

STATE OF SOUTH CAROLINA)
)
COUNTY OF NEWBERRY)

ORDINANCE NO. 02-04-09

AN ORDINANCE ACTING ON A REQUEST TO AMEND THE OFFICIAL ZONING MAP ESTABLISHED PURSUANT TO ZONING ORDINANCE NO. 12-24-01, CODIFIED IN CHAPTER 153 OF THE NEWBERRY COUNTY CODE OF ORDINANCES, SO AS TO REZONE A TWENTY AND THIRTY-SEVEN HUNDREDTHS (20.37) ACRES PORTION OF THREE REAL ESTATE PARCELS TOTALING TWENTY-TWO AND NINE HUNDRED AND TWENTY-FOUR THOUSANDTHS ACRES DESIGNATED AS TMS PARCEL NOS. 520-4, 520-25 AND 518-4 FROM SINGLE FAMILY RESIDENTIAL (RS1) TO GENERAL COMMERCIAL (GC).

WHEREAS, Zoning Ordinance No. 12-24-01, as 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 twenty and thirty-seven hundredths (20.37) acres portion of a three tracts of land located in the vicinity of US Highway 76, Kiblers Road and Candy Kitchen Road General Commercial (GC) from Single Family Residential (RS1). Tract No. 520-4 is currently undeveloped open space and wooded land. Tracts 520-25 and 518-4 are currently developed with structures. The Comprehensive Plan shows this area and parcels in particular to be of low density residential use in the future. The roads, with the exception of Kiblers Road, are adequate for any increase in traffic. The Planning Staff recommends that the parcel be rezoned to accommodate any future commercial development permitted by the Zoning Ordinance.

WHEREAS, the Newberry County Joint Planning Commission, in case number MA 01-02-17-09, 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. It voted to approve the application to rezone the portion of this parcel to General Commercial (GC) for the reasons set forth in the attached submission from the Planning Commission. 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 US Highway 76 and Kiblers Road and Candy Kitchens Road.

NOW, THEREFORE, Newberry County Council makes the following findings of fact and law as to the merits of the rezoning request concerning the portion of TMS No. 520-4, and the entirety of TMS Nos. 520-25 and 518-4 totaling 20.37 acres and located off US Highway 76 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 (RS1):

A. That the proposed map amendment promotes 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. The proposed map amendment would have a positive impact on the orderly growth and development of the community.

D. 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 Nos. 520-4, 520-25 and 518-4 comprising a twenty and thirty-seven hundredths (20.37) acres portion of the three real estate parcel as acted on by the Planning Commission, be:

- _____ disapproved;
 - _____ approved; or
 - _____ approved with the following modifications: _____
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AND IT IS SO ORDAINED by Newberry County Council this _____ day of _____, 2009 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: March 4, 2009
Public Hearing: _____
2nd reading: March 18, 2009
3rd reading: _____

Reviewed and approved as to form:

A. J. Tothacer, Jr., County Attorney

Wayne Adams, County Administrator