1309 College Street, Newberry, SC, for a zoning work session.

PRESENT: Henry H. Livingston, III, Chairman
Bill Waldrop, Councilman
Leslie (Les) Hipp, Councilman
Scott Cain, Councilman
Travis Reeder, Councilman
Wayne Adams, County Administrator
A.J. Tothacer, County Attorney
Laurie Renwick, Clerk to Council

ABSENT: Kirksey Koon, Vice Chairman
Steve Stockman, Councilman

MEDIA: None Present

The meeting was duly advertised as required by law.

Chairman Livingston called the meeting to order.

1. Introduction – Wayne Adams, County Administrator

Mr. Adams turned the meeting over to Cheryl Matheny.

2. Presentation of Proposed Zoning Ordinance

Cheryl Matheny with the Matheny-Burns Group presented a PowerPoint on the current landscaping and tree protection requirements incorporated in the Zoning Ordinance as well as a summary of proposed changes to those requirements. (Attached and part of the official minutes).

The work session was interactive with Council discussion and input.

3. *Public Comments*

No comments

4. *Adjournment*

Chairman Livingston adjourned the meeting at 7:24 p.m.

NEWBERRY COUNTY COUNCIL

Henry H. Livingston, III, Chairman

APPROVED:

Laurie N. Renwick, Clerk to Council

Newberry County Council

Work Session on the Zoning Ordinance Update



April 27, 2015

Work Session Agenda

- Resolve items from last work session
- Review of Council and Staff Goals and Priorities related to Landscaping and Tree Protection
- Discussion of Current Landscaping and Tree Protection Requirements
- Summary of Major Proposed Changes to Landscaping and Tree Protection
- Discussion of any Council changes to Table of Uses
- Additional Council Discussion and Input

Review, Discussion and Resolution of Items from Previous Work Session



Recreational Vehicles as Temporary Accommodation in R2

- **Section 153.124** - should gravel pads be required for each RV space in the R2 district?
 - Requirements – pad size, construction, parking for other vehicles, driveways, etc.
 - Alternative – require appropriate/adequate surface for each RV
- **Section 153.089** – should a height restriction for structures/buildings be included for uses other than residential/agricultural in R2? If so, what should that be?

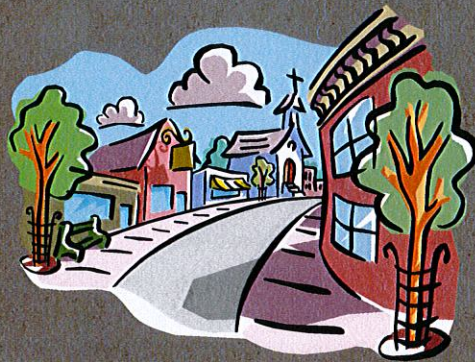
Review of Council and Staff Goals and Priorities for Landscaping and Tree Protection



Identified Council and Staff Priorities Landscaping and Tree Protection

- Simplify and streamline regulations
- Make ZO simpler to read, interpret, and administer
- Make staff decisions quantifiable rather than subjective, provide clear standards for interpretation
- Remove or minimize regulations that are not needed, used, or enforceable
- Make ZO regulations appropriate for a primarily rural county

Current Landscaping and Tree Protection Requirements



Current Requirements

- Many of the requirements are difficult or not possible to administer and enforce
- Provides no requirements for ongoing maintenance of plants once installed
- Insuring that plants are installed correctly, protected during construction, and properly maintained requires multiple onsite inspections
- Key requirements meant to protect adjoining properties from incompatible land uses and features have been included in some form in the ZO draft

Current Requirements

- Requires detailed tree and landscaping survey even though site plans as required in the current and proposed ZO do not require a professional survey
- Timber harvesting is permitted by State law, often by the time a site plan or subdivision plat is submitted for approval the land has already been cleared
- No arborist or other professional on staff with knowledge of tree health and BMPs for planting and maintenance

Key Issues – Landscaping and Tree Protection

- Council priorities and concerns?
- Staff time needed for administration and enforcement
- Lack of staff expertise in plant health and BMPs for planting and maintenance
- Many properties are cleared before a site plan has been submitted
- Requirements must be simple to interpret and administer and enforceable by staff
- Costs for detailed survey could be prohibitive

Summary of Major Proposed Changes Landscaping and Tree Protection



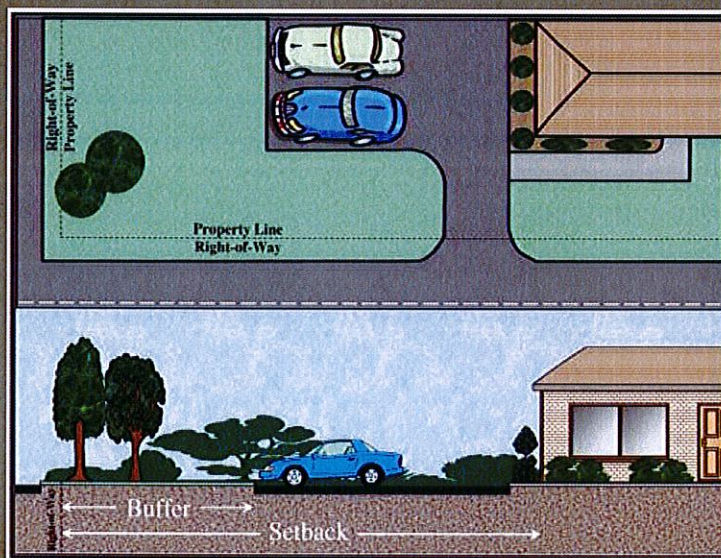
Article 9 – Buffers, Screening and Landscaping

- All landscaping requirements, including those previously required in “bufferyards,” were removed per staff and Council request, except for trees in parking lots or landscaping included for conditional uses or special exceptions
- Buffers are required along all applicable property boundaries for new development, redevelopment sites, and when an existing commercial or industrial use is expanded by more than 25%

Article 9 – Buffers, Screening and Landscaping

- Buffers
 - Revised former “bufferyard” requirements, now called “buffers” with landscaping only as provided in screening requirements, conditional uses, or special exceptions
 - Clarified requirements for buffers
 - Added Buffer Width Table, updated required distances for more intense uses - if no “screening” via landscaping is required, buffers were increased to provide additional separation from incompatible uses

Buffer and Setback Diagram



Buffer Width Table

Proposed Use	Existing Use			
	Residential, Single-family ¹	Residential, Duplex ¹	Residential, Multi-family ¹	Manufactured Home Park
Residential, Single-family Detached	0'	0'	0'	0'
Residential, Duplex	0'	0'	0'	0'
Residential, Single-family Attached	25'	25'	25'	25'
Residential, Zero Lot Line	25'	25'	25'	25'
Residential, Multi-family	50' 0 ²	50' 0 ²	50'	50'
Manufactured Home Park	50' 0 ²	50' 0 ²	50'	50'
Commercial	50' 30 ²	50' 30 ²	30'	30'
Industrial	50' 30 ²	50' 30 ²	50' 30 ²	50' 30 ²

¹ Existing residential and residentially zoned properties

Article 9 – Buffers, Screening and Landscaping

- Screening
 - Added screening requirements to replace former “bufferyard” requirements for more intense features or incompatible land uses/activities
 - Requires opaque screening – wall, fence, building, berm, natural areas, or combination
 - Provides height and length requirements including measurement
 - Provides requirements for screening of features -

Article 9 – Buffers, Screening and Landscaping

- Screening, continued
 - Requires screening for some land uses per staff request between proposed commercial or industrial uses and existing adjacent residential and residentially zoned properties
 - Provides requirements for berms, if used as screening
 - Allows use of natural areas as screening of uses/activities if adequate for the purpose

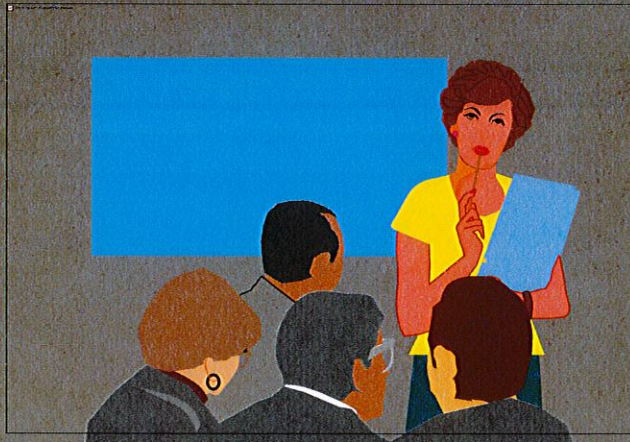
Article 9 – Buffers, Screening and Landscaping

- Parking Lot Tree Canopy (trees in parking lots) added to protect health, provide shade, reduce expanses of asphalt, and reduce ambient temperatures in parking lots
 - Provides requirements for maintenance, planting, location, replacement, irrigation, pruning
 - Updates previous requirements for parking lot trees for clarity and to provide reasonable and enforceable installation and maintenance requirements

Discussion of Council Changes to Table of Permitted Uses



Additional Council Discussion and Input



Summary of Discussion and Changes to ZO Draft 4/13/15

(Text shown in red is new or changed text)

