

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF NEWBERRY )

**ORDINANCE NO. 09-16-18**

**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 ONE REAL ESTATE PARCEL TOTALING ONE AND EIGHTY-SEVEN HUNDREDTHS (1.87) ACRES DESIGNATED AS TMS PARCEL NO. 339-1-1 FROM SINGLE FAMILY RESIDENTIAL (RS) TO R2 - RURAL.**

**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 one and eighty-seven hundredths (1.87) acres real estate parcel located on the southeastern side of Civitan Road at the curve to Rural (R2) from Single Family Residential (RS). Tax Map No. 339-1-1 is currently developed with two residences. The Comprehensive Plan shows the future land use for this area to be Economic Development which is compatible with the proposed zoning district's permitted uses. The 50' right-of-way of the state maintained paved road (this portion of Civitan Road) is adequate to handle traffic this rezoning may incur. The Planning Staff does recommend that this real estate parcel be rezoned to R2 – Rural.

**WHEREAS**, the Newberry County Joint Planning Commission, in case number MA01-08-21-18, 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 Civitan 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. 339-1-1 containing one and eighty-seven hundredths (1.87) acres located southeast of Civitan Road 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 R2- Rural from Single Family Residential (RS):

- 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. 339-1-1 totaling one

and eighty-seven hundredths (1.87) 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: September 5, 2018

Public Hearing: \_\_\_\_\_

2<sup>nd</sup> reading: September 19, 2018

3<sup>rd</sup> reading: \_\_\_\_\_

Reviewed and approved as to form:

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

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