

STATE OF SOUTH CAROLINA)
)
COUNTY OF NEWBERRY)

ORDINANCE NO. 02-06-17

AN ORDINANCE ACTING ON A REQUEST TO AMEND THE OFFICIAL ZONING MAP ESTABLISHED PURSUANT TO ZONING ORDINANCE NO. 12-24-01, AS REVISED AND AMENDED BY ZONING ORDINANCE NO. 6-11-16, TO BE CODIFIED IN CHAPTER 153 OF THE NEWBERRY COUNTY CODE OF ORDINANCES ESTABLISHING ZONING CLASSIFICATIONS AND DISTRICTS, SO AS TO REZONE ONE REAL ESTATE PARCEL TOTALING ONE AND FORTY-THREE HUNDREDTHS (1.43) ACRES DESIGNATED AS TMS PARCEL NO. 523-28 FROM SINGLE FAMILY RESIDENTIAL (RS) TO GENERAL COMMERCIAL (GC).

WHEREAS, Zoning Ordinance No. 12-24-01, as revised and amended by Zoning Ordinance no. 6-11-16, and to be 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 forty-three hundredths (1.43) acres real estate parcel located on the northern side of Mt. Pilgrim Church Road near the intersection of Hwy 391 to General Commercial (GC) from Single Family Residential (RS). Tax Map No. 523-28 is currently developed on Mt. Pilgrim Church Road with some critical infrastructure such as a water tower and a 120-foot antenna, the latter of which is to be removed and replaced elsewhere on the parcel with a 150-foot Public Safety Radio Antenna. The Comprehensive Plan shows the future land use for this area to be Rural Development which is compatible with the proposed zoning district's

permitted uses. The 66' right-of-way of the state maintained paved road 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 MA02-01-17-17, 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 Mt. Pilgrim Church 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. 523-28 containing one and forty-three hundredths (1.43) acres located north of Mt. Pilgrim Church 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 General Commercial (GC) 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. 523-28 totaling one and forty-three hundredths (1.43) 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 _____, 2017 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

1st reading: _____
Public Hearing: _____
2nd reading: _____
3rd reading: _____

Reviewed and approved as to form:

A. J. Tothacer, Jr., County Attorney

Wayne Adams, County Administrator