

AN ORDINANCE AMENDING THE CODE OF THE COUNTY OF GREENVILLE ESTABLISHING AND ADOPTING A APPURTENANT INFRASTRUCTURE IMPACT FEE ("IMPACT FEE"), IN ITS ENTIRETY, TO BE IMPOSED ON ALL NEW RESIDENTIAL DEVELOPMENT IN THE STALLINGS ROAD/REID SCHOOL ROAD/EDWARDS MILL ROAD/STATE PARK ROAD CORRIDOR TO ENSURE THAT APPURTENANT INFRASTRUCTURE WILL BE AVAILABLE AND ADEQUATE TO ACCOMMODATE THE NEED FOR APPURTENANT INFRASTRUCTURE EXPECTED TO BE GENERATED FROM THE ADDITIONATION MOTOR VEHICLE TRIPS GENERATED BY NEW RESIDENTIAL DEVELOPMENTS IN THE CORRIDOR, BASED ON THE ROADS AND STREETS' LEVEL OF SERVICE STANDARDS AND CAPITAL IMPROVEMENTS PLAN, AND TO ASSIGN THE COSTS OF SUCH APPURTENANT INFRASTRUCTURE ON A PROPORTIONATE SHARE BASIS TO NEW RESIDENTIAL DEVELOPMENT WITH AN ESTABLISHED IMPACT FEE FOR A SINGLE FAMILY DETACHED DWELLING UNIT AT \$XX,XXX.00 AND AN ESTABLISHED IMPACT FEE FOR A MULTI-FAMILY DWELLING UNIT AT \$XX,XXX.00 TO PROVIDE FOR A PUBLIC HEARING, AND TO PROVIDE FOR OTHER MATTERS RELATED THERETO.

BE IT ORDAINED AND ENACTED BY THE COUNTY COUNCIL OF GREENVILLE COUNTY, SOUTH CAROLINA:

SECTION 1 Legislative findings.

As an incident to the adoption of this ordinance, the GREENVILLE County Council, as the governing body of GREENVILLE County, South Carolina, has made the following legislative findings:

1.1 Council is empowered to enact ordinances for the implementation and enforcement of powers granted to Council pursuant to Sections 4-9-30 (14), and (17), S.C. Code Ann., as amended, and to specifically exercise such powers as authorized under the Development Impact Fees Statute, S.C. Code Ann. Section 6-1-910, et seq., and specifically through Section 6-1-930.

1.2 Council finds that:

- a. GREENVILLE County ("County") has experienced rapid population growth and development for the past 50 years, and projections indicate that the growth will continue at a rapid rate into the future; and
- b. The County has recently experienced the impacts on public roads and streets resulting from major, large scale development proposals; and
- c. The STALLINGS ROAD/REID SCHOOL ROAD/EDWARDS MILL ROAD/STATE PARK ROAD CORRIDOR (hereafter, "CORRIDOR") has

experienced massive increase in trips, commute times, and emergency incidents as a result of motor vehicle trips increase beyond the ability of the roads and streets' capacity.

d. Population and growth projections for the CORRIDOR indicate a need for XXXXXXXXXXXXXXXXXXXXXXXX.

e. The CORRIDOR has defined level of service standards for roads and streets by condition, vehicle trips, and wait times; and

f. These level of service standards and the projected residential development and population and motor vehicle trip rates for the CORRIDOR identify future public roads, streets, and infrastructure needs; and

g. The cost of APPURTENANT INFRASTRUCTURE (roads, streets, traffic controls) for the CORRIDOR is significant and expensive; and

h. If bonds, backed only by property taxes are used to finance the new APPURTENANT INFRASTRUCTURE (roads, streets, traffic controls) needed to meet the demand generated by new residential development, they would be largely paid for by existing residents of the CORRIDOR, who have already paid for the APPURTENANT INFRASTRUCTURE needed to serve them; and

i. It is fair and equitable for new residential development in CORRIDOR to fund new APPURTENANT INFRASTRUCTURE, in part, through a proportionate share public education impact fee; and

j. Because all new residential development in the CORRIDOR generates a demand for APPURTENANT INFRASTRUCTURE based on the same motor vehicle trip generation rate (XXXXXXXXXXXXx motor vehicle trips per single-family detached dwelling unit and XXXXXXXXXXXXXXX motor vehicle trips per multifamily dwelling unit), the APPURTENANT INFRASTRUCTURE impact fee shall be imposed uniformly within the CORRIDOR on all new dwelling units, as established by the motor vehicle trip generation rates, regardless of size or density; and