- **Table of Contents** – edited to reflect renumbering in **Article 6 – Conditional Uses** and **Article 7 – Special Exceptions**
- **Article 3 - General Regulations, Section 153.035** – Parking of Commercial Vehicles – removed section (B) related to parking of commercial vehicles on lots accessed by a paved County road
- **Article 5 - Zoning District Regulations, Section 153.073 –Zoning District Table of Uses**
 - Under category “RESIDENTIAL”
 - Changed “Dwelling, Multi-family” from “C” to “SE” in the RG district
 - Changed “Dwelling, Zero Lot Line” from a conditional use to not permitted in R2 for consistency since “Dwelling, Single-family Attached” is not allowed in R2
 - Renumbered nearly all C/SE References due to move of “Dwelling, Multi-family” from **Article 6 – Conditional Uses** to **Article 7 – Special Exceptions**
 - Under category “NATURAL RESOURCES” – changed description of “Nurseries” to:
Nursery and Tree Production (not also including retail of plants raised onsite) per Council request to allow nurseries and greenhouse operations to see products grown onsite, and for consistency with NAICS classification of use
 - Under “COMMERCIAL – RETAIL” – changed description of “Garden Equipment and Sales” to “Nursery, Lawn/Garden Equipment and Supplies, Farm Supplies” for clarification (see Nursery and Tree Production above) and consistency with NAICS classification of use
- Former **Section 153.038** – “Dwelling, Multi-family” added to **Article 7 – Special Exceptions**, moved from **Article 6 – Conditional Uses**. Added three requirements for consistency with other special exceptions:
 - (H) The use will not substantially injure the value of adjoining properties.
 - (I) Site design shall ensure safe, predictable vehicular access and movement onto and off of the site.
 - (J) Additional conditions may be imposed to ensure that the use will not create a safety, health or traffic hazard.
- **Article 6 – Conditional Uses** – renumbered to accommodate the move of “Dwelling, Multi-family” to **Article 7 – Special Exceptions**

- **Article 6 – Conditional Use Regulations, Section 153.124 (now 153.123) – Recreational Vehicle as Temporary Accommodation**
 - **Subsection (H)(1) – Purpose** - added text in red:
The purpose of this section is to enable limited use of recreation vehicles (RVs) as temporary accommodations for workers who will be working for a period of time in or near the County, but do not intend to permanently relocate to the area. This section does not apply to a single temporary RV as otherwise allowed by this Zoning Ordinance.
 - **Subsection (H)(2)(a)** - changed text in red:
The parcel must be ~~five~~ 10 contiguous acres or larger.
 - **Subsection (H)(2)(b)** - changed text in red:
One such temporary RV may be allowed per acre, however RV units may be clustered as long as they comply with all other requirements of this section and the setbacks required in the R2 zoning district ~~not including one acre for a permanent residence if one is on the parcel~~. No more than ~~10~~ five temporary RVs shall be allowed for this use on one parcel.
 - Added new subsection **(H)(c)**:
No portion of any RV may be located closer than 20' to any portion of another RV or from a permanent residence.
 - There was discussion on whether to include a requirement for a concrete/asphalt/gravel pad for each RV but no resolution so discussion will be resumed at the April 27 Council work session

- **Article 6 – Conditional Use Regulations, Section 153.089 – R2 Rural District Conditional Uses**
 - In **subsection (C)** changed square footage for conditional use from 5,000 sq ft to 3,000 sq ft or less
 - There was discussion on whether to include a height restriction for R2, but no resolution so discussion will be resumed at the April 27 Council work session

- **Article 7 – Special Exceptions**
 - Renumbered to accommodate new SE “Dwelling, Multi-family,” moved from Article 6 – Conditional Uses
 - **Section 153.137 – R2 Rural District Special Exceptions** – made the following change shown in red text:
If the single structure or combination of structures to be included in the proposed non-residential use exceeds ~~5,000~~ 3,000 square feet in gross floor area, it must be permitted by special exception, provided the Board of Zoning Appeals finds that the conditions provided in *§153.089 – R2 Rural District Conditional Uses* are met, in addition to applicable considerations as provided in *§153.137(A)*.

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Table of Permitted Uses 4/13/15

P - Permitted C - Conditional SE - Special Exception Dash (-) - Not Permitted										
Description of Use	2012 NAICS	R2	RS	RSV	RSV	RG	LC	GC	IND	CSE Reference
RESIDENTIAL										
Cluster Development, Single-Family	NA	C	-	-	C	C	-	-	-	153.090
Dwelling, Above Non-residential Use	NA	C	-	-	-	-	C	C	-	153.091
Dwelling, Duplex	NA	P	-	-	-	P	P	-	-	
Dwelling, Multi-Family	NA	-	-	-	-	SE G	-	-	-	153.038
Dwelling, Single-Family Attached - Patio Home - Townhouse	NA	-	-	-	-	C	-	-	-	153.092
Dwelling, Single-Family Detached	NA	P	P	P	P	P	P	-	-	
Dwelling, Zero Lot Line	NA	G	-	-	C	C	C	-	-	153.093
Equestrian Subdivision Development	NA	C	-	-	-	-	-	-	-	153.094
Manufactured Home (built after June 15, 1976) on individual property	NA	P	-	-	P	P	-	-	-	
Manufactured Home Park	531190	-	-	-	-	SE	-	-	-	153.139
Mobile Home (built before June 15, 1976)	NA	-	-	-	-	-	-	-	-	
Rooming and Boarding House	721310	P	-	-	-	-	P	P	-	
ASSESSORY USES TO RESIDENTIAL USES										
Barns, Silos, Outbuildings for Agricultural Use and Equipment	NA	P	-	-	-	-	-	-	-	
Boat Dock, Private	NA	P	P	P	P	P	P	-	-	
Boat Dock, Community (non-commercial)	NA	P	P	P	P	P	P	-	-	
Domestic Animal Shelters	NA	P	P	P	P	P	P	-	-	
Family Day Care Home	624410	C	C	-	C	C	C	-	-	153.095
Garage Apartment, Accessory to Single-family Dwelling	NA	P	C	C	C	C	-	-	-	153.096
Garage for Motor Vehicle, Private	NA	P	P	P	P	P	P	-	-	
Garden and Greenhouse, Private (non-commercial)	NA	P	P	P	P	P	P	-	-	
Home Occupation	NA	C	C	C	C	C	C	-	-	153.097
Horse Stables, Horses for Personal Recreational Use	NA	P	C	C	C	C	P	-	-	153.098
Junked Vehicle Storage	NA	C	C	C	C	C	C	C	C	153.099
Open Parking Area for one Commercial Motor Vehicle per DU	NA	P	-	-	P	P	P	-	-	
Private Swimming Pool with Deck, Bath House or Cabana	NA	P	P	P	P	P	P	-	-	
Private Tennis Court, picnic facilities, Other Outdoor Recreation	NA	P	P	P	P	P	P	-	-	

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Table of Permitted Uses 4/13/15

P=Permitted C=Conditional SE=Special Exception Dash (-)=Not Permitted										
Description of Use	2012 NAICS	R2	RS	RSV	RSM	RG	LC	GC	IND	CSE Reference
Private Residential Community Recreation, Community Center, Common Area, or Storage Area (within residential community)	NA	P	P	P	P	P	P	-	-	
Structure for Storage of Building or Lot Maintenance Equipment	NA	P	P	P	P	P	P	-	-	
EDUCATION										
College or University	6113	C	-	-	-	-	P	P	-	153.089
Community or Junior College	6112	C	-	-	-	-	P	P	-	153.089
Elementary, Intermediate or Middle School, Public and Private	6111	P	P	-	P	P	P	P	-	
Kindergarten, Private	6111	P	P	-	P	P	P	P	-	
Other Schools and Places of Instruction	6116	C	-	-	-	-	P	P	-	153.089
Preschool	624410	P	P	-	P	P	P	P	-	
Professional School	6114	C	-	-	-	-	-	P	-	153.089
High School, Public and Private	6111	P	P	-	P	P	P	P	-	
Vocational, Technical and Trade School	6115	C	-	-	-	-	-	P	P	153.089
HEALTH CARE AND SOCIAL SERVICES										
Ambulance and EMS Services	62191	C	-	-	-	-	P	P	-	153.089
Community Care and Assisted Living Facilities for the Elderly	62331	C	-	-	-	-	P	P	-	153.089
Day Care Centers, Child and Adult	624410 624120	C	C	-	C	C	C	C	-	153.100 153.089
Home Health Care services	6216	C	-	-	-	-	P	P	-	153.089
Hospital, General	6221	C	-	-	-	-	-	C	-	153.101 153.089
Hospital, Psychiatric and Substance Abuse	6222	C	-	-	-	-	-	C	-	153.101 153.089
Hospital, Other Specialty	6223	C	-	-	-	-	-	C	-	153.101 153.089
Laboratory, Medical and Diagnostic	6215	C	-	-	-	-	-	P	-	153.089
Nursing Home	6231	C	-	-	-	-	C	C	-	153.102 153.089
Other Ambulatory Health Care Services	6219	C	-	-	-	-	P	P	-	153.089
Outpatient Care Centers	6214	C	-	-	-	-	P	P	-	153.089
Physician, Dentist, Other Health Care Practitioner Office	6211 6212 6213	C	-	-	-	-	P	P	-	153.089
Social Services and Assistance	624	C	-	-	-	-	P	P	-	153.089
GOVERNMENT										
Correctional Institution, County	922140	C	-	-	-	-	-	P	-	153.089

