

STATE OF SOUTH CAROLINA)
)
COUNTY OF NEWBERRY)

ORDINANCE NO. 8-13

2019 OCT 17 PM 2:45
ELIZABETH P. GRIFFIN
CLERK OF COURTS
NEWBERRY COUNTY
FILED

AN ORDINANCE ACTING ON A REQUEST TO AMEND THE OFFICIAL ZONING MAP ESTABLISHED PURSUANT TO ZONING ORDINANCE NO. 06-11-16, CODIFIED IN CHAPTER 153 OF THE NEWBERRY COUNTY CODE OF ORDINANCES, SO AS TO REZONE A TWO AND FIVE HUNDREDTHS (2.05) ACRES PORTION OF A REAL ESTATE PARCEL TOTALING THIRTY NINE AND EIGHTY EIGHT HUNDREDTHS (39.88) ACRES DESIGNATED AS TMS PARCEL NO. 690-23 FROM R2 RURAL (R2) TO GENERAL COMMERCIAL (GC).

WHEREAS, Zoning Ordinance No. 06-11-16, codified in Chapter 153 of the Newberry County Code of Ordinances, establishes zoning classifications and districts, as well as an Official Zoning Map; and

WHEREAS, said Zoning Ordinance provides procedures for the amendment of both the text of the Ordinance and the district boundaries shown on the Official Zoning Map; and

WHEREAS, pursuant to the procedures established by the Zoning Ordinance, application was made for a map amendment to rezone a two and five hundredths (2.05) acres portion of a real estate parcel located on the north side of US Hwy 176 near the intersection of SC Hwy 202 to General Commercial (GC) from R2 Rural (R2). Tax Map No. 690-23 is currently undeveloped. The Comprehensive Plan shows the future land use for this area to be Rural Development which is compatible with the existing and proposed zoning district's permitted uses. The right-of-way ranging from 75' to 90' nearer the intersection of SC Hwy 202 of the state maintained paved road (US Hwy 176) is adequate to handle traffic this rezoning may incur. The Planning Staff does recommend that this real estate parcel be rezoned to General Commercial (GC).

WHEREAS, the Newberry County Joint Planning Commission, in case number MA01-07-16-19, had this matter on its agenda and considered this request and received comments as to both the existing and intended uses of the property. The Planning Commission determined that it concurs with the recommendation of the Planning Staff. The Planning Commission has now forwarded its report on the rezoning request to Newberry County Council, as required by law, for consideration of its actions by Newberry County Council.

WHEREAS, Newberry County Council is familiar with the site and the existing uses of the properties near this intersection of US Hwy 176 and SC Hwy 202;

NOW, THEREFORE, Newberry County Council makes the following findings of fact and law as to the merits of the rezoning request concerning a two and five hundredths (2.05) acres portion of TMS No. 690-23 containing thirty nine and eighty eight hundredths (39.88) acres located at the north of US Hwy 176 near the interception of SC Hwy 202 as more particularly shown on the plat accompanying the submitted "Official Zoning Map Amendment Application" included in the submitted Planning Commission report attached hereto, to General Commercial (GC) from R2 Rural (R2):

A. That the proposed map amendment does promote the implementation of the Comprehensive Plan in the area.

B. This amendment is needed because the proposed development cannot be accomplished by the owner under the existing zoning district regulations.

C. That traffic patterns in the neighborhood will not be adversely affected by the change in zoning.

NOW, THEREFORE, BE IT ORDAINED that:

Newberry County Council hereby determines, based on the findings set forth above, that the attached rezoning request for a map amendment for a two and five hundredths (2.05) acres portion of TMS No. 690-23 totaling thirty nine and eighty eight hundredths (39.88) acres real estate parcel as acted on by the Planning Commission, be:

_____ disapproved;

✓ _____ approved; or

_____ approved with the following modifications: _____

AND IT IS SO ORDAINED by Newberry County Council this 2nd day of October, 2019 in meeting duly assembled at Newberry, South Carolina.

NEWBERRY COUNTY COUNCIL

(SEAL)

By: Henry H. Livingston, III
Henry H. Livingston, III, Chairman

Attest:
Susan C. Fellers
Susan Fellers, Clerk to Council

1st Reading: August 21, 2019
2nd Reading: September 4, 2019
Public Hearing: October 2, 2019
3rd reading: October 2, 2019

Reviewed and approved as to form:

A. J. Tothacer, Jr.
A. J. Tothacer, Jr., County Attorney

Wayne Adams
Wayne Adams, County Administrator