

STATE OF SOUTH CAROLINA )  
COUNTY OF NEWBERRY ) ORDINANCE  
CITY OF NEWBERRY )

.....  
**TITLE**

**AN ORDINANCE TO AMEND THE TEXT OF THE ZONING ORDINANCE OF THE CITY OF NEWBERRY, SOUTH CAROLINA BY RENAMING THE C-1 ZONING DISTRICT; ESTABLISHING COLLEGE MAIN (CM) ZONING DISTRICT GOALS; ADDING ADDITIONAL PERMITTED USES; PROVIDING FOR JUNIOR COLLEGES AND TECHNICAL SCHOOLS; MODIFYING THE CONDITIONAL USES; ADDING RESTAURANTS AS A SPECIAL EXCEPTION; DELETING THE LANDSCAPING PROVISION; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS**, the City of Newberry Zoning Ordinance was adopted April 20, 1999, with the passage of Ordinance #099-1002, in accordance with S.C. Code Section 6-29-310 (1994 Supplement); and

**WHEREAS**, Ordinance #2003-1031 was adopted January 13, 2004, amending the City of Newberry Zoning Ordinance by creating Section 526, the C-1, Core Campus, College Zoning District; and

**WHEREAS**, in June 2007, Mr. John Robertson, representing Newberry College, did apply for rezoning of several off-campus, Newberry College-owned properties, prompting Planning Commission review and prompting the Planning Commission to explore creation of a more holistic approach to campus growth; and

**WHEREAS**, the Newberry Planning Commission elected to revisit the City's 2003 effort to create a transitional zoning district to address Newberry College campus growth, as well as review and update the existing C-1, Core Campus Zoning District provisions; and

**WHEREAS**, the Newberry Planning Commission, at its May 18, 2009 meeting, following approximately twenty-four months of work, and considerable public input, did, in part, consider and did recommend approval and City Council consideration of the proposed text amendments, renaming and updating the C-1 Zoning District; and

**WHEREAS**, the Newberry City Council's public hearing for this ordinance was advertised June 26, 2009, as required by S.C. Code §6-29-760; and

**WHEREAS**, the first reading and public hearing for this ordinance were held July 14, 2009, consistent with S.C. Code §5-7-270 and §6-29-760; and

**WHEREAS**, second reading for this ordinance was held August 11, 2009, consistent with S.C. Code §5-7-270; and

**WHEREAS**, the Newberry City Council finds the proposed Zoning Ordinance text amendments to be in the public interest by updating the current C-1 Zoning District regulations, particularly by authorizing an expanded list of Permitted Uses;

**NOW, THEREFORE, BE IT ORDAINED** by the governing body of the City of Newberry, South Carolina, in Council duly assembled this 11<sup>th</sup> day of August, 2009, that the Zoning Ordinance of the City of Newberry, South Carolina is hereby amended to provide the following:

**SECTION 1. – C-1 Zoning District Amendments**

**526 ~~C-1 Core Campus~~, Main District Uses**

**A. CM GOALS**

1. Recognize existing uses and structures on campus;

2. Permit new campus growth in areas where conflicts are minimal or non-existent
3. Stipulate minimal limitations and requirements

**B. PERMITTED USES:**

1. Colleges and Universities (SIC 8221)
  - (a) Academic Classrooms
  - (b) Academic and Professional Offices
  - (c) Athletic concessions;
  - (d) Banking services;
  - (e) Book Stores/College supplies (gifts, souvenirs, novelty items, apparel, sundries);
  - (f) Administrative Offices
  - (g) Cafeterias
  - (h) Chapels, churches, etc.
  - (i) Dormitories
  - (j) Food Court
  - (k) Fraternity/Sorority Houses
  - (l) Health Clinics and Offices
  - (m) Maintenance and Maintenance Storage Facilities
  - (n) Meeting Facilities
  - (o) Libraries
  - (p) Parking Lots
  - (q) Physical Plant Operations
  - (r) Recreation Facilities, Indoor and Outdoor
  - (s) Research Labs and Offices
  - (t) Single Family Residences

2. Junior Colleges and Technical Schools (SIC 8222)

- (a) Academic Classrooms
- (b) Academic and Professional Offices
- (c) Book Stores/College supplies (gifts, souvenirs, novelty items, apparel, sundries)
- (d) Administration Offices
- (e) Cafeterias
- (f) Chapels, churches, etc.
- (g) Food Court
- (h) Health Clinic and Offices
- (i) Maintenance and Maintenance Storage Facilities
- (j) Meeting Facilities
- (k) Library
- (l) Parking Lots
- (m) Physical Plant Operations
- (n) Recreational Facilities, Indoor and Outdoor
- (o) Research Labs and Offices