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Table of Permitted Uses 4/13/15

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Description of Use	2012 NAICS	R2	RS	RSV	RSM	RG	LC	GC	IND	CSE Reference
Correctional Institution, Other	922140	SE	-	-	-	-	-	SE	-	153.140 153.089
Executive, Legislative, General Government	921	C	-	-	-	-	P	P	P	153.089
Fire Services	92216	C	-	-	-	-	P	P	P	153.089
Judicial Building	922110	C	-	-	-	-	P	P	P	153.089
Police Services	922120	C	-	-	-	-	P	P	P	153.089
Post Office	491	P	-	-	-	-	P	P	P	
ARTS, ENTERTAINMENT AND RECREATION										
Amusement Arcade	713120	-	-	-	-	-	-	P	-	
Amusement Ride	713990	-	-	-	-	-	-	P	-	
Ball Field	713990	P	-	-	-	-	-	-	-	
Botanical Garden	712130	P	-	-	-	-	P	P	-	
Bowling Center	713950	-	-	-	-	-	-	P	-	
Campground & RV Parks, Commercial	7212	SE	-	-	-	-	-	-	-	153.141 153.089
Driving Range, Standalone	713990	P	-	-	-	-	-	-	-	
Fairs	711310	C	-	-	-	-	-	-	C	153.103
Fishing, Hunting and Trapping	114	P	-	-	-	-	-	-	-	
Fitness and Recreational Sports Center	713940	C	-	-	-	-	-	P	-	153.089
Golf Course	713910	P	P	P	P	P	-	-	-	
Hunting Preserve	114210	P	-	-	-	-	-	-	-	
Marina, Public	713930	P	-	-	-	-	-	C	-	153.104
Miniature Golf	713990	C	-	-	-	-	-	P	-	153.089
Museum	712110	C	-	-	-	-	-	P	-	153.089
Nature Park	712190	P	-	-	-	-	P	P	-	
Park with Playground	713990	P	P	P	P	P	-	-	-	
Park and Recreation Facilities	713990	P	-	-	-	-	-	-	-	
Performing Arts Facilities	7111	-	-	-	-	-	-	SE	-	153.142 153.089
Racetracks	711212	SE	-	-	-	-	-	-	SE	153.142 153.089
Recreational Day Camp	611620	C	-	-	-	-	-	-	-	153.105
Shooting or Archery Range	713990	C	-	-	-	-	-	-	-	153.105
Spectator Sport Complex	71121	SE	-	-	-	-	-	-	SE	153.142 153.089
Stadium	711310	-	-	-	-	-	-	-	SE	153.142 153.089
Swimming	713940	P	P	P	P	P	P	-	-	
Tennis	713940	P	P	P	P	P	P	-	-	

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Description of Use	2012 NAICS	RS	RS	RSV	RSM	RG	LC	GC	IND	C/SE Reference
Zoo	712130	SE	-	-	-	-	-	-	SE	153.143 153.089
RELIGIOUS AND RELATED USES										
Educational Building, Religious (not including Preschool, School or Daycare uses)	8131	P	P	P	P	P	P	P	-	
Parsonage or Parish House, Accessory to Religious Use	NA	P	-	-	-	-	P	P	-	
Places of Worship	8131	P	P	P	P	P	P	P	P	
Recreation Facility, Accessory to Religious Use	8131	P	-	-	-	-	P	P	-	
Religious Organizations	8131	P	P	P	P	P	P	P	-	
SERVICE ORGANIZATIONS										
Clubs, Civic and Social	8134	C	-	-	-	-	-	P	-	153.089
Clubs, Civic and Social - no alcohol sales	8134	P	-	-	-	-	P	P	-	
ACCOMODATION AND FOOD SERVICES										
Bed & Breakfast Inn	721191	C	-	-	-	-	P	P	-	153.089
Drinking Places, Bars	7224	C	-	-	-	-	P	P	-	153.089
Hotels and Motels	72111	C	-	-	-	-	-	P	-	153.089
Restaurant, full service	722511	C	-	-	-	-	P	P	-	153.089
Restaurant with drive-thru	722513	C	-	-	-	-	P	P	-	153.089
Special Food Service	7223	C	-	-	-	-	P	P	-	153.089
OTHER SERVICES										
Automotive Service, Repair and Maintenance	8111	C	-	-	-	-	P	P	-	153.089
Car Wash	811192	C	-	-	-	-	P	P	-	153.089
Cemetery	81222	P	-	-	-	-	P	-	-	
Dry Cleaning and Laundry	8123	C	-	-	-	-	P	P	-	153.089
Funeral Home, Crematories	81221 81222	C	-	-	-	-	P	P	-	153.089
Kennel, Other Pet Care Services	812910	C	-	-	-	-	C	C	-	153.106 153.089
Landscaping Service	561730	C	-	-	-	-	-	-	-	153.089
Personal Care Services (including Barber & Beauty shops, Nail Salons, Day Spas), excluding Tattoo Parlors and Sexually Oriented Businesses (NAICS 812199)	8121	C	-	-	-	-	P	P	-	153.089
Repair, Electronic and Precision Equipment, Commercial and Industrial Machinery and Equipment	8112 8113	C	-	-	-	-	P	P	-	153.089
Repair, Personal and Household Goods	8114	C	-	-	-	-	P	P	-	153.089

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Description of Use	2012 NAICS	R2	R5	RSV	RSM	RG	LC	CC	IND	C/SE Reference
Sexually Oriented Business	812199	-	-	-	-	-	-	SE	-	153.144
Social Advocacy, Business, Professional and Similar Organizations	8133 8139	C	-	-	-	-	P	P	-	153.089
Tattoo or Body Piercing Establishment	812199	-	-	-	-	-	-	P	-	
COMMERCIAL - RETAIL										
Automotive Parts, Accessories and Tire Stores	4413	C	-	-	-	-	-	P	-	153.089
Beer, Wine and Liquor Store	4453	C	-	-	-	-	-	P	-	153.089
Building Materials and Supplies	4441	C	-	-	-	-	-	P	-	153.089
Clothing and Accessories Store	448	C	-	-	-	-	P	P	-	153.089
Convenience Store with fuel pumps	447110	C	-	-	-	-	P	P	-	153.089
Convenience store, w/out fuel pumps	445120	C	-	-	-	-	P	P	-	153.089
Courier Services	492	C	-	-	-	-	P	P	P	153.089
Furniture, Home Furnishings, Electronics, Appliance Store	442 443	C	-	-	-	-	P	P	-	153.089
Gasoline Station, w/o convenience store	447190	C	-	-	-	-	P	P	-	153.089
Garden Equipment and Supplies	4442	C	-	-	-	-	P	P	-	153.089
General Merchandise Stores	452	C	-	-	-	-	P	P	-	153.089
Grocery and Beverage Store	445	C	-	-	-	-	P	P	-	153.089
Health and Personal Care Store	446	C	-	-	-	-	P	P	-	153.089
Jewelry Store	448310	C	-	-	-	-	P	P	-	153.089
Manufactured Home Dealer	453930	C	-	-	-	-	-	P	-	153.089
Mini-warehouse and Commercial Personal Storage	531130	C	-	-	-	-	-	C	C	153.107 153.089
Motor Vehicle Dealers	4411 4412	C	-	-	-	-	-	P	-	153.089
Non-store Retailers	454	C	-	-	-	-	P	P	-	153.089
Nursery, Lawn/Garden Equipment and Supplies, Farm Supplies	44420	C	-	-	-	-	P	P	-	153.089
Roadside Fruit and Vegetable Markets	445230	P	-	-	-	-	P	P	-	
Sporting Goods, Hobby, Music, Book Store	451	C	-	-	-	-	P	P	-	153.089
Store Retailers, Other Miscellaneous	453	C	-	-	-	-	P	P	-	153.089
Vending Machine Operators	4542	C	-	-	-	-	P	P	-	153.089
COMMERCIAL - WHOLESALE										
Chemical and Allied Products, Wholesale	424690	-	-	-	-	-	-	-	SE	153.145
Durable and Nondurable Goods, Wholesale Trade (excluding NAICS 424690, 42393, 424710, 423140)	42	C	-	-	-	-	-	P	-	153.089

