

STATE OF SOUTH CAROLINA)
)
COUNTY OF NEWBERRY)

ORDINANCE NO. 08-20-10

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 TWO (2) REAL ESTATE PARCELS TOTALING EIGHT HUNDRED AND TWENTY-FIVE THOUSANDTHS (0.825) ACRES, ONE PARCEL CONTAINING FORTY-EIGHT HUNDREDTHS (0.48) ACRES DESIGNATED AS TMS PARCEL NO. 404-19, THE OTHER PARCEL CONTAINING THREE AND FORTY-FIVE THOUSANDTHS (0.345) ACRES DESIGNATED AS TMS NO. 404-04 FROM SINGLE FAMILY RESIDENTIAL (RS-1) 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 three and forty-five thousandths (0.345) acre real estate parcel located at 13251 C.R. Koon Highway, Newberry, SC on the eastern side of the road, and a contiguously adjoining forty-eight hundredths (0.48) acre real estate parcel at 13269 C.R. Koon Highway, Newberry, SC to General Commercial (GC) from Single Family Residential (RS-1). These parcels are currently developed with a thriving non conforming Hair Salon business at TMS No. 404-4, and a residence that was moved off the real estate parcel TMS No. 404-19 in July 2010. The property on the western side of C.R. Koon Highway is in the BI – Basic Industrial zoning

district. 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 with intent to enlarge the existing business. The roads are adequate to handle any extra traffic this rezoning may incur. The Planning Staff does recommend that these real estate parcels be rezoned to General Commercial (GC).

WHEREAS, the Newberry County Joint Planning Commission, in case number MA 01-07-20-10, 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 C.R. Koon Highway.

NOW, THEREFORE, Newberry County Council makes the following findings of fact and law as to the merits of the rezoning request concerning this three and forty-five thousandths (0.345) acre real estate parcel located at 13251 C.R. Koon Highway, Newberry, SC on the eastern side of the road, and a contiguously adjoining forty-eight hundredths (0.48) acre real estate parcel at 13269 C.R. Koon Highway, Newberry, SC as more particularly shown on the plats 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-1):

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. 404-4 comprising three and forty-five thousandths (0.345) acres and TMS no. 404-19 comprising forty-eight hundredths (0.48) acres for a total eight and twenty-five thousandths (0.825) acres real estate parcels 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 _____ day of

_____, 2010 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: September 1, 2010
Public Hearing: September 15, 2010
2nd reading: September 15, 2010
3rd reading: October 6, 2010

Reviewed and approved as to form:

A. J. Tothacer, Jr., County Attorney

Wayne Adams, County Administrator