COMMITTEE REPORT

March 11, 2020

**H. 5306**

Introduced by Reps. Chumley, Burns, Hiott, Magnuson, Haddon, R. Williams, V.S. Moss, Martin, Willis, Jones, Forrest, Hixon, Spires, Wooten, Ott and Hill

S. Printed 3/11/20--H.

Read the first time February 27, 2020.

**THE COMMITTEE ON AGRICULTURE, NATURAL**

**RESOURCES AND ENVIRONMENTAL AFFAIRS**

To whom was referred a Bill (H. 5306) to amend the Code of Laws of South Carolina, 1976, by adding Section 27‑1‑80 so as to provide that when real property which is in agricultural use, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking SECTION 1 and inserting:

/ SECTION 1. Chapter 1, Title 27 of the 1976 Code is amended by adding:

“Section 27‑1‑80. There will be no setbacks required from a newly built residence on an adjoining property of an established agricultural operation, which is subject to setbacks, for expansion of that existing agricultural operation. All other setbacks required by Section 46‑45‑80 still apply.” /

Renumber sections to conform.

Amend title to conform.

DAVID R. HIOTT for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 27‑1‑80 SO AS TO PROVIDE THAT WHEN REAL PROPERTY WHICH IS IN AGRICULTURAL USE AND IS BEING VALUED, ASSESSED, AND TAXED UNDER THE PROVISIONS OF ARTICLE 3, CHAPTER 43, TITLE 12 IS APPLIED TO A USE OTHER THAN AGRICULTURAL USE, ANY NEW RESIDENCE OR STRUCTURE BUILT ON THAT REAL PROPERTY IS SUBJECT TO A RECIPROCAL SETBACK AT THE TIME A CONSTRUCTION PERMIT IS ISSUED AT LEAST EQUAL TO THAT WHICH APPLIES TO ADJACENT REAL PROPERTY WHICH IS IN AGRICULTURAL USE AND IS BEING VALUED, ASSESSED, AND TAXED AS SUCH IF THAT ADJACENT PROPERTY IS CURRENTLY SUBJECT TO MANDATORY SETBACKS FROM PROPERTY LINES, AND TO PROVIDE FOR A WAIVER OF THE ABOVE REQUIREMENTS WITHIN A CERTAIN TIMEFRAME.

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

SECTION 1. Chapter 1, Title 27 of the 1976 Code is amended by adding:

“Section 27‑1‑80. (A) When real property which is in agricultural use and is being valued, assessed, and taxed under the provisions of Article 3, Chapter 43, Title 12, is applied to a use other than agricultural use, any new residence or structure built on that real property is subject to a reciprocal setback at the time a construction permit is issued at least equal to that which applies to adjacent real property which is in agricultural use and is being valued, assessed, and taxed as such if that adjacent property is currently subject to mandatory setbacks from property lines.

(B) These distances from property lines may be waived or reduced by written consent of the adjoining property owners. The adjoining property owners have seventy‑two hours from the date of the waiver to provide in writing a withdrawal or rescission of the waiver or it may not be withdrawn.

(C) The waiver upon the expiration of the withdrawal period must also be recorded in the register of deeds office of the applicable county.

(D) The provisions of this section apply to any new residence or structure for which a building permit has not been issued on the effective date of this section.”

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

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