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P = Permitted C = Conditional SE = Special Exception Dist (-) = Not Permitted											
Description of Use	2012 NAICS	RJ	RS	RSV	RSM	RG	LC	GC	IND	CSE Reference	
Petroleum Bulk Stations and Terminals, Wholesale	424710	-	-	-	-	-	-	-	SE	153.145	
Salvage and Scrap Operations; Recyclable Materials Merchant, Wholesale; Used Motor Vehicles Parts, Wholesale; Junkyards	42393 423140	SE	-	-	-	-	-	-	SE	153.146 153.089	
INFORMATION											
Broadcasting and Telecommunication (except NAICS 5172 communications towers)	515 517	C	-	-	-	-	P	P	-	153.089	
Information and Data Processing	518 519	C	-	-	-	-	P	P	-	153.089	
Motion Picture Production (except 512131 and 512132)	5121	C	-	-	-	-	-	-	P	153.089	
Movie Theater (not drive-in)	512131	C	-	-	-	-	P	P	-	153.089	
Movie Theater (drive-in)	512132	SE	-	-	-	-	-	-	-	153.147 153.089	
Newspaper and Software Communications and publishing	511	C	-	-	-	-	P	P	P	153.089	
Communication Tower, Cell and Antennas	5172	C	SE	SE	SE	SE	C	C	C	153.108 153.148	
PROFESSIONAL AND OFFICE											
Contractors, All Types	23	C	-	-	-	-	-	-	P	153.089	
Finance and Insurance	52	C	-	-	-	-	P	P	-	153.089	
Pawn Shops	522298	C	-	-	-	-	P	P	-	153.089	
Professional, Scientific and Technical Services and Offices (excluding NAICS 54194 Veterinary Services)	54	C	-	-	-	-	P	P	-	153.089	
Real Estate, Rental and Leasing	53	C	-	-	-	-	P	P	-	153.089	
Veterinary Services	541940	C	-	-	-	-	C	C	-	153.109 153.089	
INDUSTRIAL - Processing, Manufacturing, Warehousing, Distribution											
Fuel dealer	454310	-	-	-	-	-	-	-	P		
Manufacturing, Limited	3112, 3114, 3115, 3118, 3119, 3121, 315, 3162, 3169, 232, 327111-113, 327999, 332, 333314, 334, 336991, 337, 339	C	-	-	-	-	-	-	P	153.089	
Manufacturing, All Types (excluding NAICS 324 and 32592)	31, 32, 33	-	-	-	-	-	-	-	P		

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Table of Permitted Uses 4/13/15

P = Permitted C = Conditional SE = Special Exception Dash (-) = Not Permitted										
Description of Use	2012 NAICS	RS	RS	RSV	RSM	RG	LC	GC	IND	CSE Reference
Manufacturing, Petroleum & Coal Products	324	-	-	-	-	-	-	-	SE	153.149
Manufacturing, Explosives	325920	-	-	-	-	-	-	-	SE	153.149
Warehousing and Storage	493	C	-	-	-	-	-	C	P	153.110 153.089
TRANSPORTATION										
Air Transportation, Public (including NAICS 48111 Air Traffic Control)	4811	-	-	-	-	-	-	-	C	153.111
Air Transportation, Private (including associated hangers and runways)	48121	C	-	-	-	-	-	-	C	153.112
Air Transportation Support	4881	-	-	-	-	-	-	-	C	153.111
Bus and Rail Terminals	488490 488210	-	-	-	-	-	-	C	P	153.113
Transportation Support Activities (excluding NAICS 4881, 488490, 488210)	488	C	-	-	-	-	-	P	P	153.089
UTILITIES AND INFRASTRUCTURE										
Compost Facilities	562219	C	-	-	-	-	-	-	-	153.089
Electric Power Generation	22111	C	-	-	-	-	-	-	P	153.089
Landfill, Class One and Two	562212	SE	-	-	-	-	-	-	-	153.150 153.089
Renewable Power Generation, Non-commercial	NA	C	-	-	-	-	-	-	P	153.089
Sewage Treatment Facilities	22132	C	-	-	-	-	-	-	P	153.089
Waste Management and Remediation Services (excluding NAICS 562212)	562	SE	-	-	-	-	-	-	P	153.151 153.089
Water Treatment Plants	22131	C	-	-	-	-	-	-	P	153.089
Utility, Public Utility Office or Operations Center only	22	C	-	-	-	-	P	P	-	153.089
NATURAL RESOURCES - Agriculture, Forestry, Mining/Extractive										
Agricultural Support Activities	115	P	-	-	-	-	-	-	-	
Agriculture, Related Structures	111 112	P	-	-	-	-	-	-	-	
Animal Production (except as otherwise listed)	112	P	-	-	-	-	-	-	-	
Concentrated Animal Feeding Operations, all except Swine	112 112112 1123	C	-	-	-	-	-	-	-	153.114
Concentrated Animal Feeding Operations, Swine	1122	SE	-	-	-	-	-	-	-	153.152
Aquaculture	1125	P	-	-	-	-	-	-	-	
Auctions, Livestock Wholesale	424520 424590	SE	-	-	-	-	-	-	-	153.153
Cattle Ranching and Farming	112111	P	-	-	-	-	-	-	-	

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Table of Permitted Uses 4/13/15

P=Permitted C=Conditional SE=Special Exception Dash (-)=Not Permitted										
Description of Use	2012 NAICS	R2	RS	RSV	RSM	RG	LC	GC	IND	GSE Reference
Crop Production	111	P	-	-	-	-	-	-	P	
Horses and Other Equine Production	11292	P	-	-	-	-	-	-	-	
Farmer's Markets per DHEC	445230	P	-	-	-	-	-	-	-	
Forestry and Logging	113	P	-	-	-	-	-	-	P	
Mining	212	SE	-	-	-	-	-	-	SE	153.154
Mining Support Activities	213	SE	-	-	-	-	-	-	SE	153.154
Nurseries Nursery and Tree Production (not also including retail of plants grown onsite)	111421	P	-	-	-	-	-	-	-	
Poultry Hatcheries	112340	P	-	-	-	-	-	-	-	
Slaughterhouse Operation	112	SE	-	-	-	-	-	-	-	153.152
ASSESSORY USES TO NON-RESIDENTIAL USES										
Cemetery and/or Columbarium, Accessory to Religious Use	81222	P	-	-	-	-	P	-	-	
Completely Enclosed Building for Storage of Supplies or Merchandise for Use in the Principal Business or Industry	NA	P	-	-	-	-	P	P	P	
Helipad, Accessory to Commercial and Industrial Uses	488119	C	-	-	-	-	-	C	C	153.115
Housing, Accessory to Agricultural Use	NA	C	-	-	-	-	-	-	-	153.116
Junked Vehicle Storage	NA	C	C	C	C	C	C	C	C	153.100
Open Outdoor Storage	NA	C	-	-	-	-	C	C	C	153.117
Shed for Storage of Building or Lot Maintenance Equipment for Nonresidential use	NA	P	-	-	-	-	P	P	P	
Storage, Transport Container	NA	C	-	-	-	-	-	C	P	153.118
TEMPORARY USES										
Contractor office & equipment shed - temporary	23	C	C	C	C	C	C	C	C	153.119
Manufactured Home, Emergency Housing	NA	C	C	C	C	C	-	-	-	153.120
Manufactured Home, Temporary Assistance	NA	SE	SE	SE	SE	SE	-	-	-	153.155
Manufactured Home, Temporary during Construction	NA	C	C	C	C	C	-	-	-	153.121
Portable On-demand Container (POD), as Temporary Storage	NA	C	C	C	C	C	C	C	C	153.122
Recreational Vehicle, as Temporary Accommodation	NA	C	-	C	-	-	-	-	-	153.123

Current Zoning Ordinance Requirements for Landscaping and Trees

§ 153.125 APPLICABILITY.

(A) All land uses requiring site plan or subdivision plat approval shall provide and maintain landscaping in accordance with §§ 153.125 et seq. Landscaped areas shall include existing vegetation to remain following development, open space, flood plains, wetlands, and areas containing new plantings. Landscaped areas may include any perimeter landscaping required by §§ 153.125 et seq.

(B) Where necessary to accommodate creativity in site design, or where conformance with the strict requirements of §§ 153.125 et seq. are not feasible, the Zoning Administrator may modify these requirements, provided that the type and amount of landscaping or other features are equivalent in effectiveness. (Ord. 12-24-01, passed 12-5-2001) Penalty, see § 10.99

§ 153.126 TREE AND LANDSCAPING SURVEY.

(A) Identification of existing trees, understory vegetation, and topographical features on a site prior to the advanced preparation of development plans enables the reasonable and practical planned preservation of existing vegetation while considering unique site conditions. This requirement provides the county and the applicant the ability to evaluate the proposed development in order to preserve vegetation, to improve the appearance of the development proposed and to encourage the use of the existing forest and tree canopy, specimen trees, and significant vegetation to satisfy the requirements of §§ 153.125 et seq. A tree survey is intended to identify forest stands or trees of a uniform size and species (homogeneous trees); specimen trees of varying sizes and species, particularly free standing or open-grown or field grown trees; and/or a distinctive tree line or forest edge.

(B) Tree survey requirements are as follows.

(1) The area to survey is to be located within the proposed construction limits, building envelope, or area of the site to be disturbed and is to extend a minimum of 10 feet outside of this area.

(2) Provide a general written description of the significant vegetation 12 inches in diameter at breast height (DBH) or greater and native understory species 2 inches or greater, including tree species and uniform the size and height of stands of homogeneous trees including the typical tree species composition of the forest stand, typical tree size, typical spacing between trees, and general health and vigor of the stand and specimen trees.

(3) Denote the trunk line of any existing forest stand, as measured between existing tree trunks 6 inches or greater located at the edge of the stand.

(4) Identify all free standing, open grown, or field grown specimen trees 18 inches DBH or greater located on the site. Every effort shall be made to save the trees during development.

