

FILED  
NEWBERRY COUNTY  
2021 NOV -9 PM 5:20  
ELIZABETH P FOLK  
CLERK OF COURT

STATE OF SOUTH CAROLINA )

ORDINANCE NO. 10-24-21

NEWBERRY COUNTY )

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 EIGHT AND NINETY-NINE HUNDREDTHS (8.99) ACRES DESIGNATED AS TMS PARCEL NO. 523-18 FROM RS-SINGLE FAMILY RESIDENTIAL 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 eight and ninety-nine hundredths (8.99) acres located at 2701 Counts Road, between Mt. Pilgrim Church Road and SC Highway 391 to R2-Rural from RS- Single Family Residential. Tax Map No. 523-18 is currently wooded and vacant. The Comprehensive Plan shows the future land use for this area to be within the Rural Development area of SC Highway 391, Prosperity, SC. There should be no traffic problems with this real estate parcel being placed into R2-Rural zoning district since Counts Road has a 66-foot right-of-way. 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 MA01-09-21-21, 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 Counts 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. 523-18 totaling eight and ninety-nine hundredths (8.99) acres located at 2701 Counts 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, R2-Rural from RS-Single Family Residential:

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. 523-18 and totaling eight and ninety-nine hundredths (8.99) 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 3<sup>rd</sup> day of November, 2021  
in meeting duly assembled at Newberry, South Carolina.

NEWBERRY COUNTY COUNCIL

(SEAL)

By: Henry H. Livingston  
Henry H. Livingston, Chairman

Attest:

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

First Reading: October 6, 2021  
Second Reading: October 24, 2021  
Public Hearing: November 3, 2021  
Public Hearing: November 3, 2021  
Third Reading: November 3, 2021

Reviewed and approved as to form:

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

Tony McDonald  
Tony McDonald, Interim County Administrator