



An Introduction to The County Comprehensive Land Use Planning Program

SCAC Institute of Government
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Private Property Rights

Private property ownership is a fundamental constitutional right!

- Private property can be taken only for public use after payment of just compensation
 - US Constitution - 5th Amendment
 - SC Constitution - Art. I, Section 13
 - use of statutory eminent domain procedures
 - SC prohibits economic development considerations as a public use



Land Use Regulation & “Police Power”

US Supreme Court – *Village of Euclid, Ohio v. Ambler Realty Co.* (1926)

- The power to regulate uses of land and buildings to protect the health, welfare and safety of a community is a legitimate use of the entity’s “police power” pursuant to the 10th Amendment.
- Ordinance must be clearly arbitrary and unreasonable and without substantial relation to public health, safety, morals, or general welfare before it can be declared unconstitutional.



“Takings” and How to Avoid Conflicts

- What is a “taking”: The improper restriction on use of private property without paying just compensation to the owner.
- Physical: The physical transfer of ownership to part or all of private property.
 - Bike Path: *Dolan v. Tigard* (1994)
 - Public Beach Access – *Nolan v. California CC* (1987)
- Regulatory: A local regulation has the effect of improperly restricting use of property
 - Total loss of use/value: *Lucas v. S.C. CC* (1992)
 - Partial loss of use/value: *Penn Central RR v. New York*, (1978)



The Modern “View” of Land Use Regulations

- Recent US Supreme Court decisions have required local land use controls have an “essential nexus” to the government’s legitimate interests.
 - Sheetz v. El Dorado, Calif. (2024)
 - Traffic mitigation impact fee
 - Koontz v. St. John’s Water District (2013)
 - Environmental protection land dedication





When is the Best Time to Plant a Tree?

Planning affects every aspect of local government management.

The Legislation

The Requirements

The Governing Bodies

Planning Tools

The background of the slide is a monochromatic, sepia-toned image. It features several interlocking gears of different sizes, creating a complex mechanical pattern. In the upper right quadrant, there is a detailed compass rose with directional labels (N, NE, E, SE, S, SW, W, NW) and degree markings around its perimeter. The overall aesthetic is that of a technical or historical document.

The Legislation

Planning Enabling Act

- 1924 – General Assembly authorized municipal planning
- 1942 – General Assembly authorized county planning
- 1994 – The Local Government Comprehensive Planning Enabling Act: Repealed all of the above and required all local comprehensive plans, zoning ordinances and land development ordinances conform to the 1994 act

Three aspects of local government planning

Zoning – What can
you do where?

Land
Development/
Subdivision – How
can you do it?

Architectural
Design Standards
– What does it
have to look like?

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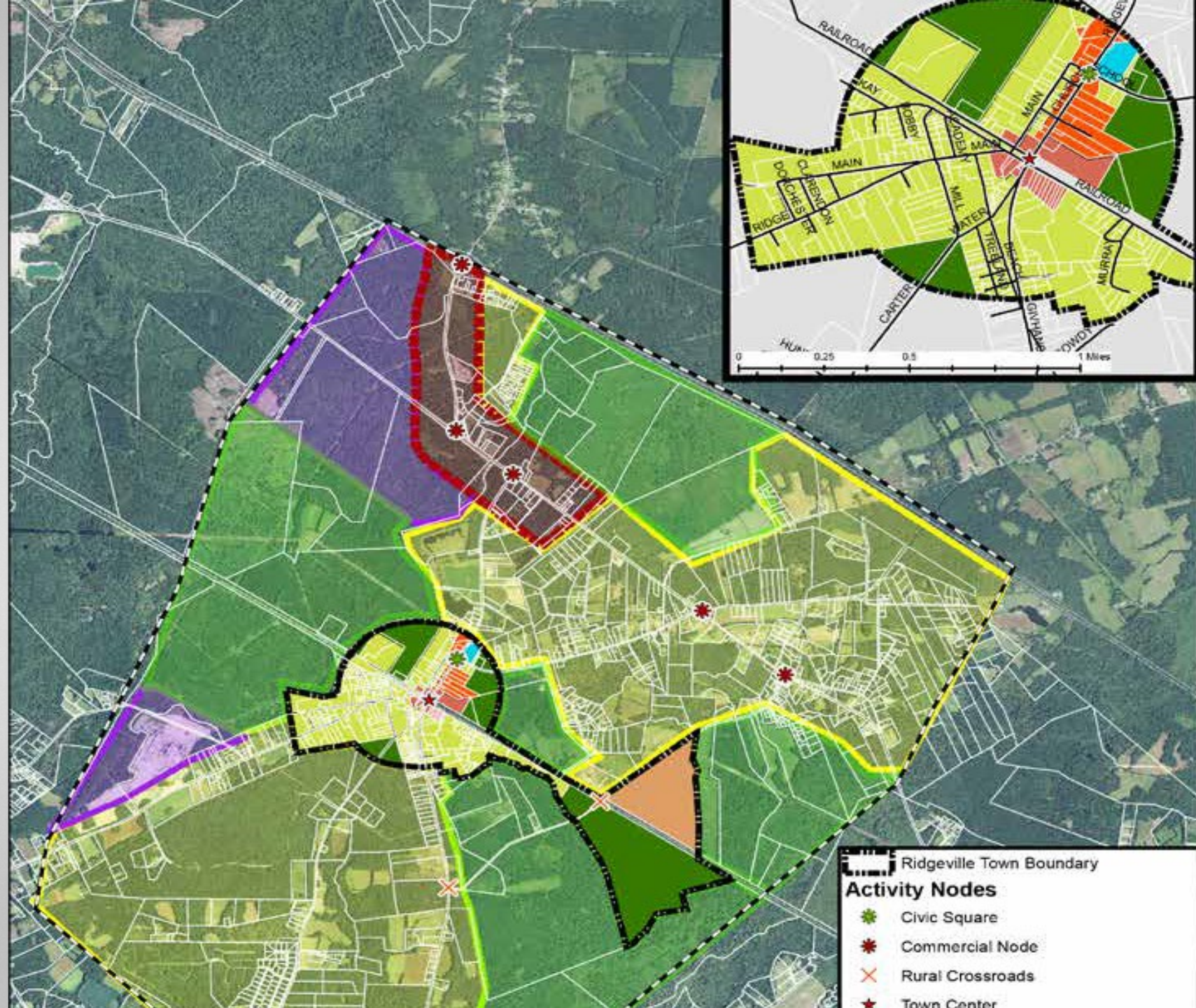
The Requirements