(5) Show all other important natural features influencing site design such as the location of wetlands, rock outcroppings, site topography at two foot contour intervals, slopes steeper than 15%, and perennial streams, natural drainage ways, lakes, and other water bodies. (Ord. 12-24-01, passed 12-5-2001) Penalty, see § 10.99

§ 153.127 TREE AND ROOT PROTECTION.

(A) An existing healthy tree greater than 10 inches in DBH (diameter breast high) is a valuable natural resource by virtue of age, size, and contribution to the environment, and must be preserved and protected to the extent practical and feasible on all lots 2 acres or less, except in the Planned Development District. Trees 10 inches in DBH shall be flagged and shown on a required plat or site plan for development. No more than 90% of the trees shall be removed from a lot, except by variance granted by the Board of Zoning Appeals. In the event a variance is granted, each tree removed shall be replaced by a tree at least 2 inches DBH in a location meeting required landscaping.

(B) Pine trees are exempted from the tree protection requirements described above. Timber harvesting is permitted as long as the appropriate best management practices (BMP's) are followed. (Ord. 12-24-01, passed 12-5-2001) Penalty, see § 10.99

§ 153.128 GENERAL PROVISIONS.

(A) *Location.* The perimeter landscaping required by §§ 153.125 et seq. shall be located along the outer perimeter of the parcel and shall extend to the parcel boundary line or right-of-way line. Plants comprising the perimeter landscape shall be appropriately spread across the entire width of the landscape area.

(B) *Existing vegetation, fences, walls, and berms.* The use of existing trees or shrubs to satisfy the perimeter landscaping requirements of this section is strongly encouraged. Existing significant vegetation within the required perimeter landscaped area shall be preserved and credited toward standards for the type of perimeter landscaping required, unless otherwise approved by Newberry County at the time of site plan approval. Existing berms, walls, or fences within the perimeter landscaped area, but not including chain link fencing, may be used to fulfill the standards for the type of perimeter landscaping required, provided that these elements are healthy and/or in a condition of good repair. Other existing site features within the required perimeter landscaped area which do not otherwise function to meet the standards for the required perimeter landscaping shall be screened from the view of other properties or removed, as determined during review and approval of the site plan.

(C) *Installation of new vegetation and other features.* If existing significant vegetation and other site features do not fully meet the standards for the type of landscaping required, then additional vegetation and/or site features (including fences) shall be planted or installed within the required landscaping area. The use of native species of trees, shrubs, vines, ground covers, and perennials is encouraged in order to make planted areas compatible with existing native habitats.

(D) *Standards for new planting.* All trees which §§ 153.125 et seq. require to be planted shall be at least 8 feet high above ground level and at least 2 inches in caliper at the time of installation, and shall have an expected mature height of at least 20 feet. All shrubs which §§ 153.125 et seq. require to be planted shall be measured at least 3 gallons in container size and 2 feet above ground level and shall reach the height required for performance within 5 years after installation. The selection of plants, planting methods, minimum height, root ball and container size, number of branches, and width, shall conform to the American Standard for Nursery Stock published by the American Association of Nurserymen for that type of tree or shrub at the time of installation. Groves of trees, as well as isolated islands with single trees,

Current Zoning Ordinance Requirements for Landscaping and Trees

are encouraged. Adequate drainage and mulching shall be provided for planting medians and islands. Each canopy tree shall be provided with a minimum pervious ground area of 300 square feet for root growth (exception: street trees) and should be planted on slopes not to exceed 4:1 horizontal to vertical distance.

(E) *Grading and development within the perimeter landscaping.* The required perimeter landscaping shall not contain any development, impervious surfaces, or site features that do not function to meet these standards or that require removal of existing significant vegetation. No grading, development, or land-disturbing activities shall occur within this area if forest canopy, specimen trees, or significant vegetation exists within the perimeter landscape area, unless approved at the time of site plan approval. If grading within a perimeter landscaped area is proposed, slopes of 3:1 or less are encouraged to ensure the proper transition of grades to the adjacent property and to facilitate landscaping.

(F) *Easements.* Nothing shall be planted or installed within an underground or overhead utility easement or a drainage easement without the consent of the county and the easement holder at the time of site plan approval.

(G) *Responsibility for installation.* Where a vacant parcel is being developed adjacent to another vacant parcel, then the developer or owner of the first parcel to be developed shall provide the perimeter landscaping required adjacent to the vacant land. Where a vacant parcel is being developed adjacent to an existing land use, then the developer or owner of the vacant parcel shall provide the perimeter landscaping required adjacent to the existing land use.

(H) *Zoning change.* If the zoning district classification changes for an existing use or parcel, then the parcel shall comply with the landscaping requirements of §§ 153.125 et seq. or, at a minimum, the intent of §§ 153.125 et seq. as prescribed by the Zoning Administrator. The owner or developer may need to install additional plant material on the parcel in order to meet the intent of §§ 153.125 et seq., especially on developed sites, or to bring the parcel up to the standards for the type of perimeter landscaping which would be required under §§ 153.125 et seq.

(I) *Standards for fences.* Fences are permitted only where they are of uniform design, materials, and construction. Fences shall supplement the existing and/or required plantings. Fences shall be maintained by the owner.

(J) *Design standards for berms.* All berms shall not exceed a slope with maximum rise of 1 foot to a run of 2 feet (a ratio of 1:2) and a maximum height of 4 feet. All berms, regardless of size, shall be stabilized with a ground cover or other suitable vegetation.

(K) *Irrigation.* The use of irrigation is encouraged in all required landscaping areas as required by §§ 153.125 et seq.

(L) *Unlawful cutting of vegetation.* No person may remove any vegetation from within any right-of-way except in areas approved by Newberry County and/or the SC Department of Transportation.

(M) *Stream and wetland buffers.* Land-disturbing activities for construction in, on, or under a lake or natural watercourse shall be planned and conducted to minimize the extent and duration of disturbance of the stream channel or lake bed. Where relocation of a stream is an

essential part of the proposed activity, the relocation shall be planned and executed to minimize changes in the stream flow characteristics, except where the developer or landowner demonstrates that the significant alteration of the flow characteristics is justified.

(1) An undisturbed, natural buffer shall be maintained along each perennial stream within the county's jurisdiction. The minimum buffer width shall be 20 feet from each side of the stream as measured from the top of the bank.

(2) No land-disturbing activities shall take place within a stream buffer or delineated wetland area, except for required streets and associated facilities, utility mains and easements, and/or greenways and pedestrian paths. Roads and golf courses may cross a buffer, provided they do not cross at an angle of less than 60 degrees.

(3) Streams, wetlands, and required buffers shall be shown on all site plans and subdivision plats for approval and recording. (Ord. 12-24-01, passed 12-5-2001) Penalty, see § 10.99

§ 153.129 TYPES OF LANDSCAPING.

The 5 types of landscaping are defined as follows, and shall meet the following performance requirements.

(A) *Type A (opaque screen/buffer).*

(1) Location and required usage;

(a) Transition yard between GC, LI, and BI lots and residentially zoned lots or lots with residential uses - minimum width 30 feet;

(b) Transition yard between LI and BI lots and commercial lots - minimum width 20 feet;

(c) Transition yard between LC lots and residentially zoned lots - minimum width 15 feet; and

(d) Edge of all yards abutting right-of-way of Interstate 26 - minimum width 25 feet.

(2) This type functions as an opaque screen from the ground to a height of at least 8 feet. This type excludes visual contact between uses and creates a strong impression of spatial separation. Composition of the Type A landscaping may include a wall, wood fence, landscaped earthen berm, planted vegetation, existing vegetation, or any appropriate combination of these elements. Intermittent planting of deciduous and evergreen trees shall obtain a height at maturity of no less than 20 feet and have no unobstructed openings wider than 10 feet between tree canopies upon maturity. Shrub plantings shall have a minimum height of 3 feet at installation and have no unobstructed openings wider than 4 feet. At least 50% of the required trees, and at least 75% of the required shrubs, shall be evergreen species locally adapted to the area.

(B) *Type B (semi-opaque screen).*

Current Zoning Ordinance Requirements for Landscaping and Trees

(1) Location and required usage:

(a) Transition yard between commercially zoned lots or between industrially zoned lots - minimum 10 feet; and

(b) Perimeter yard of all parking and storage areas visible from the street (LC, GC, LI, BI) - minimum width 10 feet.

(2) This type functions as a semi-opaque screen from the ground to at least a height of 4 feet for screening of car lights and glare. Composition of the Type B landscaping may include a wall, fence, planted vegetation, existing vegetation, or any appropriate combination of the elements. Intermittent planting of deciduous and evergreen trees shall obtain a height at maturity of no less than 20 feet and have no unobstructed openings wider than 20 feet between canopies upon maturity. Shrub plantings shall have no unobstructed openings wider than 4 feet. At least 75% of the required shrubs shall be evergreen species locally adapted to the area. All side yard parking areas in the LC district shall be screened from the sidewalk by low walls, fences, or constructed as a continuation of the building wall a minimum of 3 feet in height. Landscaping may be used in combination with walls or fences but shall not exceed 50% of the total required width.

(C) *Type C (interior plantings).*

(1) Location and required usage: interiors of all parking areas with more than 16 parking spaces.

(2) Large canopy trees must be provided in each parking lot at a minimum average density of 1 tree for every 10 parking spaces in the lot.

