

AN ORDINANCE AMENDING THE CHARLESTON COUNTY
COMPREHENSIVE PLAN ORDINANCE TO INCLUDE THE CHARLESTON
COUNTY COMPREHENSIVE GREENBELT PLAN INTO THE COMMUNITY
FACILITIES AND SERVICES ELEMENT (CHAPTER 8) AND TO INCLUDE THE
PROVISION THAT ANY CHANGE TO THE 70% RURAL/ 30% URBAN
ALLOCATION OF GREENBELT FUNDS REQUIRE A SUPER MAJORITY VOTE
(TWO-THIRDS) BY COUNTY COUNCIL

WHEREAS, Charleston County Council has adopted and amended a Comprehensive Plan for Charleston County pursuant to Sections 6-29-530 et seq. South Carolina Code of Laws, as amended; and

WHEREAS, Charleston County Council has also adopted Ordinance No. 1343 (regarding the development of a spending plan for the proceeds of the County's one-half cent transportation sales and use tax) which required the development of a Comprehensive Greenbelt Plan; and

WHEREAS, the Comprehensive Greenbelts Plan was required to have an inventory of available greenbelts, a 25-year forecast of greenbelt needs, identify greenbelt funding resources, establish Greenbelt Parcel Selection Criteria, and obtain input from the Public; and

WHEREAS, following numerous public meetings and analysis, the Charleston County Greenbelt Advisory Board approved the Comprehensive Greenbelt Plan on May 2, 2006; and

WHEREAS, The Charleston County Park and Recreation Commission approved the Comprehensive Greenbelt Plan on May 22, 2006; and

WHEREAS, the Charleston County Council unanimously adopted the Comprehensive Greenbelt Plan on June 6, 2006 and directed that it be incorporated into the County Comprehensive Plan; and

WHEREAS, the Charleston County Planning Commission has recommended approval of the following amendment to the Charleston County Comprehensive Plan on October 9, 2006;

NOW, THEREFORE, BE IT ORDAINED BY THE CHARLESTON COUNTY COUNCIL, AS FOLLOWS:

SECTION I. FINDINGS INCORPORATED

The findings above are hereby incorporated by reference and made a part of this ordinance.

SECTION II. AMENDMENT TO COMPREHENSIVE PLAN

The Comprehensive Development Plan of Charleston County, adopted April 20, 1999 and as subsequently amended, is further amended to incorporate the Comprehensive Greenbelt Plan as a new Section 8.13, entitled "Greenbelt Plan". Said plan shall be the document entitled "Comprehensive Greenbelt Plan, Adopted June 6, 2006" (the "Greenbelt Plan") which is hereby incorporated herein and made a part hereof by reference.

SECTION III. REQUIREMENT FOR SUPERMAJORITY VOTE TO AMEND FUNDS ALLOCATION

With the exception of funds earmarked for the use of the Charleston County Park and Recreation Commission for its purchase of parklands, the allocation of greenbelt funds from the proceeds of the one-half cent sales tax shall be made based upon a formula of 70% for the rural area, and 30% for the urban area, as depicted on page 4-5 of the Greenbelt Plan, and as maintained on the digital zoning map for Charleston County by the Charleston County Planning Department. Any change of this spending allocation plan may be made only by an affirmative vote of two thirds of the membership of Charleston County Council, which is six (6) votes.

SECTION IV. SEVERABILITY

If any part of this Ordinance is held to be unconstitutional, it shall be construed to have been the legislative intent to pass said Ordinance without such unconstitutional provision, and the remainder of said Ordinance shall be deemed to be valid as if such portion had not been included. If said Ordinance, or any provisions thereof, is held to be inapplicable to any person, group of persons, property, kind or property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.

SECTION V. EFFECTIVE DATE

This Ordinance shall be effective immediately upon approval following third reading.

ADOPTED BY CHARLESTON COUNTY COUNCIL ON THIS ____ DAY OF _____, 200__ .

First Reading: _____

Second Reading: _____

Third Reading: _____

Chairman, Charleston County Council

Beverly T. Craven
Clerk of Charleston County Council