k. The APPURTENANT INFRASTRUCTURE impact fee shall be imposed uniformly on all new dwelling units within the CORRIDOR, regardless of the location of the residential development within the CORRIDOR; and

l. Because non-residential development does not directly generate motor vehicle trips, the APPURTENANT INFRASTRUCTURE impact fee shall not be imposed on such development; and

m. The County Council having given ample consideration to the provision and financing of APPURTENANT INFRASTRUCTURE, it hereby finds and declares that the establishment and adoption of the appurtenant infrastructure impact fee imposed

on new residential development is proportionate, and based on a capital improvements plan for the CORRIDOR that is based on the system improvements needed to provide APPURTENANT INFRASTRUCTURE to accommodate new residential development, and current costs to provide the system improvements; and

n. The County is empowered to execute an intergovernmental agreement on the subject of APPURTENANT INFRASTRUCTURE impact fees; and

o. Because the County is authorized to impose and collect APPURTENANT INFRASTRUCTURE impact fees within the CORRIDOR, APPURTENANT INFRASTRUCTURE shall only be constructed within the CORRIDOR; and

p. The County shall establish and maintain a separate, discrete fund account which shall be for the sole purpose of collecting, accounting, and spending upon appurtenant infrastructure within the CORRIDOR for the purposes set forth herein. Including, but not limited to serving new residential development.

1.3 In consideration of the foregoing, the Council deems it advisable to adopt this APPURTENANT INFRASTRUCTURE impact fee pursuant to Ordinance XXXXX (or applicable state law): Impact Fee Procedures, as hereinafter set forth.

SECTION 2. Code of GREENVILLE County Amended.

Chapter XXXXXXXXXXXX, et seq., of the GREENVILLE County Code of Ordinances, (XXX title of chapter XXX), is hereby amended in its entirety in the particulars established below, with direction to the Code Editor (or Clerk of Council) to make such sequential numbering in the Code Book to conform the adopted changes to the exiting text of the Code of Ordinances:

SECTION I. ADOPTION AND IMPOSITION OF APPURTENANT INFRASTRUCTURE IMPACT FEES.

Pursuant to Ordinance No. XXXXXXXXXXXX: Impact Fee Procedures, its terms, procedures, and processes, as set out in Sections I through X, which are incorporated and adopted herein by reference, *mutatis mutandis*, the intergovernmental agreement between the County and the CORRIDOR, this Ordinance, and other applicable provisions of the County Code, this APPURTENANT INFRASTRUCTURE impact fee shall be adopted and imposed on all new residential development in the County located in the CORRIDOR, in accordance with Attachment A: CORRIDOR APPURTENANT INFRASTRUCTURE Impact Fee Schedule, which is attached hereto and incorporated herein by reference.

SECTION II. DEFINITIONS.

A. **Reference to Impact Fee Procedures.** Terms which are defined in Ordinance No. XXXXX: Impact Fee Procedures, and which are used herein shall have the meanings given in the Impact Fee Procedures, unless another meaning is plainly intended.

B. **Reference to GREENVILLE County Code.** Terms which are defined in the GREENVILLE County Code and which are used herein shall have the meanings given in the GREENVILLE County Code, unless another meaning is plainly intended.

C. **This Ordinance.** For purposes of this Ordinance, the following words and terms shall have the meanings set forth herein, unless another meaning is clearly indicated.

1. **Adopted Level of Service (LOS) Standard:** Means and refers to the amount of APPURTENANT INFRASTRUCTURE (buildings and land) needed to accommodate a vehicle trip as established in (Greenville County Capitol Improvement Plan) CORRIDOR by (consultant/staff) (dated XX, XX, XXXX), which is incorporated herein by reference.
2. **County:** Means and refers to GREENVILLE County, a political subdivision of the State of South Carolina, possessing all powers available generally to counties in South Carolina.
3. **County Council:** Means and refers to the elected governing body of GREENVILLE County.
4. **Dwelling Unit:** Means and refers to either single-family detached or multi-family units.
5. **Individual Assessment of Development Impact:** A study prepared by a feepayor, calculating the cost of capital improvements for APPURTENANT INFRASTRUCTURE required to serve the feepayor's proposed development, that is based on the established level of service standards, the service units and unit construction costs, and methodology identified (Greenville County Capitol Improvement Plan) CORRIDOR by (consultant/staff) (dated XX, XX, XXXX), which is incorporated herein by reference. The Assessment shall be performed in compliance with any standards for such studies established by this Ordinance.
6. **Intergovernmental Agreement:** Means and refers to an agreement executed by the County and the CORRIDOR for the collection of APPURTENANT INFRASTRUCTURE impact fees by the County, and the transfer of the fee revenues from the County and to the CORRIDOR, and for the expenditure of said revenues by the CORRIDOR for APPURTENANT INFRASTRUCTURE, as herein defined, to accommodate new residential development.
7. **Non-Residential Development:** Means and refers to all development other than a dwelling unit.