(3) No off-street parking space may be located more than 100 feet from the trunk of a large canopy tree.

(4) No tree may be planted closer than 3 and 1/2 feet to the back of a curb or the paved portion of the parking lot.

(D) *Type D (service areas).*

(1) Location and required usage: the perimeter of services areas - minimum width 3 feet.

(2) This type functions as at least a 75% opaque screen from the ground to at least 1 foot higher than the item being screened (including but not limited to garbage collection sites, exposed nonpower utility fixtures, power utility substations, and exposed metal cabinets over 5 feet in height). However, the screening shall not be less than 6 feet in height. Composition of the Type D landscaping may include a wall, fence, planted vegetation, existing vegetation, or any appropriate combination of the elements. Shrub plantings shall have no unobstructed openings wider than 4 feet. Large trees shall be placed no more than 12 feet apart. At least 75% of the required shrubs shall be evergreen species locally adapted to the area. If a wall or fence is used, then planting must also be used to screen the wall or fence.

(E) *Type E (street tree canopy).*

(1) Location and required usage - along all street frontages (LC, GC, LI, BI, and Major Residential Subdivisions).

(2) (a) This type functions as a unifying element along all street frontages by softening the transition of the public street to the private yard and by providing shelter from sun and rain to pedestrians and drivers.

(b) Trees shall be spaced 10 to 40 feet on-center.

(c) Trees shall be planted parallel to the street within 6 feet of the curb, between the curb and sidewalk, or in tree wells located in the sidewalk.

(d) Tree selections shall be provided for in accordance with Newberry County Street Tree Selection Policy.

(F) *Type F (residential tree canopy).*

(1) Location and required usage: in major residential subdivisions with 10 or more lots (exception: rural).

(2) This type functions to maintain and/or replenish the urban tree canopy in areas of new residential development. Each lot shall provide canopy trees in accordance with the following schedule:

Lot Size	Required Number of Canopy Trees
Less than 10,000 square feet	0
10,000 to 15,000 square feet	1
15,001 to 20,000 square feet	2
More than 20,000 square feet	3

(3) Existing canopy trees over 6 inches in caliper may be counted towards fulfilling this requirement. Required street trees may not be

counted towards the fulfillment of this requirement. All trees required under this section shall be planted within the private lot.

(4) In the case of an existing subdivision were the platting of additional lots would bring the total number of lots to 10 or more, then the installation of a Type F screening shall be required.

(Ord. 12-24-01, passed 12-5-2001) Penalty, see § 10.99

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§ 153.130 ADMINISTRATION.

(A) *Time for installation of required landscaping.*

(1) *Time limit.* All landscaping, including mulching and seeding, shall be completed in accordance with the approved site plan prior to issuance of a certificate of occupancy for the site.

(2) *Extensions and exceptions.* The Newberry County Zoning Administrator may grant exceptions and extensions to the above time limit under the following conditions:

(a) Extensions may be granted due to unusual environmental conditions, such as drought, ice, over-saturated soil (deep mud), or inappropriate planting, provided that the developer or property owner provides the county with a surety bond ensuring the installation of the remaining landscape materials;

(b) Exceptions may be granted due to the substitution or unavailability of plant species or acceptable plant size as specified on the site plan, provided that the developer or property owner provides the county with a bond to ensure that the unavailable plants will be installed on the property; and/or

(c) Exceptions may be granted due to circumstances beyond the developer's or property owner's control, such as incomplete construction or utility work to occur in a proposed landscaped area within 30 days after expected site completion. Exceptions may be granted provided that the developer or property owner submits a letter from the utility company to the county stating the estimated installation date, and provides a cash bond to ensure installation of the required landscaping.

(3) *Bonds.* Any bond posted as surety for exceptions bond shall be accompanied by documentation of the estimated cost of the remaining landscaping to be completed. This documentation may be a landscaping contractor's bid or contract, a nurseryman's bill, or a similar document. The amount of the bond shall be 1¼ times the cost of the plant material yet to be installed, based on the highest estimate received. County Council may authorize to release part of any security posted as the improvements are completed and approved by Newberry County. The funds shall be released within 10 days after the corresponding improvements have been approved.

(B) *Inspections.* A permanent certificate of occupancy for the development shall not be issued unless the landscaping required under §§ 153.125 *et seq.* is installed in accordance with these standards and in accordance with the approved site plan or subdivision plat. The Planning Department shall inspect the site 1 year after the issuance of a permanent certificate of occupancy in order to ensure compliance with the approved site plan and to ensure that the landscape is properly maintained.

(C) *Maintenance responsibility and replacement of damage vegetation.*

(1) *Maintenance responsibility.*

(a) The owners of the property and their agents, heirs, or assigns shall be responsible for the installation, preservation, and maintenance of all plantings and physical features required by the section in a healthy, growing condition, for replacing them when necessary, and for keeping the area free of refuse and debris. All plant materials should be allowed to reach their mature size and maintained at their mature size. Any dead, unhealthy, or missing vegetation, or vegetation disfigured by severe pruning, shall be replaced with locally-adapted vegetation which conforms to the standards of this section and to the approved site or subdivision plan. In the event that any vegetation or physical element functioning to meet the standards of §§ 153.125 et seq. is severely damaged due to an unusual weather occurrence or natural catastrophe, the owner shall have one growing season to replace or replant after reconstruction is complete. All required landscaped areas shall be free of refuse and debris in accordance with the site or subdivision plan approved by Newberry County, and shall be maintained so as to prevent mulch, straw, dirt, or other materials from washing onto streets and sidewalks.

(b) This section shall not apply to fully vegetated natural areas, except where the property owner has damaged or destroyed vegetation in a required landscaped area, or caused vegetation to be damaged or destroyed. In no instance will Newberry County be responsible for the maintenance of any vegetation unless the vegetation is located within the public right of way of a county maintained street or is located on property owned by Newberry County.

(2) *Replacement of disturbed and damaged vegetation.* The disturbance of any landscaped area or vegetation required by §§ 153.125 et seq. shall constitute a violation of the site or subdivision plan. All disturbed landscaped areas and vegetation shall be replanted so as to meet the standards of this section as well as the approved site plan. Where the vegetation that has been disturbed or damaged existed on the site at the time the development was approved, all replacement vegetation shall meet the standards set forth in §§ 153.125 et seq. taking into account any unique site conditions and significant vegetation remaining within the landscaped area. Trees or vegetation that dies within 1 year of construction completion, as a result of the contractor's negligence, shall be removed and replaced with new vegetation. Replacement consists of 1 or a combination of any of the following measures at the discretion of the Zoning Administrator.

(a) A replanting plan denoting the proposed installation shall be submitted to Newberry County for approval. The Zoning Administrator may elect to present the replanting plan to the Planning Commission for final approval.

(b) Replace damaged significant vegetation in both perimeter and or interior landscaped areas with an equal amount of new vegetation according to the size of vegetation removed. Any tree with a caliper of at least 12 inches which is damaged or removed shall be replaced with 1 or more trees which have a caliper of at least 2½ inches and a cumulative caliper equal to or greater than the original tree. A revegetation plan denoting the proposed installation shall be submitted to Newberry County for approval. The Zoning Administrator may elect to present the revegetation plan to the Planning Commission for final approval. This requirement may be modified by the Zoning Administrator based upon site conditions.

(c) For all other cases where existing vegetation is damaged or removed, the type and amount of replacement vegetation required shall be of the type and amount that is necessary to provide the type of landscaping required under this section or interior preservation area identified on the landscape plan.

Current Zoning Ordinance Requirements for Landscaping and Trees

(3) *Location of replacement trees.* Replanting should be located within the vicinity of the violation. If the area is too small for sufficient growth, a more suitable location on the site may be selected as permitted by the Zoning Administrator.

(4) *Stop-work orders.* Stop-work orders shall also apply for damaging and/or destroying significant vegetation, interior specimen significant vegetation, landscape, or tree save areas.

(Ord. 12-24-01, passed 12-5-2001) Penalty, see § 10.99

§ 153.131 NONCONFORMING LANDSCAPING AND SCREENING.

(A) If there is a change of use or an expansion to the heated square footage of an existing business, the lot shall fully comply with all street yard landscaping, and loading and storage area screening requirements.

(B) Expansions to the parking area or loading areas which increase the total area more than 40% shall be required to comply with all applicable parking and loading area landscaping and screening.

