

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GREENWOOD )

**ORDINANCE NO. 24-010**

**ORDINANCE TO PROVIDE FOR A LIMITED AND TEMPORARY MORATORIUM ON THE SUBDIVISION OF A TRACT OF LAND INTO FIVE (5) LOTS OR MORE OF SEVEN THOUSAND (7,000) SQUARE FEET OR LESS INVOKING APPLICATION OF THE PENDING ORDINANCE DOCTRINE, AND PROTECTING EXISTING VESTED RIGHTS AS REQUIRED BY APPLICABLE LAW.**

**WHEREAS**, the City of Greenwood has established by ordinance a Zoning Ordinance designed to guide development in accordance with existing and future needs; for the purposes of providing for adequate light, air, and open space; preventing the overcrowding of land to avoid undue concentration of population and to lessen congestion in the streets; facilitating the creation of a convenient, attractive, and harmonious community; protecting and preserving scenic, historic, or ecologically sensitive areas; regulating the density and distribution of populations and the uses of buildings, structures and land for trade, industry, residence, recreation, agriculture, forestry, conservation, airports and approaches thereto, water supply, sanitation, protection against floods, public activities, and other purposes; facilitating the adequate provision or availability of transportation, police and fire protection, water, sewer, schools, parks and other recreational facilities, safe and affordable housing, disaster evacuation, and other public services and requirements; securing safety from fire, flood, and other dangers; and furthering the public welfare in any other regard; and,

**WHEREAS**, the subdivision of tracts of land into five (5) or more parcels at lot sizes of seven thousand (7,000) square feet or less for the purpose of constructing new dwelling abodes has and is placing an undue burden on the City's ability to meet the goals of the Zoning Ordinance as outlined above; and,

**WHEREAS**, the City has been unable to determine any alternative less burdensome on the property rights of its' citizens; and,

**WHEREAS**, the current Comprehensive Plan and Future Land Use Map, Zoning Ordinance, and Development Regulations are insufficient to address the needs of its growing community; and,

**WHEREAS**, the City is currently studying modifications to the Comprehensive Plan and Future Land Use Map to address discordant language and mapped areas; and,

**WHEREAS**, the City, in consultation with its Joint Planning Commission and staff, will need time to determine how its Comprehensive Plan, Future Land Use Map, Zoning Ordinance, and Land Use Regulations will best be revised; and,

**WHEREAS**, the City has determined that it is necessary to protect the public's health, safety and welfare by passing an ordinance declaring a limited and temporary moratorium as provided below on the division of any tract of land into five (5) or more parcels that would contain parcels of seven thousand (7,000) square feet or less.

**WHEREAS**, pursuant to prior appellate case precedents, a moratorium may be upheld where there is a demonstrated need for the moratorium, and the moratorium is enacted in good faith, is nondiscriminatory, is set for a clearly defined limited duration, and has a clearly defined scope; and,


**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council Members of the City of Greenwood in duly assembled and with a legal quorum, as follows:

1. A limited and temporary Moratorium is hereby enacted to prevent the subdivision of any tract of land into five (5) or more parcels that would include parcels of 7,000 square feet or less, and
2. This Moratorium shall be effective for One Hundred Twenty (120) days from the date of 2<sup>nd</sup> Reading; and,
3. All Ordinances inconsistent with this Moratorium are likewise suspended to the extent of such inconsistency; and,
4. Vested rights are established in accordance with City Ordinance 05-009; and,
5. Council directs Staff and the Joint Planning Commission to pursue the following action plan:
  - a. Review, with the assistance of a third party, the City's Comprehensive Plan and Future Land Use Map;
  - b. Prepare amendments to the Comprehensive Plan and Future Land Use plan to address inconsistent language and mapping, as well as, adequate facilities for open space, streets, parks, and consistency with adjacent land uses;
  - c. Prepare a budget, scope, and schedule for updating the Comprehensive Plan and for exploring a Unified Development Ordinance.

**Done this 6<sup>th</sup> day of May, 2024**

  
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Betty Boles, Mayor Pro Tempore

Attest:

  
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Tiffany Albert, City Clerk

First Reading: April 29, 2024

Second Reading: May 6, 2024