

1975 WL 29306 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 3, 1975

*1 Mr. Joe Wickel
Assistant Director
Division of Administration
Edgar A. Brown Building
Columbia, SC 29201

Dear Mr. Wickel:

Your letter concerning the effect of the Home Rule legislation (Act No. 283 of 1975) on municipal and county planning and zoning activities was referred to me by Mr. McLeod. I think all of your questions are best answered by simply identifying the few provisions of this Act which are applicable to planning and zoning. As far as the counties are concerned, the Home Rule legislation empowers them 'to provide for land use and promulgate regulations pursuant thereto, subject to the provisions of Act No. 487 of 1967 [Section 14-3103(9)]. Since Act No. 487 serves to expand the earlier 'County Planning Act' (see Section 14-351), there should be no basic change in county planning and zoning—the only restriction on land use being the one cited. County planning activities would be conducted at the discretion of the local governing authority.

In regard to the municipalities, two observations are in order: first, under the Home Rule legislation, the powers of the municipality are broadly stated (see Section 47-32) and it is further provided that they should liberally be construed (Section 47-30). Secondly, Chapter 7 of Title 47 is repealed by the Home Rule Act (see Section 5 of Act No. 283 of 1975). Accordingly, municipalities would be able to conduct planning and zoning activities under the broad general provisions of the Zoning and City Planning Act (Section 47-1001 through 1141).

I hope this explanation satisfactorily answers your questions.

Sincerely,

Kenneth L. Childs
Staff Attorney

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