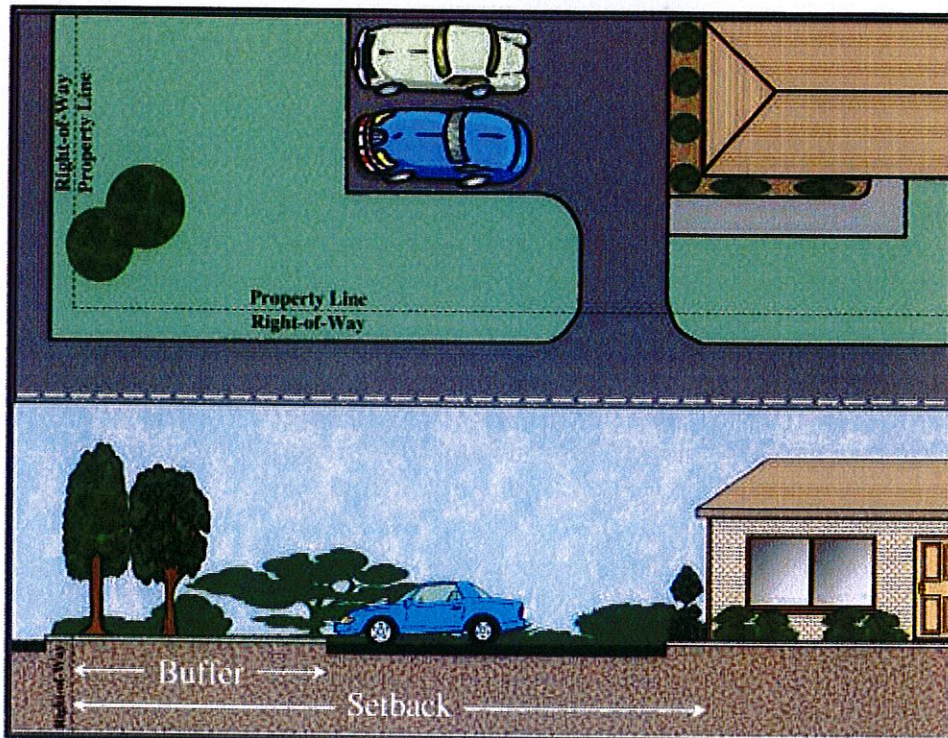
(Ord. 12-24-01, passed 12-5-2001) Penalty, see § 10.99

Article 9. Buffers, Screening and Open Space

§ 153.182. BUFFERS.

- (A) **Intent.** The purpose of a buffer is to help provide transition between different types of land uses, to protect significant water bodies, and to break up and soften the appearance of paved surfaces and provide shade in parking areas. Notwithstanding any other requirements of this section, buffers shall be required as follows.
- (B) **Applicability.** Buffers shall be required where applicable whenever new development is approved or an existing use is expanded by more than 25 percent.
- (C) **Modification of Buffer Requirements.** The requirements of this section may be further modified by other applicable sections of this Zoning Ordinance, including, but not limited to, those provided in *Article 6 - Conditional Uses* and *Article 7 - Special Exceptions*. Where requirements differ, the more restrictive requirement shall apply.
- (D) **Location.** Buffers shall not be located on any portion of an existing street or right-of-way; however they may occupy part or all of any required front, side or rear yard setback. Property buffers shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line.

Buffer and Setback Diagram



- (E) **Use of buffers.** A buffer may 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.
- (F) **Existing vegetation.** Except when necessary to provide access to a site or to ensure the safety and security of people and property, every reasonable effort shall be made to protect and retain existing trees and shrubs within areas of required buffers not actually lying in planned roadways, drainageways, building foundation sites and construction activity areas on all development sites and on sites where a nonresidential use is expanded by more than 25 percent.
- (G) **Exceptions to buffer requirements.**
- (1) Where the location of existing permanent buildings on an existing site reduces the area available for a buffer, buffer requirements shall be met to the maximum extent practicable.
 - (2) In the event that unusual topography or elevation of a development site, the size of the parcel to be developed, the soil or sub-surface condition of the site would make strict adherence to the requirements of this section serve no meaningful purpose, the Zoning Administrator may alter the requirements of this section as long as the existing features of the development site comply with the spirit and intent herein. Such alteration may occur only at the request of the property owner who shall provide adequate explanation and evidence that such conditions apply.
- (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 percent. 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 Use			
	Residential Single-Family	Residential Duplex*	Residential Multi-Family*	Manufactured Home Park
Residential, Single-family Detached	0'	0'	0'	0'
Residential, Duplex	0'	0'	0'	0'
Residential, Single-family Attached	25'	25'	25'	25'
Residential, Zero Lot Line	25'	25'	25'	25'
Residential, Multi-Family	50'	50'	50'	50'
Manufactured Home Park	50'	50'	50'	50'
Commercial	50'	50'	30'	30'
Industrial	50'	50'	50'	50'

* Existing residential and residentially zoned properties

(I) **Stream and wetland buffers.** Land-disturbing activities for construction in, on, or under a lake or natural watercourse shall be planned and conducted to minimize the extent and duration of disturbance of the stream channel or lake bed. Where relocation of a stream is an essential part of the proposed activity, the relocation shall be planned and executed to minimize changes in the stream flow characteristics, except where the developer or landowner demonstrates that the significant alteration of the flow characteristics is justified.

- (1) An undisturbed, natural buffer shall be maintained along each perennial stream within the county's jurisdiction. The minimum buffer width shall be 50 feet from each side of the stream as measured from the top of the bank.
- (2) No land-disturbing activities shall take place within a stream buffer or delineated wetland area, except for required streets and associated facilities, utility mains and easements, and/or greenways and pedestrian paths. Roads and golf courses may cross a buffer, provided they do not cross at an angle of less than 60 degrees.
- (3) Streams, wetlands, and required buffers shall be shown on all site plans and subdivision plats for approval and recording.

§ 153.183. SCREENING.

- (A) **Purpose.** The purpose of screening is to provide a visual barrier between an unsightly or out of scale feature or incompatible land uses or activities and the view from public streets and abutting properties.
- (B) **Applicability.** The requirements of §153.183 - *Screening* shall apply to all required screening in this zoning ordinance, including screening required in *Article 6 - Conditional*

Uses and Article 7 - Special Exceptions. Screening shall be required where applicable whenever new development is approved or an existing use is expanded by more than 25 percent.

- (C) **Opaque screening required.** Unless otherwise specified in this section, all required screening shall be visually opaque. An opaque screen is intended to exclude visual contact with the screened feature, land use or activity from any protected property, public street, or right-of-way. An opaque screen may be composed of a wall, fence, building, berm, or a combination thereof; as approved by the Zoning Administrator. A wall, fence, or building, or combination thereof, must be used to screen features. Natural areas, as detailed below, may also be used to screen land uses or activities.
- (1) **Natural areas.** Where an existing vegetated area is located on the same property as the proposed development; is within or includes the required buffer; and is of sufficient height, length and depth and contains adequate and sufficient healthy vegetation to provide a visually opaque screen as required in this section, the Zoning Administrator may determine that further improvements shall not be required. Such area must remain intact and be protected throughout all phases of development, including any land disturbance. Such areas may not be used for the screening of features.
- (D) **Height of required screening.** The height of required screening shall be sufficient to block the view of the feature, land use or activity for which the screening is required from the protected property, public street, or right-of-way that is to be provided such protection; however, all required screening shall be opaque to a minimum height of six feet above grade and shall not be required to exceed eight feet in height above grade.
- (E) **Length of required screening.** The length of a required screen shall be that which is necessary to screen the feature, land use or activity from protected properties, streets, and rights-of-way as provided in this section, however screening cannot obstruct the line of sight for vehicular traffic and must comply with the requirements of §153.032 - *Visibility Requirements, Sight Triangle*. The Zoning Administrator may approve accommodations for reasonable access and use, as necessary.
- (F) **Screening required as a condition.** All screening required by *Article 6 - Conditional Uses and Article 7 - Special Exceptions*, except for screening required for features as provided in §153.183(G) below, must be installed within the required buffer between the land use or activity to be screened and the adjacent property, road, road right-of-way, or use being provided such protection. Where a land use or activity is to be screened, the opaque screen may be composed of a wall, fence, building, berm, or a combination thereof; as approved by the Zoning Administrator. Natural areas, as provided in §153.183(C)(1), may be used to screen land uses or activities.
- (G) **Features for which Screening is required.** Screening to minimize views from adjacent properties, roads and public rights-of-way shall be required for the following features, and

additional features as provided in *Article 6 - Conditional Uses* and *Article 7 - Special Exceptions*. To maximize site line obstruction, a screen shall be placed immediately adjacent to the feature to be screened except as otherwise approved by the Zoning Administrator. The Zoning Administrator may approve accommodations for reasonable access, use, and maintenance of the features and equipment, as necessary.

- (1) Mechanical equipment for all uses other than single-family residential and duplexes at ground level and mounted on roofs, including, but not limited to HVAC equipment, transformers and generators.
 - (a) Roof mounted mechanical equipment shall not be visible in any direction from any adjacent existing residential properties, properties in residential zoning districts, roads and public rights-of-way. Where it can be clearly demonstrated that such equipment is not visible from any adjacent existing residential properties, properties in residential zoning districts, roads and public rights-of-way, the Zoning Administrator may waive screening requirements.
 - (b) Screening of roof-mounted equipment shall be accomplished by solid and permanent roof-mounted screens, compatible with the architectural style, materials and color of the building upon which the equipment is located.
- (2) Service areas for all uses other than single-family residential and duplexes, including, but not limited to, garbage and trash collection areas, exposed non-power utility fixtures, power utility substations, and delivery and loading areas.
- (3) Open, outdoor storage of materials, including, but not limited to, materials used in assembly, fabrication or processing, and waste materials, in the R2, LC, GC and IND districts as provided in §153.118 – *Open Storage*.
- (4) Communications towers as provided in §153.109 – *Communications Towers and Antennas*.
- (5) Junked vehicle storage as provided in §153.100 – *Junked Vehicle Storage*.
- (6) Transport containers used as accessory storage as provided in §153.119 – *Transport Containers as Accessory Storage*.

