

AN ORDINANCE

AMENDING CHARLESTON COUNTY ORDINANCE 1424 TO FACILITATE THE ACCOMPLISHMENT OF THE GOALS OF THE GREENBELT BANK AND THE COMPREHENSIVE GREENBELT PLAN.

WHEREAS, on December 20, 2005 Charleston County Council ("County Council") adopted Ordinance number 1424, creating the Charleston County Greenbelt Bank and establishing its powers and duties; and

WHEREAS, on June 6, 2006, County Council adopted the Comprehensive Greenbelt Plan, which addresses a number of issues regarding procedures for the expenditure of Transportation Sales Tax funds for greenbelts. This Plan was also made a part of the County's Comprehensive Land Use Plan by council action on January 9, 2007; and

WHEREAS, the Greenbelt Plan establishes a Rural Grants Program for funding greenbelts purchases in the rural areas of the County, and assigns the responsibility for administering portions of that program to the Greenbelt Bank Board; and

WHEREAS, the Greenbelt Plan also provides for additional information which should be included in grants applications; and

WHEREAS, the Greenbelt Bank Board has requested other amendments to the Ordinance to facilitate the accomplishment of the goals of the Greenbelt Bank and the Comprehensive Greenbelt Plan,

NOW, THEREFORE, pursuant to the authority granted to the County Council for Charleston County under the Constitution, statutes, and laws of the State of South Carolina, BE IT ORDAINED by the Charleston County Council, in meeting duly assembled, the following:

Section Two A(1)a of Ordinance 1424 is amended to read as follows:

Eligible Greenbelt Fund Recipient means: Charleston County or a municipality in Charleston County; any agency, commission, or instrumentality of the County or municipality within Charleston County; a not-for-profit charitable corporation or trust authorized to do business in this State and organized and operated for natural resource conservation, land conservation, or historic preservation purposes, and having tax-exempt status as a public charity under the Internal Revenue Code of 1986, and having the power to acquire, hold, and maintain interests in land for these purposes; an agency or instrumentality of the United States Government; and any other entities as may be approved at the discretion of County Council on a case-by-case basis.

Section Two B (1) of Ordinance 1424 is amended to read as follows:

B. To carry out its functions, the Bank shall:

In order to implement the purposes of this ordinance and the County's Comprehensive Greenbelt Plan, adopted June 6, 2006, and made a part of the County's Comprehensive Land Use Plan on January 9, 2007, the Bank shall administer the Rural Grants Program pursuant to procedures set forth in Section 5.6.1 of the Greenbelt Plan. The Bank shall have the authority to promulgate forms to be used in the grant program, and shall establish procedures for distributing, collecting and evaluating grant applications.

3. Section Four G of Ordinance 1424 is amended to add a new subsection (8) to read as follows:

(8) Any minor improvements, as defined in the Comprehensive Greenbelt Plan as limited to boardwalks, foot bridges, unpaved trails, unpaved roadways and unpaved small parking areas, that are proposed to be included in the project and for which greenbelts funds will be requested.

Section Five of Ordinance 1424 is amended to add an additional subsection J to read as follows:

J. Grants of Greenbelt Funds are intended to facilitate the acquisition of interests in lands contemporaneously with the approval of the grant application. Therefore, it is not intended that applications will be approved for reimbursement of costs for the prior purchase of interests in land. However, where exigent or special circumstances arise which cause a need to acquire an interest in land after the submittal of an application for Greenbelt Funds, but prior to approval of an application by County Council, this purchase will not be automatically disqualified from receiving a grant of Greenbelt Funds. In order to avoid disqualification, the applicant(s) must demonstrate, to the satisfaction of County Council in its sole discretion, that circumstances arose which made the purchase necessary prior to grant approval.

This Ordinance shall take effect immediately upon approval following third reading. If any provision of this ordinance or its application to any circumstances is held by a court of competent jurisdiction to be invalid for any reason, this holding does not affect other provisions or applications of this ordinance which can be given effect without the invalid provisions or application, and to this end, the provisions of this ordinance are severable.

ADOPTED and APPROVED in meeting duly assembled this 15th day of May, 2007.

CHARLESTON COUNTY COUNCIL
Timothy E. Scott, Chairman