

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF NEWBERRY )

**ORDINANCE NO. 08-10-18**

**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 FIVE HUNDRED AND TEN AND FIFTY-SEVEN HUNDREDTHS (510.57) ACRES PORTION OF A FIVE HUNDRED AND THIRTY-ONE (531.00) ACRES REAL ESTATE PARCEL DESIGNATED AS TMS PARCEL NO. 239-1 FROM RURAL (R2) TO INDUSTRIAL (IND).**

**WHEREAS**, Zoning Ordinance No. 06-11-16, as 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 five hundred and ten and fifty-seven hundredths (510.57) acres portion of a five hundred and thirty-one (531.00) acres tract of land located on the southern side of Spearman Road near the Town of Silverstreet Industrial (IND) from Rural (R2). The land is currently used for timberland and is undeveloped. A Norfolk Southern railway easement cuts through the acreage dividing the land into Tract A and Tract B on the plat. Tract No. 239-1 has two house sites that are not included in this rezoning proposal. Lot A is eleven (11.00) acres and on Spearman Road. The Hudson House lot is four and fifteen hundredths (4.15) acres and is accessed by a 50-foot permanent easement from Spearman Road that crosses the railroad. The Comprehensive Plan does shows the future land use for this area to be Rural

Development. The roads are adequate to handle any extra traffic this rezoning may incur. The Planning Staff does recommend that this portion of the real estate parcel be rezoned to Industrial (IND).

**WHEREAS**, the Newberry County Joint Planning Commission, in case number MA 01-07-17-18, 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 along this portion of Spearman Road;

**NOW, THEREFORE**, Newberry County Council makes the following findings of fact and law as to the merits of the rezoning request concerning TMS No. 239-1 containing a five hundred and ten and fifty-seven hundredths (510.57) acres portion of a five hundred and thirty-one (531.00) acres tract located on Spearman Road near the Town of Silverstreet 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 Industrial (IND) from 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 TMS No. 239-1 comprising a five hundred and ten and fifty-seven hundredths (510.57) acres portion of a five hundred and thirty-one (531.00) 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 \_\_\_\_\_ day of \_\_\_\_\_, 2018 in meeting duly assembled at Newberry, South Carolina.

**NEWBERRY COUNTY COUNCIL**

(SEAL)

By: \_\_\_\_\_  
**Henry H. Livingston, III, Chairman**

**Attest:**

\_\_\_\_\_  
Laurie N. Renwick, Clerk to Council

1<sup>st</sup> reading: August 1, 2018  
Public Hearing: \_\_\_\_\_  
2<sup>nd</sup> reading: \_\_\_\_\_  
3<sup>rd</sup> reading: \_\_\_\_\_

Reviewed and approved as to form:  
\_\_\_\_\_  
A. J. Tothacer, Jr., County Attorney

\_\_\_\_\_  
Wayne Adams, County Administrator