

STATE OF SOUTH CAROLINA )  
  )  
COUNTY OF NEWBERRY )

**ORDINANCE NO. 02-05-20**

**AN ORDINANCE ACTING ON A REQUEST TO AMEND THE OFFICIAL ZONING MAP ESTABLISHED PURSUANT TO ZONING ORDINANCE NO. 06-11-16, CODIFIED IN CHAPTER 153 OF THE NEWBERRY COUNTY CODE OF ORDINANCES, SO AS TO REZONE ONE REAL ESTATE PARCEL TOTALING ZERO AND ONE HUNDRED AND FIFTEEN THOUSANDTHS (0.115) ACRES DESIGNATED AS TMS PARCEL NO. 594-26 FROM GENERAL COMMERCIAL (GC) TO SINGLE FAMILY RESIDENTIAL (RSM).**

**WHEREAS**, Zoning Ordinance No. 06-11-16, 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 one hundred and fifteen thousandths (0.115) acre real estate parcel located to the west near the end of Club Drive to Single Family Residential (RSM) from General Commercial (GC). Tax Map No. 594-26 is currently developed. The Comprehensive Plan shows the future land use for this area to be Lake Development which is compatible with the existing and proposed zoning district's permitted uses. The 50' right-of-way of the private road, Club Drive, does not provide access to this real estate parcel. The Planning Staff does recommend that this real estate parcel be rezoned to Single Family Residential (RSM).

**WHEREAS**, the Newberry County Joint Planning Commission, in case number MA01-01-21-20, 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 near the end of Club Drive;

**NOW, THEREFORE**, Newberry County Council makes the following findings of fact and law as to the merits of the rezoning request concerning TMS No. 594-26 containing one hundred and fifteen thousandths (0.115) acre located to the west near the end of Club Drive 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 Single Family Residential (RSM) from General Commercial (GC):

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. 594-26 totaling one hundred and fifteen thousandths (0.115) acre 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 \_\_\_\_\_, 2020 in meeting duly assembled at Newberry, South Carolina.

**NEWBERRY COUNTY COUNCIL**

**(SEAL)**

**By:** \_\_\_\_\_  
**Henry H. Livingston, III, Chairman**

**Attest:**

\_\_\_\_\_  
**Susan Fellers, Clerk to Council**

1<sup>st</sup> reading: February 5, 2020  
Public Hearing: July 29, 2020  
2<sup>nd</sup> reading: March 4, 2020  
3<sup>rd</sup> reading: July 29, 2020

Reviewed and approved as to form:

\_\_\_\_\_  
A. J. Tothacer, Jr., County Attorney

\_\_\_\_\_  
Wayne Adams, County Administrator