**South Carolina General Assembly**

118th Session, 2009-2010

**S. 247**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Rose

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Companion/Similar bill(s): 3074

Introduced in the Senate on January 13, 2009

Currently residing in the Senate Committee on **Judiciary**

Summary: Annexing property

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/13/2009 Senate Introduced and read first time [SJ](file:///h:\SJ%20Archive\2009\01-13-09.docx)‑195

1/13/2009 Senate Referred to Committee on **Judiciary** [SJ](file:///h:\SJ%20Archive\2009\01-13-09.docx)‑195

**VERSIONS OF THIS BILL**

[1/13/2009](file:///p:\pprever\2009-10\247_20090113.docx)

**A** **BILL**

TO AMEND CHAPTER 3, TITLE 5 OF THE 1976 CODE, BY ADDING SECTION 5‑3‑370 TO DEFINE CONCURRENCY REQUIREMENT, TO PROVIDE THAT WHEN A MUNICIPALITY ANNEXES PROPERTY IN A COUNTY THAT HAS A LAND USE OR ZONING POLICY, PLAN, REGULATION, OR ORDINANCE REQUIRING CONCURRENCY OF PUBLIC FACILITIES WITH DEVELOPMENT, THE COUNTY CONCURRENCY REQUIREMENT MUST REMAIN IN EFFECT FOR A DEFINED PERIOD AND TO ALLOW THE COUNTY GOVERNING BODY TO APPROVE A PROPOSAL BY THE MUNICIPALITY FOR A LESSER CONCURRENCY REQUIREMENT FOR A DEFINED AREA WITHIN THE ANNEXED PROPERTY.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 3, Title 5 of the 1976 Code is amended by adding:

“Section 5‑3‑370. (A) For purposes of this section ‘concurrency requirement’ means any provision of a county’s land use or zoning policy, plan, regulation, or ordinance that requires that the public infrastructure necessary to service the development must be in place at a certain time or in time to support the project.

(B) Any concurrency requirement applying to property annexed by a municipality at the time of the annexation must remain in effect for that property for five years after the annexation, unless approved otherwise by the governing body of the county in which the property was annexed. Prior to the approval of any development project of any part of the affected area by the municipality, the county planning commission must approve that the development plan satisfies the concurrency requirement.

(C) During the period that the county’s concurrency requirements must remain in effect for the annexed property, the municipality may propose to the county local planning commission that the concurrency requirements be decreased in a defined area within the annexed property. The proposal may be adopted upon recommendation of the county local planning commission and approval of the county governing body.”

SECTION 2. This act takes effect upon approval by the Governor.

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