

STATE OF SOUTH CAROLINA)
)
NEWBERRY COUNTY)

ORDINANCE NO. 08-1821

2021 OCT 11 PM 1:01
ELIZABETH T. COLE
CLERK OF COURTS
NEWBERRY COUNTY
FILED

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 ONE (1) REAL ESTATE PARCEL TOTALING ONE AND EIGHTY-TWO HUNDREDTHS (1.82) ACRES DESIGNATED AS TMS PARCEL NO. 404-48 FROM INDUSTRIAL TO R2-RURAL.

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 one real estate parcel totaling one and eighty-two hundredths (1.82) acres located at 243 Boyd Crossing Road, between C.R. Koon Highway and Fox Briar Road to R2-Rural from Industrial. Tax Map No. 404-48 is currently vacant. The Comprehensive Plan shows the future land use for this area to be within the economic development area of US Hwy 76/CR Koon Hwy. The proposed zoning district will not alter the current density or the single-family residential use with respect to the existing residential properties. The 50-foot right-of-way of Boyd Crossing Road, a state maintained paved road, will be 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 MA01-07-20-21, 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 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 Boyd Crossing Road;

NOW, THEREFORE, Newberry County Council makes the following findings of fact and law as to the merits of the rezoning request concerning Tax Map No. 404-48 totaling one and eighty-two hundredths (1.82) acres located at 243 Boyd Crossing Road, between C.R. Koon Highway and Fox Briar 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 Rural (R2) from Industrial (IND) :

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. 404-48 and totaling one and eighty-two hundredths (1.82) 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 15th day of September, 2021 in meeting duly assembled at Newberry, South Carolina.

NEWBERRY COUNTY COUNCIL

(SEAL)

By: Walter H. Swinick
Chairman

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

1st reading: August 18, 2021
Public Hearing: September 15, 2021
2nd reading: September 1, 2021
3rd reading: September 15, 2021

Reviewed and approved as to form:

[Signature]
Attorney

Tony McDonald
County Administrator