

The Bottom Line: S.227 Concurrency Programs

S.227 adds a definition of “concurrency programs” to South Carolina’s local planning and zoning law and makes clear that local governments may use those programs in their land development regulations.

Core change

- Defines “concurrency programs” in the zoning ordinance statute as systems where a local governing body conditions approval of land development on the adequacy of public facilities and services (e.g., roads, utilities, schools). These may also be called “adequate public facility programs.”
- Explicitly authorizes local governments to adopt and use concurrency programs as one of the listed zoning and planning techniques in Section 6-29-720(C).

Key features of concurrency in the bill

- Requires that concurrency programs ensure necessary public facilities and services are adequate to serve new development, based on reasonable, locally documented level-of-service standards and proportionate share methodologies.
- Allows local governments to require contributions from developers to offset their development’s proportionate share of impacts and to accept “excess capacity” contributions under written agreements with property owners.
- Requires local governments to consider any impact fees or similar contributions already paid for the same facilities and services when applying concurrency requirements, to avoid double-charging.
- Authorizes written proportionate-share, cost-sharing, or similar agreements between local governments and property owners to implement concurrency provisions.

Change to subdivision/development regulations

- Amends Section 6-29-1130(A) so that, when a local comprehensive plan is in place, the local planning commission’s development regulations may include requirements implemented “by an adopted concurrency program” as part of provisions for streets, utilities, school sites, recreation areas, and other public services and facilities.

Practical effect

- Clarifies that local governments in South Carolina may use concurrency/adequate public facilities programs in their zoning and land development ordinances, and it integrates this concept explicitly into both the zoning tools list and the subdivision/development regulation authority in the comprehensive planning statute.

AMENDING ON FLOOR