

STATE OF SOUTH CAROLINA)
)
COUNTY OF NEWBERRY)

ORDINANCE NO. 10-25-10

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 THREE AND TWO HUNDRED AND SEVEN TEN-THOUSANDTHS (3.0207) ACRES, ONE PARCEL CONTAINING TWO AND FORTY FOUR HUNDREDTHS (2.44) ACRES DESIGNATED AS TMS PARCEL NO. 457-9, THE OTHER PARCEL CONTAINING FIFTY EIGHT AND SEVEN TEN-THOUSANDTHS (0.5807) ACRES DESIGNATED AS TMS NO. 457-29 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 two and forty-four hundredths (2.44) acre real estate parcel located at 24 Saddle Hill Lane, Newberry, SC on the eastern side of C.R. Koon Highway at the intersection of Saddle Hill Lane and Colony Church Road, and a contiguously adjoining fifty-eight and seven ten-thousandths (0.5807) acre real estate parcel at 12827 C.R. Koon Highway, Newberry, SC to General Commercial (GC) from Single Family Residential (RS-1). These parcels are currently developed with a non conforming thriving Taxidermy business at TMS No. 457-29, and a former Chiropractic office at the residence on real estate parcel TMS No. 457-9. The property is

located on the western side of C.R. Koon Highway (Colony Lutheran Church) and is in the RS 1 – Single Family Residence zoning district. The Comprehensive Plan shows the future land use for this area to be commercial. 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 01-09-21-10, 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 two and forty-four thousandths (2.44) acre real estate parcel located at 24 Saddle Hill Lane, Newberry, SC on the eastern side of C.R. Koon Highway at the intersection of Saddle Hill Lane and Colony Church Road, and a contiguously adjoining fifty-eight and seven ten-thousandths (0.5807) acre real estate parcel at 12827 C.R. Koon Highway, Newberry, SC to General Commercial (GC) from Single Family Residential (RS-1), 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 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. 457-9 comprising two and forty-four hundredths (2.44) acres and TMS no. 457-29 comprising fifty eight and seven ten-thousandths (0.5807) acres for a total three and two hundred and seven ten-thousandths (3.0207) 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 3rd day of

November, 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: October 6, 2010
Public Hearing: November 3, 2010
2nd reading: October 20, 2010
3rd reading: November 3, 2010

Reviewed and approved as to form:

A. J. Tothacer, Jr., County Attorney

Wayne Adams, County Administrator