Comprehensive Plan

- In order to regulate zoning and land use in SC you must have a Comprehensive Plan
- Done every 10 years with a 5-year update
- Elements – 10 Elements
- Goals
- FLUM
- Compliance

Future Land Use Map

- Current Land Use
- Future Land Use Map



Zoning Ordinance – What Can I Do with My Land?

- Land Use
- Subdivision
- Lot size
- Setbacks
- Signage Requirements
- Landscape Requirements

Land Development /Subdivision Regulations – How do I Have to Develop My Land?

- Plat/Plan Requirements
- Road Standards
- Sidewalk Requirements
- Stormwater Standards

Design Standards – What Does it Have to Look Like When I Develop My Land?

- Very few Counties have these
- “A local government which enacts a zoning ordinance which makes specific provision for the preservation and protection of historic and architecturally valuable districts and neighborhoods or significant or natural scenic areas, or protects or provides, or both, for the unique, special, or desired character of a defined district, corridor, or development area or any combination of it, by means of restriction and conditions governing the right to erect, demolish, remove in whole or in part, or alter the exterior appearance of all buildings or structures within the areas, may provide for appointment of a board of architectural review or similar body.”

Residential Design Standards



Commercial Design Standards



The background of the slide features a complex mechanical theme. It is filled with several interlocking gears of different sizes, creating a sense of motion and interconnectedness. Overlaid on this gear pattern is a detailed compass rose, showing cardinal and intercardinal directions (N, NE, E, SE, S, SW, W, NW) and degree markings. The entire background is rendered in a monochromatic, muted green-grey color scheme.

The Governing Bodies

Planning Commission

- Recommending Body to Councils
- Appointed by Council
- Comprehensive Plan
- Zoning Ordinance
- Map Amendments (Rezoning)
- Land Development Approvals – Smaller Towns
 - Plats
 - Subdivisions
- Appeals of decisions regarding plats or subdivisions
- Maps, Reports, Studies, etc.

Zoning Administrator

- Makes determinations on land use issues
- Appointed by County Administrator or Planning Commission
- Powers and duties outlined in Zoning Ordinance
- Issues zoning permits or certificate of occupancy
- Decisions are appealable to the Board of Zoning Appeals

Board of Zoning Appeals

- Quasi-Judicial Board
- Appointed by Council
- Special Exception Requests
- Variance Requests – Four Part Test
 - There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;
 - The application of the Ordinance on this particular piece of property would create an unnecessary hardship;
 - Such conditions are peculiar to the piece of property involved; and
 - Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the Ordinance or the Land Use Plan, provided, however, that no variance may be granted for a use of land or building or structure that is prohibited in a given district by this Ordinance. Economic Hardship shall not be deemed the sole basis for relief
- Appeal of Zoning Administrator's Decision

County Council's Role

- Create a vision for your community
- Formulate clear and concise regulations for land use and land development in your county
- Appoint enthusiastic and qualified citizens to boards and commissions
- Adequately equip staff to carry out your vision and enforce regulations (staffing, compensation and support)

Public Notice Requirements

-How to Count to 30!

- Planning and Development Laws have very particular public notice requirements
- Freedom of Information Act Requirements
- State Planning Enabling Act Notice Requirements
- Local Ordinance Requirements
- Procedural Issues

A detailed architectural floor plan of a building, possibly a school or office, is shown in a light, faded green color. The plan includes various rooms, corridors, and furniture like desks and chairs. Overlaid on the drawing are several tools: a large compass on the left, a black pen with its cap off on the right, and a black cap lying next to it. The text "Planning Tools" is centered in a large, bold, black font.

Planning Tools

Planning Tools

- Planned Developments – Mixed Use
- Overlay Districts (Viewshed)
- Urban Growth Boundaries
- Special Planning Areas
- Development Agreements – SC Code 6-31-10
- Cluster Developments - SC Code 6-29-720(C)
- Joint Planning Commission
- Traffic Impact Analysis
- Impact Fees – SC Code 6-1-930

Urban Growth Boundaries

- Ridgeville Urban Growth Boundary
- Annexation by town
- Planned Development Zoning
- Coordination with County and School District on needs
- Development Agreements
- Amending County Water and Sewer Master Plans
- Downtown Master Plan
- Master Transportation Planning
- RID/MID for roads infrastructure

Hot Topics

Legal Terminology

Takings

- Fifth amendment to the US Constitution
- Inverse Condemnation
- Regulatory Takings
- Eminent Domain

Vested Rights

- State law 6-29-1560 (which applies in absence of local ordinance): Right to develop for 2 years after requested rezoning, variance, conditions, special exception, or other affirmative government approval
- Then 5 mandatory renewals unless the applicable ordinance has changed

Public Financing Tools



TIF

MCIP

CID/RID

Questions



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