

AN ORDINANCE

AN ORDINANCE SO AS TO PROVIDE TRANSFER OF DEVELOPMENT RIGHTS IN THOSE ZONING CLASSIFICATIONS AS DESIGNATED BY GREENVILLE COUNTY COUNCIL:

BE IT ORDAINED BY GREENVILLE COUNTY COUNCIL:

Section 1. Policy and Intent. The transfer of development rights system herein established is designed, among other purposes, to:

- (a) Secure a fair balance between the public interest through such things as the most economic and efficient possible use of county services, and available utilities and the interests of individual landowners;
- (b) Secure an economically, socially, and environmentally sound balance between developed and open land;
- (c) Preserve the natural and scenic qualities of open land;
- (d) Provide for a creative and staged development of land and an orderly transition of land from vacant to occupied uses; and,
- (e) To foster development in areas best suited to specific uses while providing economic return to owners of property restricted from further development.

Section 2. Principles Governing Transferable Development Rights.

- (a) Transfer of development rights provides for greater development potential through increased density to parcels of land which may or may not be contiguous or under the same ownership.
- (b) Only those zoning classifications as designated by Greenville County Council shall contain transfer of development rights.
- (c) Once a parcel of land has transferred its development right, it is permanently reserved from specified development uses; except in the case of where a single parcel has been developed to less than its maximum yield, then such land may receive development rights transferred to it from other eligible property in the particular zoning classification.
- (d) Transferable development rights shall be acquired only by property owners within a zoning classification which contains such rights and in no event shall a property owner own more transferable development rights than the maximum yield allocated to property owned.

(e) No development rights may be transferred from one zoning classification to another.

(f) For each zoning classification containing transfer development rights, the Planning Commission shall recommend and Greenville County Council shall adopt, the manner in which development rights are allocated to individual owners.

(g) Development of land in zoning classification which contain transfer of development rights is limited to those uses as specified in the particular zoning classification.

(h) Transferable development rights belong to the owner of the fee.

(i) If no mention is made of reserving to the grantor transferable development rights in a general warranty deed conveying a fee, such rights shall pass to the purchaser of the fee.

(j) A round-off system will be used to calculate the number of transferable development rights eligible for a particular piece of property. The transferable development rights will be calculated and carried two decimal points and then rounded off accordingly (i.e. any fractional unit greater than or equal to .50 will be rounded up to the next whole number). Fractional units of development rights may be transferred.

(k) In no event shall an owner transfer more development rights than that required for a building(s) actually constructed and no building permit may be issued for a piece of property which has less than one (1) whole transfer development right.

Section 3. Procedure. Development rights may be transferred to land within specific zoning classifications pursuant to the following procedure:

(a) The Greenville County Planning Commission shall be responsible for the initial calculation of transferable development rights. This calculation is subject to correction upon submission of a more recent property surveys which invalidates the previously recorded plat.

(b) Such allocation to property owners shall be recorded by plat in the R.M.C. Office.

(c) The transfer of development rights must be documented through deeds which particularly describe the property from which and to which said rights are transferred.

(d) Certification of the number of development rights eligible for transfer from a particular piece of property must be obtained from the County Auditor before transfer can be effected. No transfer shall be recorded in the R.M.C. Office for Greenville County without certification attached to the deed.

(e) Notification of development right transfer shall be given by the R.M.C. Office to the County Auditor and the Greenville County Building Codes Department within three (3) days of said transfer.

(f) Whenever a building permit is obtained by a property owner for use within a zoning classification which contains transferable development rights, the Greenville County Building Codes Department shall notify the County Auditor within three (3) days. The County Auditor will then adjust transferable development rights records accordingly.

(g) Upon the transfer of the development rights from a particular piece of property, said rights are forfeited indefinitely for such property.

Section 5. Rezoning. In the event that property for which a development right has been conveyed pursuant to this ordinance or for which additional development right(s)'s have been acquired, shall have its allowable density of development altered by amendment to the underlying zoning classification, the following rules shall apply:

(a) If such amendment increases the allowable density of land, the owner shall be entitled to the full number of units allowed by the amendment plus the number of development rights previously obtained by conveyance.

(b) If such amendment decreases the allowable density of land, the owner may develop at the density formerly allowed if the affected land has previously obtained additional development rights prior to the effective date of the amendment.

Section 6. Penalty. Whenever a violation of this Ordinance occurs or is alleged to have occurred, the procedure for registering complaints, the methods of remedying the violation and penalties for the violation, as contained in the Greenville County Zoning Ordinance shall apply.

Section 7. Time Effective. This ordinance shall take effect upon the date of its adoption.

DONE IN REGULAR MEETING THIS 21st DAY OF December, 1983.

H Michael Spurr
Chairman

Frank Ellenberg
County Administrator

ATTEST:

Mary J. Turner
Clerk