(H) Land uses for which Screening is required. Screening to minimize views between the following new or expanded land uses shall be required. Where a land use or activity is to be screened, the opaque screen may be composed of a wall, fence, building, berm, or a combination thereof; as approved by the Zoning Administrator. Natural areas, as provided in §153.183(C)(1), may be used to screen land uses or activities.

- (1) Commercial uses. An opaque screen is required between all structures and facilities related to commercial uses and all adjacent existing residential uses and residentially

zoned properties. The screen shall be installed within the required buffers between the commercial use and any adjacent existing residential uses or residentially zoned properties.

- (2) **Industrial uses.** An opaque screen is required between all structures and facilities related to industrial uses and all adjacent existing residential uses and residentially zoned properties. The screen shall be installed within the required buffers between the industrial use and any adjacent existing residential uses or residentially zoned properties.

(I) **Berms.** The following standards shall apply to all berms.

- (1) No structures, including fences, shall be placed on a berm unless approved by the Zoning Administrator as part of the landscaping requirements for a development site.
- (2) Berms shall not be used for the display of vehicles or other merchandise.
- (3) If included in the landscape design, berms shall:
 - (a) Have a minimum height of eighteen inches, a minimum crown width of two feet, and a side slope with a width to height ratio of no greater than three to one (3:1). No berm shall exceed four feet in height, not including associated landscaping.
 - (b) Be designed and constructed with an undulating appearance which mimics, as much as is practicable, a natural topographical feature of the site.
 - (c) Be substantially planted and covered with live vegetation. No berm shall consist entirely of turf grass, ground cover, mulch or similar material.
 - (d) Be fully installed, planted, stabilized and maintained prior to issuance of a certificate of zoning compliance or occupancy.
 - (e) Be designed to prevent standing water or to impede the flow of stormwater from adjacent properties.

- (J) **Fences and walls.** All fences and walls shall meet the requirements of §153.033 - *Fences and Walls*. Chain-link fences with strips composed of wood, plastic, metal, or other material are expressly prohibited for use in meeting screening requirements, unless otherwise required by this ordinance.

§ 153.184. PARKING LOT TREE CANOPY.

- (A) **Intent.** The intent of the parking lot tree canopy requirements is to break up and soften the appearance of expanses of paved areas and reduce ambient temperatures within parking lots by providing shade.
- (B) **Applicability.** The following standards shall apply to all new parking areas with 10 or more parking spaces and all expansions to existing parking areas which add 10 or more spaces, unless otherwise noted. In an expansion, only the area of expansion is required to be included in the calculations provided in this section.
- (C) **Required Trees.** Large maturing trees must be provided in each parking lot at a minimum average density of one tree for every 10 parking spaces in the lot. Fractions shall be rounded to the nearest whole number.
- (1) **Existing trees.** Existing trees may be included in this calculation, if the trees are healthy and structurally sound and are more than 12 inches in diameter at breast height in size.
- (a) **Protection during development required.** All existing trees included in tree requirements for parking lots must be protected from damage by the property owner by the establishment of a tree protection zone. A tree protection zone for each tree, at a minimum, shall be equal to a two foot radius on the ground for every inch of Diameter at Breast Height (DBH) of the tree. The tree protection zone shall be protected by a sturdy, durable and visible fence installed before any land disturbance begins and in place during all phases of development and construction. Each tree protection zone must be designated as such with signs posted visibly on all sides of the fenced protection area, with lettering and colors that provide maximum readability in terms of distance and contrast.
- (2) **Selection and health of new trees.** All required trees to be installed must be:
- (a) Nursery grown stock that is free from pests or growth problems, and
- (b) Selected from the *List of Preferred Tree Species for Newberry County* as provided by the Zoning Administrator.
- (D) **Parking lot perimeter.** A buffer of at least 10 feet in width immediately surrounding the parking area, except where the lot is permitted to abut or directly adjoin a building and excluding access points, is required for all off-street parking as regulated by this section. Large maturing trees as required in §153.184(C) may be planted in such buffer areas, as specified in the following subsections.
- (E) **Responsibility for installation.** The property owner of the developing property shall be responsible for all required tree installation and maintenance.

- (F) **Tree size.** Required trees shall be large maturing trees, however smaller trees must be substituted for required large trees whenever a larger tree would interfere with existing overhead utility lines. The following standards shall apply to all required trees at the time of planting.

Required Tree Size at Time of Planting

Type	Minimum Caliper ¹ at Planting (inches)
Large Maturing Tree	1.5"
Medium Maturing Tree	1.5"
Small Maturing Tree	1.0"

¹ Caliper shall be measured six inches above the ground

- (G) **Tree location.** A minimum of one large maturing tree shall be located within 100 feet of every parking space. The measurement shall be taken at breast height (measured four and one-half (4.5) feet above ground level) of the tree.
- (1) No tree may be planted closer than three and one-half (3.5) feet to the back of a curb or the paved portion of the parking lot.
 - (2) No required tree shall be planted or installed within an underground or overhead utility easement or a drainage easement without the consent of the county and the easement holder at the time of site plan approval.
- (H) **Tree planting areas.** Each planting area for a required tree shall be pervious and a minimum of 100 square feet in size, and shall be no less than six feet in width at any point, with an average width of eight feet.
- (I) **Planting areas – design and materials.** The area between and immediately surrounding required trees and in tree islands shall be designed and installed in an orderly and attractive manner conducive to the ongoing health of the plant materials, and shall include ground cover, mulch, or plantings including, but not limited to: small maturing shrubs (no more than two feet tall at maturity), annuals, perennials, ornamental grasses, turf grasses, or a minimum of three inches of landscaping mulch. Bare ground, including areas under trees, shall not be visible within these areas.
- (J) **Tree planting, maintenance and replacement.** Required trees shall be properly maintained by the property owners. Maintenance includes all actions necessary to keep trees healthy, neat and orderly in appearance.
- (1) Any trees lost, stolen, vandalized or irreparably or irreversibly damaged, to include disease or pest infestation, or dead shall be removed and replaced. In the event that any tree functioning to meet the standards of §153.184 – *Parking Lot Tree Canopy* is severely damaged due to an unusual weather occurrence or natural catastrophe, the owner shall have one growing season to replace or replant.

- (2) Any tree with a caliper of at least 12 inches which is damaged or removed shall be replaced with a tree which at maturity will have a caliper of equal size to that tree it is replacing. The size at planting of such replacement tree shall meet the requirements of §153.184(F). Replacement trees shall be planted within close vicinity of the tree they are replacing. If the area is too small or in any way not conducive to the health and growth of the new tree, the Zoning Administrator may approve a more suitable location on the site.
 - (3) All trees shall be installed and maintained to current industry standards as provided by American National Standards Institute (ANSI) and/or the International Society of Arboriculture (ISA) *Best Management Practices Series*.
 - (4) In no instance will Newberry County be responsible for the maintenance of any vegetation unless the vegetation is located within the public right-of-way of a County maintained street or is located on property owned by Newberry County.
- (K) **Irrigation.** All newly-planted trees shall be watered by permanent irrigation systems. Trees shall be watered sufficiently to ensure healthy growth and longevity.
- (L) **Tree Pruning.** Pruning of significant trees on private property and in the public right-of-way shall be done on a routine basis to provide pedestrian, traffic, sign, light and signal clearance, to reduce conflicts with buildings and infrastructure, to improve tree structure, form and health; and to remove dead, diseased, dying and otherwise objectionable branches over two inches in diameter. Tree pruning shall be done in accordance with current professional standards as provided in the American National Standards Institute (ANSI) and/or the International Society of Arboriculture (ISA) *Best Management Practices Series*.
- (M) **Time for installation of required trees in parking lots.**
- (1) **Time limit.** All planting of trees, including mulching, planting or seeding of areas as required in §153.184(I), shall be completed in accordance with the approved site plan prior to issuance of a certificate of occupancy for the site.
 - (2) **Extensions and exceptions.** The Newberry County Zoning Administrator may grant exceptions and extensions to the above time limit under the following conditions:
 - (a) Extensions may be granted due to unusual environmental conditions, such as drought, ice, over-saturated soil (deep mud), or inappropriate planting;
 - (b) Exceptions may be granted due to the substitution or unavailability of tree species or acceptable tree size as specified on the site plan; and/or
 - (c) Exceptions may be granted due to circumstances beyond the developer's or property owner's control, such as incomplete construction or utility work to occur in a proposed landscaped area within 30 days after expected site completion. Exceptions may be granted provided that the developer or property

owner submits a letter from the utility company to the county stating the estimated installation date.

- (N) **Inspections.** A permanent certificate of occupancy for the development shall not be issued unless the landscaping required under §153.184 – *Parking Lot Tree Canopy* is installed in accordance with these standards and in accordance with the approved site plan or subdivision plat.

§ 153.185. OPEN SPACE.

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

- (A) In residential cluster developments, multi-family developments, equestrian subdivisions, manufactured home parks and planned development districts:
- (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.
- (C) All required open space shall be well buffered from moving vehicles.
- (D) 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.
- (E) The land used for required open space shall have an average slope of five percent or less with no portion of the land exceeding a 15 percent slope.
- (F) 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 ordinance and shall subject the owner to any and all remedies permitted herein.