STATE OF SOUTH CAROLINA)

**NEWBERRY COUNTY)** 

ORDINANCE NO. 07-16-21 AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE COUNTY OF NEWBERRY ADOPTED JUNE 20, 2016, SO AS TO AMEND THE ZONING MAP ACTING ON A REQUEST TO AMEND THE OFFICIAL ZONING MAP ESTABLISHED, CODIFIED IN CHAPTER 153 OF THE COUNTY OF NEWBERRY CODE OF ORDINANCES, SO AS TO REZONE THREE (3) REAL ESTATE PARCELS TOTALING ONE THOUSAND AND TWELVE HUNDRED AND SIXTY-NINE AND SEVENTY EIGHT HUNDREDTHS (1,269.78) ACRES CONSISTING OF TAX MAP PARCELS: TMS 109-6 CONTAINING EIGHT HUNDRED (800) ACRES AND TMS 109-11 CONTAINING ONE HUNDRED FORTY-NINE (149) ACRES AND TMS 110-2 CONTAINING THREE HUNDRED AND TWENTY AND SEVENTY-EIGHT HUNDREDTHS (320.78) ACRES FROM R2-RURAL TO (IND) INDUSTRIAL.

WHEREAS, Zoning Ordinance, 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 three real estate parcels totaling one thousand and two hundred and sixty- nine and seventy-eight hundredths (1,269.78) acres consisting of TMS parcel 109-6 containing eight hundred (800) acres and TMS parcel 109-11 containing on hundred and forty-nine (149) acres and TMS parcel 110-2 consisting of three hundred and twenty and seventy-eight hundredths (320.78) acres all of which are located east along Island Ford Road, between Sandy Run Creek Road and Mudlick Road to Industrial (IND) from R2-Rural. All three parcels are currently undeveloped land. The Comprehensive Plan shows the future land use for this area to be

rural development use which is compatible with the proposed zoning district's permitted uses. The 66-foot right of way of Island Ford Road, a state maintained paved road, will be adequate to handle traffic that this rezoning my incur. The Planning Staff does recommend that this real estate parcel be rezoned to Industrial (IND).

WHEREAS, the Newberry County Joint Planning Commission, in case number MA01-12-15-20, 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 Joint Planning Commission determined that it disagrees with the recommendation of the Planning Staff. The Planning Commission has now forwarded its report for 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 Island Ford Road;

NOW, THEREFORE, Newberry County Council makes the following findings of fact and law as to the merits of the rezoning request concerning parcels TMS 109-6 and TMS 109-11 and TMS 110-2 Tax Map No. 109-11 totaling one thousand and two hundred and sixty- nine and seventy-eight hundredths (1,269.78) acres located east along Island Ford Road, between Sandy Run Creek Road and Mudlick 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 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. 109-11 and totaling one hundred forty-nine (149) acres real estate parcel as acted on by the Planning Commission, be:

hundred forty-nine (149) acres real estate parcel as acted on by the Planning Commi	
be:	
disapproved;	
approved; or approved with the following modifications:	
(SEAL)	By: Henry Council Chairman
Attest: Susan C. Fellers, Clerk to Council	
1 <sup>st</sup> reading: July 7, 2021 Public Hearing: September 1, 2021 2 <sup>nd</sup> reading: August 18, 2021 3 <sup>rd</sup> reading: September 1, 2021	Reviewed and approved as to form:  Attorney