8. **APPURTENANT INFRASTRUCTURE:** Means and refers to the improvements and land for APPURTENANT INFRASTRUCTURE (including the planning, design, engineering, and construction of transportation infrastructure, lighting, landscaping, sidewalks, internal streets, access roads and driveways; the costs associated with the acquisition of land; site preparation costs; and costs associated with the construction of new, or additions to or expansions of infrastructure; all of which constitute system improvements for APPURTENANT INFRASTRUCTURE.)
9. **APPURTENANT INFRASTRUCTURE Impact Fee:** Means and refers to the fees imposed on new residential development on a proportionate share basis as a condition of development approval, which has been calculated to defray the costs of system improvements for the needed APPURTENANT INFRASTRUCTURE identified in a capital improvements plan which is needed to accommodate new residential development, based on the level of service standard for the CORRIDOR.
10. **Residential Development:** Means and refers to the development of one (1) or more dwelling units.
11. **CORRIDOR:** Means the CORRIDOR.
12. **Motor vehicle trip Generation Rate (SGR):** Means and refers to the number of motor vehicle trips generated by a typical dwelling unit in the CORRIDOR. The motor vehicle trip generation rate is used by the CORRIDOR for planning, capital improvements programming, the development of a capital improvement plan, and the development of proportionate share APPURTENANT INFRASTRUCTURE impact fees.

SECTION III. ESTABLISHMENT OF APPURTENANT INFRASTRUCTURE IMPACT FEE SERVICE AREA AND PUBLIC EDUCATION IMPACT FEE CORRIDOR.

The APPURTENANT INFRASTRUCTURE impact fee shall be imposed and calculated within the CORRIDOR. The service area CORRIDOR for the CORRIDOR is coterminous with the CORRIDOR boundaries. Impact fees collected within the CORRIDOR shall be spent within the CORRIDOR.

SECTION IV. IMPOSITION OF APPURTENANT INFRASTRUCTURE IMPACT FEE.

- A. The APPURTENANT INFRASTRUCTURE impact fee shall be imposed on all new residential development in the CORRIDOR, unless the residential development is exempted or a waiver is granted by the County pursuant to Ordinance No. XXXX: Impact Fee Procedures. If an exemption or waiver is granted, the impact fees which otherwise would have been due shall be provided by the CORRIDOR, using funds available from sources other than APPURTENANT INFRASTRUCTURE impact fees.

B. Residential development in the unincorporated County shall pay the fees at the time of issuance of a building permit. Fees shall be paid to the Customer Service Representative in the County's XXXXXXXXX Division. A building permit for residential development shall not be issued without confirmation, in writing, from the County's XXXXXXXXX Division that the CORRIDOR APPURTENANT INFRASTRUCTURE impact fees have been paid in accordance with this Ordinance.

SECTION V. CALCULATION OF APPURTENANT INFRASTRUCTURE IMPACT FEE.

A. The County shall calculate the applicable APPURTENANT INFRASTRUCTURE impact fees due from a proposed residential development in accordance with the procedure set forth in Ordinance XXXX: Impact Fee Procedures, the intergovernmental agreement, this Ordinance, and (Greenville County Capitol Improvement Plan) CORRIDOR by (consultant/staff) (dated XX, XX, XXXX), which is incorporated herein by reference. The impact fee amount for the CORRIDOR is established in Attachment A: CORRIDOR APPURTENANT INFRASTRUCTURE Impact Fee Schedule, which is attached hereto and incorporated herein by reference.

B. The following general procedure shall be followed by the County upon receipt of an application for a building permit for new residential development:

- 1 identify the number and type of dwelling units in the proposed new residential development; and multiply the number of dwelling units by the impact fee per the type of dwelling unit.

C. In lieu of calculating the amount(s) of impact fees by reference to Attachment A, a feepayor may request that the amount of the required impact fees be determined by reference to an Individual Assessment of Development Impact for the proposed development.

