

STATE OF SOUTH CAROLINA)
)
COUNTY OF NEWBERRY)

ORDINANCE NO. 05-12-10

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 FOUR AND SEVEN HUNDRED AND TWENTY ONE THOUSANDTH (4.721) ACRES PORTION OF A REAL ESTATE PARCEL TOTALING TWENTY SIX AND NINE TENTHS (26.9) ACRES DESIGNATED AS TMS PARCEL NO. 535-18 FROM SINGLE FAMILY RESIDENTIAL (RS-3) 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 four and seven hundred and twenty one thousandth (4.721) acres portion of a tract of land containing a total of twenty six and nine tenths (26.9) acres located on the north side of the intersection of Ira Kinard Road and Lake Road, Prosperity, SC to General Commercial (GC) from Single Family Residential (RS-3). The portion of Tract No. 535-18 on the northern side of Lake Road, contained in the requested map amendment, is currently developed with a former gas station and a large storage building with 10 bays at the intersection of Ira Kinard Road and Lake Road. The remainder of this portion of this real estate parcel is wooded. The Comprehensive Plan shows the future land use for this area to be medium to high density residential, however, this has been an existing commercial use. The roads are adequate

to handle any extra traffic this rezoning may incur. The Planning Staff does recommend that this portion of the real estate parcel be rezoned to General Commercial (GC).

WHEREAS, the Newberry County Joint Planning Commission, in case number MA 01-05-18-10, 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. 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 Ira Kinard Road at the intersection of Lake 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. 535-18 containing four and seven hundred and twenty one thousandth (4.721) acres portion of a tract of land containing a total of twenty six and nine tenths (26.9) acres located on the northern side of the intersection of Ira Kinard Road and Lake Road, Prosperity, SC 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 (RS-3):

A. That the proposed map amendment does not 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 that portion of TMS No. 535-18 comprising four and seven hundred and twenty one thousandth (4.721) acres of a total twenty six and nine tenths (26.9) 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 7th day of July, 2010 in meeting duly assembled at Newberry, South Carolina.

(SEAL)

NEWBERRY COUNTY COUNCIL

By: _____
Henry H. Livingston, III, Chairman

Attest:

Laurie N. Renwick, Clerk to Council

1st reading: June 2, 2010
Public Hearing: July 7, 2010
2nd reading: June 16, 2010
3rd reading: July 7, 2010

Reviewed and approved as to form:

A. J. Tothacer, Jr., County Attorney

Wayne Adams, County Administrator