**South Carolina General Assembly**

125th Session, 2023-2024

**H. 5562**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Wetmore, Stavrinakis and Bustos

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Introduced in the House on May 8, 2024

Currently residing in the House Committee on **Medical, Military, Public and Municipal Affairs**

Summary: Local Planning

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 5/8/2024 House Introduced and read first time (House Journal‑page 296)

 5/8/2024 House Referred to Committee on **Medical, Military, Public and Municipal Affairs** (House Journal‑page 296)

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**VERSIONS OF THIS BILL**

[05/08/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/5562_20240508.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 6-29-720, RELATING TO ZONING ORDINANCES, SO AS TO DEFINE “CONCURRENCY PROGRAMS”; AND BY AMENDING SECTION 6-29-1130, RELATING TO REGULATIONS, SO AS TO INCLUDE A REFERENCE TO AN ADOPTED CONCURRENCY PROGRAM.

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

SECTION 1. Section 6-29-720(C) of the S.C. Code is amended to read:

 (C) The zoning ordinance may utilize the following or any other zoning and planning techniques for implementation of the goals specified above. Failure to specify a particular technique does not cause use of that technique to be viewed as beyond the power of the local government choosing to use it:

 (1) “cluster development” or the grouping of residential, commercial, or industrial uses within a subdivision or development site, permitting a reduction in the otherwise applicable lot size, while preserving substantial open space on the remainder of the parcel;

 (2) “floating zone” or a zone which is described in the text of a zoning ordinance but is unmapped. A property owner may petition for the zone to be applied to a particular parcel meeting the minimum zoning district area requirements of the zoning ordinance through legislative action;

 (3) “performance zoning” or zoning which specifies a minimum requirement or maximum limit on the effects of a land use rather than, or in addition to, specifying the use itself, simultaneously assuring compatibility with surrounding development and increasing a developer's flexibility;

 (4) “planned development district” or a development project comprised of housing of different types and densities and of compatible commercial uses, or shopping centers, office parks, and mixed-use developments. A planned development district is established by rezoning prior to development and is characterized by a unified site design for a mixed use development;

 (5) “overlay zone” or a zone which imposes a set of requirements or relaxes a set of requirements imposed by the underlying zoning district when there is a special public interest in a particular geographic area that does not coincide with the underlying zone boundaries;

 (6) “conditional uses” or zoning ordinance provisions that impose conditions, restrictions, or limitations on a permitted use that are in addition to the restrictions applicable to all land in the zoning district. The conditions, restrictions, or limitations must be set forth in the text of the zoning ordinance; and

 (7) “priority investment zone” in which the governing authority adopts market-based incentives or relaxes or eliminates nonessential housing regulatory requirements, as these terms are defined in this chapter, to encourage private development in the priority investment zone. The governing authority also may provide that traditional neighborhood design and affordable housing, as these terms are defined in this chapter, must be permitted within the priority investment zone; and

 (8) “concurrency programs” in which the governing authority conditions approval of land development activities on public facility and service adequacy. A concurrency program also may be referred to as an “adequate public facility program”.

 (a) Concurrency programs must ensure public facilities and services necessary to support development are adequate to serve that development, based on reasonable and locally documented level of service standards and proportionate share methodologies.

 (b) A governing authority adopting concurrency may require public facility and service contributions sufficient to offset a development’s proportionate share impacts on facilities and services and also may accept excess capacity contributions made pursuant to a written agreement with the property owner.

 (c) However, under this subsection, the governing authority must take into consideration any contributions made by payment of development impact fees or other instruments for the same impacts on relevant facilities and services.

 (d) Local governing authorities and property owners may enter into written proportionate share, cost sharing, or other similar agreements to facilitate exercise of any authority or requirement under this subsection.

SECTION 2. Section 6-29-1130(A) of the S.C. Code is amended to read:

 Section 6-29-1130. (A) When at least the community facilities element, the housing element, and the priority investment element of the comprehensive plan as authorized by this chapter have been adopted by the local planning commission and the local governing body or bodies, the local planning commission may prepare and recommend to the governing body or bodies for adoption regulations governing the development of land within the jurisdiction. These regulations may provide for the harmonious development of the municipality and the county; for coordination of streets within subdivision and other types of land developments with other existing or planned streets or official map streets; for the size of blocks and lots; for the dedication or reservation of land for streets, school sites, and recreation areas and of easements for utilities and other public services and facilities, including by an adopted concurrency program; and for the distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience, appearance, prosperity, or the general welfare. In particular, the regulations shall prescribe that no land development plan, including subdivision plats, will be approved unless all land intended for use as building sites can be used safely for building purposes, without danger from flood or other inundation or from other menaces to health, safety, or public welfare.

SECTION 3. This act takes effect upon approval by the Governor.

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