1. If a feepayor requests the use of an Individual Assessment of Development Impact, the feepayor shall be responsible for retaining a qualified professional to prepare the Individual Assessment of Development Impact that complies with the requirements of this Ordinance, at the feepayor's expense.
2. Each Individual Assessment of Development Impact shall be based on the same level of service standards and system improvement costs for capital improvements for APPURTENANT INFRASTRUCTURE used in (Greenville County Capitol Improvement Plan) CORRIDOR by (consultant/staff) (dated XX, XX, XXXX), which is incorporated herein by reference, and shall document the relevant methodologies and assumptions used.

3. Each Individual Assessment of Development Impact shall be submitted to the Director or a designee, and may be accepted, rejected, or accepted with modifications by the Director or a designee as the basis for calculating APPURTENANT INFRASTRUCTURE impact fees. If an Individual Assessment of Development Impact is accepted or accepted with modifications by the Director or a designee as a more accurate measure of the demand for capital improvements for APPURTENANT INFRASTRUCTURE created by the proposed new development than the applicable fees in Attachment A, then the impact fees due under this Ordinance shall be calculated according to such assessment.
4. The decision of the Director regarding the Individual Assessment of Development Impact shall be final. A feepayor may appeal the Director's decision pursuant to the appeal procedures identified in Ordinance XXXX: Impact Fee Procedures.

SECTION VI. TRUST FUND ESTABLISHED.

The County hereby establishes a segregated APPURTENANT INFRASTRUCTURE Impact Fee Trust Fund Account. All APPURTENANT INFRASTRUCTURE impact fees collected by the County for the _____ APPURTENANT INFRASTRUCTURE Impact Fees shall be placed in the Trust Fund Account, until transferred to the School CORRIDOR for expenditure on APPURTENANT INFRASTRUCTURE as herein defined. The Trust Fund shall be an interest-bearing account and all interest earned and accruing to the account shall become funds of the account, subject to the same limitations and restrictions on use and expenditure of funds that are applicable to APPURTENANT INFRASTRUCTURE impact fee funds.

SECTION VII. LIMITATIONS ON USE AND EXPENDITURE OF APPURTENANT INFRASTRUCTURE IMPACT FEE FUNDS.

APPURTENANT INFRASTRUCTURE impact fee funds (and interest) shall be used by the County solely and exclusively for APPURTENANT INFRASTRUCTURE within the CORRIDOR as defined herein.

SECTION VIII. SUNSET.

This Impact Fee Ordinance specifically adopted for APPURTENANT INFRASTRUCTURE within the CORRIDOR shall be terminated upon enactment and operation of an alternative and equivalent revenue source. These sources may include, but not be limited to, a specified sales tax, gas tax, and/or a proportionally equitable mobile home property tax. Upon termination of this Ordinance, all revenue generated for specified improvements shall be retained by the County for two (2) years. The County shall refund any funds remaining in the Trust Fund after two years to any feepayor requesting a refund.

SECTION 3. Public Hearing Required.

The GREENVILLE County Council shall conduct a public hearing after publishing a notice of the date, time and place of such hearing at least thirty (30) days in advance of such hearing before final legislative action is taken for the adoption of this ordinance

SECTION 4. Severability.

The provisions of this ordinance are hereby declared to be severable, and if any provision or section of this ordinance is declared to be unconstitutional or unenforceable by the final order of a court of competent jurisdiction, such declaration shall not affect the constitutionality, legality or enforceability of any other section or provision of this ordinance, which shall be deemed severable, valid, enforceable and effective.

SECTION 5. Liberal Construction.

The provisions of this Ordinance shall be liberally construed to effectively carry out its purposes in the interest of furthering, promoting and protecting the public health, safety, and welfare.

SECTION 6. Repeal of inconsistent sections and ordinances.

All sections of the GREENVILLE County Code of Ordinances and all GREENVILLE County ordinances in conflict with this ordinance are hereby amended to the extent of such conflict.

SECTION 7. Savings Clause.

Ordinance XXXX remains in full force and effect, notwithstanding the adoption of this Ordinance; however, the imposition and collection of fees under Ordinance XXXX are hereby suspended during any period in which the fee imposed by this Ordinance is being collected.

SECTION 8. Effective date.

- A. This Ordinance shall become effective immediately upon its adoption,
- B. Applications for new residential development submitted and reviewed and approved prior to the Effective Date shall be processed pursuant to Ordinance XXXX "CORRIDOR APPURTENANT INFRASTRUCTURE Impact Fee."

ADOPTED this XXXX day of XXXXXXXXXXXXXXX, 2022