**South Carolina General Assembly**

123rd Session, 2019-2020

**S. 833**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Loftis, Corbin, Turner and Verdin

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Companion/Similar bill(s): 4598

Introduced in the Senate on May 8, 2019

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

Summary: Local planning definitions

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

5/8/2019 Senate Introduced and read first time ([Senate Journal‑page 4](file:///h:\sj\20190508.docx))

5/8/2019 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 4](file:///h:\sj\20190508.docx))

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**VERSIONS OF THIS BILL**

[5/8/2019](file:///p:\pprever\2019-20\833_20190508.docx)

**A** **BILL**

TO AMEND SECTION 6‑29‑1110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS APPLICABLE TO LOCAL PLANNING, SO AS TO PROVIDE A DEFINITION FOR THE TERM “PLAT”, TO REVISE THE DEFINITION OF “SUBDIVISION”, AND TO PROVIDE THAT LAND SURVEYS, WHICH MEET THE EXISTING STATE SURVEYING STANDARDS, MUST BE FILED DIRECTLY WITH THE REGISTER OF DEEDS, REGISTER OF MESNE CONVEYANCES, CLERK OF COURT, OR OTHER OFFICES HOUSING SUCH DOCUMENTS AND ARE EXEMPT FROM ANY REVIEW, COMMENT, OR BEING APPROVED OR DENIED BY ANY POLITICAL SUBDIVISIONS OF THIS STATE INCLUDING ANY COUNTY OR MUNICIPAL GOVERNMENT OR ANY OF ITS DEPARTMENTS, DIVISIONS, BOARDS, OR COMMISSIONS.

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

SECTION 1. SECTION 1. Section 6‑29‑1110 of the 1976 Code is amended to read:

“Section 6‑29‑1110. (A) As used in this chapter:

(1) ‘Affordable housing’ means in the case of dwelling units for sale, housing in which mortgage, amortization, taxes, insurance, and condominium or association fees, if any, constitute no more than twenty‑eight percent of the annual household income for a household earning no more than eighty percent of the area median income, by household size, for the metropolitan statistical area as published from time to time by the U.S. Department of Housing and Community Development (HUD) and, in the case of dwelling units for rent, housing for which the rent and utilities constitute no more than thirty percent of the annual household income for a household earning no more than eighty percent of the area median income, by household size for the metropolitan statistical area as published from time to time by HUD.

(2) ‘Land development’ means the changing of land characteristics through redevelopment, construction, subdivision into parcels, condominium complexes, apartment complexes, commercial parks, shopping centers, industrial parks, mobile home parks, and similar developments for sale, lease, or any combination of owner and rental characteristics.

(3) ‘Market‑based incentives’ mean incentives that encourage private developers to meet the governing authority’s goals as developed in this chapter. Incentives may include, but are not limited to:

(a) density bonuses, allowing developers to build at a density higher than residential zones typically permit, and greater density bonuses, allowing developers to build at a density higher than residential affordable units in development, or allowing developers to purchase density by paying into a local housing trust fund;

(b) relaxed zoning regulations including, but not limited to, minimum lot area requirements, limitations of multifamily dwellings, minimum setbacks, yard requirements, variances, reduced parking requirements, and modified street standards;

(c) reduced or waived fees including those fees levied on new development projects where affordable housing is addressed, reimburse permit fees to builder upon certification that dwelling unit is affordable and waive up to one hundred percent of sewer/water tap‑in fees for affordable housing units;

(d) fast‑track permitting including, but not limited to, streamlining the permitting process for new development projects and expediting affordable housing developments to help reduce cost and time delays;

(e) design flexibility allowing for greater design flexibility, creating preapproved design standards to allow for quick and easy approval, and promoting infill development, mixed use and accessory dwellings.

(4) ‘Subdivision’ means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, lease, or building development, and includes all division of land involving a new street or change in existing streets, and includes re‑subdivision which would involve the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or, the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, and includes combinations of lots of record; however, the following exceptions are included within this definition only for the purpose of requiring that the local planning agency be informed and have a record of the subdivisions, but must be excluded from any review, comment, or approval or denial by any political subdivision of this State, including any county or municipal government, or any of its departments, divisions, boards, or commissions:

(a) the combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the lot size or density standards of the governing authority in effect at the time of the approval of the subdivision that is being modified;

(b) the division of land into parcels of ~~five acres~~ one acre or ~~more~~ greater where no new street is involved and plats of these exceptions must be received as information by ~~the planning agency~~ any political subdivision of this State, including any county or municipal government, or any of its departments, divisions, boards, or commissions which shall indicate that fact on the plats; ~~and~~

(c) the combination or recombination of entire lots of record where no new street or change in existing streets is involved;

(d) any resurveys that do not create new lines, easements, or rights of way; and

(e) a division that results from the settlement of an estate or clearing of a title by heirs and is not intended for immediate or future sale, lease, or building development.

(5) ‘Traditional neighborhood design’ means development designs intended to enhance the appearance and functionality of the new development so that it functions like a traditional neighborhood or town. These designs make possible reasonably high residential densities, a mixture of residential and commercial land uses, a range of single and multifamily housing types, and street connectivity both within the new development and to surrounding roadways, pedestrian, and bicycle features.

(6) ‘Nonessential housing regulatory requirements’ mean those development standards and procedures that are determined by the local governing body to be not essential within a specific priority investment zone to protect the public health, safety, or welfare and that may otherwise make a proposed housing development economically infeasible. Nonessential housing regulatory requirements may include, but are not limited to:

(a) standards or requirements for minimum lot size, building size, building setbacks, spacing between buildings, impervious surfaces, open space, landscaping, buffering, reforestation, road width, pavements, parking, sidewalks, paved paths, culverts and storm water drainage, and sizing of water and sewer lines that are excessive; and

(b) application and review procedures that require or result in extensive submittals and lengthy review periods.

(7) ‘Plat’ means a diagram drawn to scale showing all essential data pertaining to the boundaries and subdivisions of a tract of land, as determined by a survey and must be signed and sealed by the surveyor.

(B) Land surveys, which meet the existing state surveying standards, must be filed directly with the register of deeds, register of mesne conveyances, clerk of court, or other offices housing such documents and are exempt from any review, comment, or being approved or denied by any political subdivisions of this State including any county or municipal government or any of its departments, divisions, boards, or commissions.”

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

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