

Title 6 - Local Government Provisions Applicable to Special Purpose Districts and Other Political Subdivisions

CHAPTER 7.

PLANNING BY LOCAL GOVERNMENTS

ARTICLE 7.

LOCAL PLANNING - COMPREHENSIVE PLAN

SECTION 6-7-510. Preparation, contents and review of comprehensive plan.

It shall be the duty of a local planning commission to prepare the comprehensive plan for the long-range development of its area and to perfect it from time to time. Among other things, such comprehensive plan may show existing and proposed streets, highways, expressways, bridges, tunnels, viaducts and approaches thereto; routes of railroads and transit lines, terminals, ports, airports; parks, playgrounds, forests, reservations, and other public open spaces; sites for public buildings and structures; districts for residence, business, industry, recreation, agriculture, forestry; special districts for other purposes; limited development districts for purposes of promoting conservation, adequate water supply, sanitation, sewage treatment, drainage, protection against floods, roadside appearance, and the like; areas for housing developments; location of public utilities whether publicly or privately owned, including but not limited to sewerage and water supply system; zoning districts, and other features. The plan shall recommend long-range development patterns and programs which shall be expressed in five-year increments. The comprehensive plan shall be based upon and include appropriate studies of the location and extent of present and anticipated population, social and economic resources and problems, and other useful data. Such plan shall be adopted, added to, and changed from time to time, by a majority vote of the planning commission. The local planning commission shall review the comprehensive plan or parts thereof as often as necessary, but not less than once every five years to determine whether changes in the amount, kind, or direction of development of the area or other reasons make it desirable to make additions or amendments to the plan. The plan shall be considered to be an expression of the planning commission's recommendations to the appropriate governing bodies with regard to the future growth and development of its area of jurisdiction and, as such, shall be a public record.

SECTION 6-7-520. Studies for and purpose of plan.

In the preparation of such comprehensive plan, the planning commission shall make, or cause to be made, careful and comprehensive surveys and studies of present conditions and trends of future growth in its planning area. The plan shall be made and used for the purpose of guiding and accomplishing the coordinated, adjusted and harmonious development or redevelopment of the planning area which will, in accordance with present and future needs, best promote the public health, safety, morals, order, convenience, prosperity and general welfare, as well as efficiency and economy in the process of development or redevelopment, including adequate provision for traffic, the promotion of safety from fire or other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the promotion of good civic design, appearance and arrangement, wise and efficient expenditure of public funds and the adequate provision of public utilities and other public requirements.

SECTION 6-7-530. Public hearing on plan.

Before the adoption of the plan or any part, amendment, extension or addition, the planning commission shall hold at least one public hearing thereon, after not less than fifteen days' notice of the time and place of such hearing shall have been given in a newspaper having general circulation in the planning area.

ARTICLE 9.

LOCAL PLANNING - ZONING

SECTION 6-7-710. Grant of power for zoning.

For the purposes of guiding development in accordance with existing and future needs and in order to protect, promote, and improve the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare, the governing authorities of municipalities and counties may, in accordance with the conditions and procedures specified in this chapter, regulate the location, height, bulk, number of stories, and size of buildings and other structures, the percentage of lot which may be occupied, the sizes of yards, courts, and other open spaces, the density and distribution of populations, and the uses of buildings, structures, and land for trade, industry, residence, recreation, agriculture, forestry, conservation, airports and approaches to them, water supply, sanitation, protection against floods, public activities, and other purposes. The regulations must be made in accordance with the comprehensive plan for the jurisdiction as described in this chapter and must be designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers, to promote the public health and the general welfare, to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to protect scenic areas; to include provisions for landscaping and protection and regulation of trees in consideration of their value from an environmental, agricultural, aesthetic, scenic, or preservation standpoint, however, this authority does not include the regulation of commercial timber operations, nor shall this authority restrict the ability of public utilities and electric suppliers from maintaining safe clearance around utility lines; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. The South Carolina Forestry Commission, through its urban forestry assistance program, may provide recommendations and assistance to municipalities and counties for evaluation, care, and preservation of trees covered by regulations under this chapter as part of the comprehensive plan for the jurisdiction. These regulations must be made with reasonable consideration, among other things, of the character of each area and its peculiar suitability for particular uses, and with a view to promoting desirable living conditions and the sustained stability of neighborhoods, protecting property against blight and depreciation, securing economy in governmental expenditures, conserving the value of land and buildings, and encouraging the most appropriate use of land and buildings and structures.

SECTION 6-7-720. Zoning regulations within zoning districts; nonconformities.

Upon the authorization of the governing authority, the local planning commission may make and certify to its governing authority or authorities the text of the recommended zoning ordinance or resolution or both and the zoning maps. Then the governing authority of the municipality or county may exercise the powers granted in this chapter and, for the purposes mentioned, shall create zoning districts of such number, shape and size as it may determine to be best suited to carry out the purposes of this chapter. Within such districts, the governing authority may regulate the erection, construction, reconstruction, alteration, and use of buildings and structures and the uses of land in accordance with the first five-year increment of the comprehensive plan. All such regulations shall be uniform for each class or kind of building or use throughout each district, but the regulations in one district may differ from those in other districts and they may be amended from time to time. The regulations may provide that land, buildings and structures and the uses thereof which are lawful at the time of the enactment or amendment of zoning regulations may be continued although not in conformity with such regulations or amendments, hereinafter called a nonconformity. The governing authority of any municipality or county may provide in the zoning ordinance or resolution for the continuance, restoration, reconstruction, extension, or substitution of nonconformities. Such governing authority may also provide for the termination of any nonconformity by specifying the period or periods in which the nonconformity shall be required to cease or brought into conformance, or by providing a formula whereby the compulsory termination of nonconformities may be so fixed as to allow for the recovery or amortization of the investment in such nonconformity.

SECTION 6-7-730. Procedure for enacting or amending zoning regulations or maps; time limit on challenges.

Before enacting or amending any zoning regulations or maps, the governing authority or the planning commission, if authorized by the governing authority, shall hold a public hearing thereon, which shall be advertised and conducted according to lawfully prescribed procedures. If no established procedures exist, then at least fifteen days' notice of the time and place of such public hearing shall be given in a newspaper of general circulation in the municipality or county. No change in or departure from the text or maps as certified by the local planning commission shall be made pursuant to such hearing unless such change or departure be first submitted to the planning commission for review and recommendation. The planning commission shall have thirty days within which to submit its report to the governing authority. If the planning commission fails to submit a report within the thirty-day period, it shall be deemed to have approved the change or departure. When the required public hearing is held by the planning commission, no public hearing by the governing authority shall be required before amending the zoning ordinance or resolution or maps.

No challenge to the adequacy of notice or challenge to the validity of a regulation or map, or amendment thereto, whether enacted before or after the effective date of this section because of inadequacy of notice, shall be made more than two years after the public hearing, if there has been substantial compliance with the notice requirements of this section or with established procedures of the governing authority or the planning commission.