- c. Existing Residential Uses

d. Accessory uses on the same lot with the principal uses

C. **CONDITIONAL USES** (requires the approval of the Zoning Administrator):

(1) New or expanded intercollegiate athletic fields and facilities;

(2) Non-restaurant commercial activities visible from public right-of-ways or adjacent private property;

(3) Commercial signage (excluding scoreboard attachments and other forms of athletic field advertisement.

a. Signs shall not exceed 12 square feet;

b. Signs shall be configured so as not to be visible from any public right of way or adjoining property.

D. **SPECIAL EXCEPTIONS** (requires approval of the Zoning Board of Appeals)

(1) Restaurants

The ZBA must consider the following when considering a restaurant Special Exception:

(a) Architectural compatibility with the College buildings,

(b) Adequate parking,

(c) Appropriate setbacks

(d) Adequate landscaping

(e) Compatible building height

E. **DIMENSIONAL RESTRICTIONS:**

(a) Minimum Lot Area: NA

(b) Minimum Lot Width: NA

(c) Minimum Dwelling Units: NA

(d) Height Restriction:

1. The lesser of the average height of existing buildings fronting and siding the same street and located within the C-M zone, or four (4) floor levels;
2. For parcels adjoining or within 100 feet of another zone (excluding the width of intervening public right of ways), the more restrictive limitations of the C-M zone or adjoining zone shall control.

(e) Minimum Front Yard and/or 2<sup>nd</sup> Street Yard Setback:

1. New construction fronting institutional uses within the C-4 M zone, the minimum depth shall be equal to the minimum existing depth for uses within the C-4 M zone fronting and siding the same street.
2. When new construction fronts residential and commercial uses within the R-10, R-8, R-6, NC and GC zones, the minimum front yard depth shall be 50 feet – unless said development is of a purely fill-in nature, in which case (i) shall control. In-fill development shall be defined as the construction of a single institutional facility amidst a superior number of existing institutional uses.

(f) Minimum Rear Yard Setback:

Minimum rear yard setbacks are applicable when the proposed C-4 M use adjoins residentially zoned properties – excluding, however, adjoining institutional facilities authorized by the C-4 T oOverlay:

- |    |      |         |
|----|------|---------|
| 1. | R-10 | 30 feet |
| 2. | R-8  | 20 feet |
| 3. | R-6  | 20 feet |

(g) Maximum Area Coverage:

Maximum area coverage shall be no more than 75% of the consolidated holdings of the institution and contained wholly within the C-4 M zone – excluding the aggregate square- area of intervening public right-of-ways, sidewalks and athletic fields.

(h) Buffer Yard Requirements:

A Type C buffer yard shall be required for uses adjoining residential zones, excepting those uses which adjoin institutional facilities authorized by the C-2 T overlay.

(i) Parking:

1. Shall be provided within the C-4 M zone and the C-2 T oOverlay that, in aggregate, equals or exceeds 75 spaces per 100 enrolled full-time equivalent students;
2. Only those spaces located in the C-4 M zone or located in the C-2 T oOverlay within a 1320-foot radius (which approximates a 5 minute walk at a 3 mph rate) of the Newberry College Library may be credited toward the required number of spaces.

~~(j) Landscaping:~~

~~Landscaping shall be consistent with current levels of campus landscaping and shall be determined by the Zoning Administrator.~~

(k) Access:

Ingress and egress shall be prohibited from residential streets where, in the opinion of the zoning Administrator, suitable access can be provided from a thoroughfare or a street servicing existing institutional facilities.

**SECTION 2. - Incorporation**

Specific authority is hereby granted to codify and incorporate this ordinance into the existing City of Newberry Zoning Ordinance, as amended.

**SECTION 3. - Severability**

If any portion of this ordinance is held by a court of competent jurisdiction to be invalid, illegal or unenforceable, such portion(s) shall be deemed severable and the remaining parts of this ordinance shall continue in full force and effect.

**SECTION 4. – Effective Date**

The effective date of this ordinance shall be August 11, 2009.

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T. Edward Kyzer, Mayor

ATTEST:

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Tina P. Wicker, City Clerk  
Newberry, South Carolina

(SEAL)

Introduction Date: July 14, 2009  
Adoption Date: August 11, 2009  
Effective Date: August 11, 2009

Public Hearing: July 14, 2009