

STATE OF SOUTH CAROLINA)
)
COUNTY OF NEWBERRY)

ORDINANCE NO. 08-16-11

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 FORTY-ONE HUNDREDTHS (4.41) ACRES PORTION OF A REAL ESTATE PARCEL TOTALING FORTY-SEVEN AND THIRTY-SEVEN HUNDREDTHS (47.37) ACRES DESIGNATED AS TMS PARCEL NO. 340-3-9 FROM RURAL (R2) TO GENERAL RESIDENTIAL (RG).

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 forty-one hundredths (4.41) acres portion of a tract of land containing a total of forty-seven and thirty-seven hundredths (47.37) acres located on the northwestern side of Tom Stewart Road near the intersection of Mt. Bethel Garmany Road and Whitener Road to General Residential (RG) from Rural (R2). Tract No. 340-3-9 is currently undeveloped but cleared land. The Comprehensive Plan does show the future land use for this area to be low density residential. 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 Residential (RG).

WHEREAS, the Newberry County Joint Planning Commission, in case number MA 01-06-21-11, 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 Tom Stewart 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. 340-3-9 containing four and forty-one hundredths (4.41) acres of the larger forty-seven and thirty-seven hundredths (47.37) acres located off Tom Stewart 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, to General Residential (RG) from Rural (R2):

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 that portion of TMS No. 340-3-9 comprising a four and forty-one hundredths(4.41) acres portion of the larger forty-seven and thirty-seven hundredths (47.37) 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 _____ day of _____, 2011 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: _____
Public Hearing: _____
2nd reading: _____
3rd reading: _____

Reviewed and approved as to form:

A. J. Tothacer, Jr., County Attorney

Wayne Adams, County Administrator