

FILED  
NEWBERRY COUNTY  
2022 APR 26 PM 3:50  
ELIZABETH P. FOLK  
CLERK OF COURT

STATE OF SOUTH CAROLINA )  
 )  
NEWBERRY COUNTY )

ORDINANCE NO. 03-04-2022

**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 PARCEL TOTALING THIRTEEN AND NINTY-ONE HUNDREDTHS (13.91) ACRES DESIGNATED AS TMS PARCELS NO. 639-8, 639-87, AND 639-88 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 three (3) real estate parcels totaling thirteen and ninety-one hundredths (13.91) acres located at 1420 Mt. Tabor Road, between US Highway 76 and Old Dutch Road to R2-Rural from RS – Single Family Residential. Tax Map No. 639-87 has a site-built house on the parcel. Tax Map No. 639-8 and 639- 88 are currently wooded and vacant. The Comprehensive Plan shows the future land use for this area to be within the economic development projected area. There should be no traffic problems with this real estate parcel being placed into R2-Rural zoning district since Mt. Tabor Road has a 50-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 MA02-02-15-22, 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 Mt. Tabor 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. 639-8, 639-87, and 639-88 totaling thirteen and ninety-one hundredths (13.91) acres located at 1420 Mt. Tabor 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. 639-8, 639-87, and 639-88 totaling thirteen and ninety-one (13.91) 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 6<sup>th</sup> day of April, 2022 in meeting duly assembled at Newberry, South Carolina.

(SEAL)

**NEWBERRY COUNTY COUNCIL**

By: \_\_\_\_\_  
**Chairman**



**Attest:**

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

1<sup>st</sup> reading: March 2, 2022  
2<sup>nd</sup> reading: March 16, 2022  
Public Hearing: April 6, 2022  
3<sup>rd</sup> reading: April 6, 2022

Reviewed and approved as to form:

[Signature]  
Attorney

[Signature]  
County Administrator