Planning & Zoning Legislation
for 2019/2020 Legislative Session

Bills Passed by One Chamber

2019 is the first of a two-year legislative session. All bills on the calendar or in committee in one Chamber retain their place at the start of the 2020 session. Bills that have passed one chamber have a greater likelihood of being enacted by the conclusion of the 2020 session.

H. 3998: *Workforce and Senior Affordable Housing Act*: This bill would create a tax credit against income, bank or business franchise fees for the construction of low-income or rent-restricted housing units. The act does not contain restrictions on local government land-use plan, subdivision regulations, or zoning ordinances. New housing units would have to meet all applicable land-use regulations in place at the time of permit applications.

Status: Passed the House and is currently on the Senate calendar

H. 4262: *SC Small Wireless Facilities Deployment Act*: This bill would allow the installation of small wireless facilities (radio transceivers, cables, power supplies, antenna, etc.) on, above or under a public right-of-way. The act requires local governments to permit wireless service provides to locate these items on decorative poles in areas not already required to have services buried underground. The act authorizes limited permit application fees for each small wireless facility location.

Status: Passed the House and is currently in Senate committee.

Bills Introduced but not passed by at least one Chamber

Although 2019 is the first of a two-year legislative session, bills that have not received at least partial consideration in the chamber where it was introduced may have less chance of passage in both chambers before the end of the 2020 session. Please check the weekly Friday Report on the SCAC website for future legislative action on these bills.

S. 488/H. 3091: *SC Inclusionary Zoning Act*: This bill would authorize local governments to adopt land-use regulations that would require the dedication of not more than 30% of housing units (25% in House bill) in a new development to affordable housing units. The act would apply only to multi-family and single-family developments with more than five units. The act provides that a developer may pay a fee-in-lieu of the affordable housing requirement. Versions of this bill have been introduced for several years. None have received serious consideration by either chamber.

S. 757: *Housing Attainability Protections*: This bill would require counties and cities prepare a housing impact analysis to be submitted to the legislative body before the introduction of any

ordinance that would directly or indirectly increase or decrease the availability, financing or cost of housing in the city or county. The analysis must include information on the impacts on housing prices, construction costs, and financing ability.

H. 3654: *Transit Rider Access to Public Facilities*: This bill would require local governments constructing new, or improving existing public facilities to include information in its planning study whether access to the facility by transit riders is safe and practical. If access is found not to be safe or practical the governing body must approve a statement to that effect by roll call vote at a properly noticed public meeting.

H. 3828: *SC Developer-Provided Transit Act*: This bill would authorize local government to offer various incentives to developers to provide space for transit access if the development adjoins or is within one-half mile of a transit line.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

Citizens for Quality Rural Living, Inc., Appellant,

v.

Greenville County Planning Commission and RMDC, Inc., Respondents.

Appellate Case No. 2017-000170

Appeal From Greenville County
Letitia H. Verdin, Circuit Court Judge

Opinion No. 5629
Heard October 10, 2018 – Filed February 27, 2019

REVERSED AND REMANDED

Barbara Faith Martzin, of B. Faith Martzin, PC, of Greenville, for Appellant.

William A. Coates, of Roe Cassidy Coates & Price, PA, of Greenville, for Respondent RMDC, Inc.

H. Dean Campbell, Jr. and Jeffrey D. Wile, both of Greenville, for Respondent Greenville County Planning Commission.

GEATHERS, J.: Appellant Citizens for Quality Rural Living, Inc. challenges the circuit court's order dismissing its declaratory judgment action and its appeal from

a decision of Respondent Greenville County Planning Commission (Commission) approving the subdivision proposal of Respondent RMDC, Inc. (Developer). Appellant argues the circuit court erred by concluding that Appellant had no standing to appeal the Commission's decision or to file its declaratory judgment action. We reverse and remand to the circuit court for a determination on the merits of Appellant's issues.

FACTS/PROCEDURAL HISTORY

In August 2016, Developer submitted to the Commission an application for preliminary approval of a proposal for a subdivision to be named "Copperleaf" near Woodside Road, South Shirley Road, and McKelvey Road in an unzoned area of Greenville County. This submission followed three previous unsuccessful submissions for the same subdivision.[1] According to the Commission, the August 2016 proposal called for a tract of 82.17 acres to be subdivided into 95 residential lots.

At the Commission's August 2016 meeting, several of Appellant's members, including those who own property and live in the immediate vicinity of the proposed subdivision, spoke in opposition to the proposal. They expressed concern over traffic hazards and other environmental problems that could result from the subdivision as well as the incompatibility of the subdivision with the surrounding rural community. Developer's engineer and the County's Planning Department staff also addressed the Commission at this meeting. By voice vote, the Commission accepted the recommendation of the Planning Department staff to approve Developer's proposal, and the county's Subdivision Administrator noted this approval in a letter dated August 29, 2016.

Appellant sought review of the Commission's decision in the circuit court, attaching to its Notice of Appeal a complaint entitled, "Appeal and Request for Declaratory Relief," with exhibits. In the complaint, Appellant set forth its grounds for appeal as well as a separate "Request for Declaratory Relief." Developer filed a motion to dismiss Appellant's complaint on the grounds that Appellant had no standing to appeal the Commission's decision and the complaint failed to state a claim on which relief could be granted. In its supporting memorandum, Developer

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[1] None of Developer's applications identify the owner of the property. Appellant has identified the property's owner as a registered Florida corporation, which the Commission admits, but there is no other identifying information in the record. It is unclear whether Developer has an ownership interest in the property.

asserted that Section 6-29-1150 of the South Carolina Code (Supp. 2015) allowed only a property owner whose land is the subject of a commission decision to appeal the decision.[2]

After conducting a motions hearing, the circuit court issued a Form 4 order stating, "Court grants [Developer's] Motion to Dismiss due to Appellant's lack of standing in this matter." The circuit court denied Appellant's motion for reconsideration pursuant to Rule 59(e), SCRCP, in a Form 4 order as well, giving no reason for the denial. This appeal followed.

ISSUES ON APPEAL[3]

1. Did Appellant have standing under section 6-29-1150 to appeal the Commission's decision to the circuit court?

2. Did Appellant have standing under the Declaratory Judgment Act, S.C. Code Ann. §§ 15-53-10 to -140 (2005), to seek the circuit court's declaration that the Commission had discretionary authority to reject a staff recommendation?

STANDARD OF REVIEW

Statutory Interpretation

"An issue regarding statutory interpretation is a question of law." *Lightner v. Hampton Hall Club, Inc.*, 419 S.C. 357, 363, 798 S.E.2d 555, 558 (2017) (quoting *Univ. of S. California v. Moran*, 365 S.C. 270, 274, 617 S.E.2d 135, 137 (Ct. App. 2005)). As to questions of law, this court's standard of review is de novo. *Fesmire v. Digh*, 385 S.C. 296, 302, 683 S.E.2d 803, 807 (Ct. App. 2009).

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[2] For the purpose of brevity throughout this opinion, we will refer to a property owner whose land is the subject of a commission decision as simply a "property owner" or "property owners" in plural form, not to be confused with any other owner of property in the vicinity.

[3] We need not reach the issues of the public importance exception to standing and whether the Greenville County Land Development Regulations conferred standing on Appellant as we reverse the Commission's decision on the other two grounds raised by Appellant. *See Futch v. McAllister Towing of Georgetown, Inc.*, 335 S.C. 598, 613, 518 S.E.2d 591, 598 (1999) (providing that an appellate court need not address remaining issues when resolution of a prior issue is dispositive).

Declaratory Judgment

"The decision to grant a declaratory judgment is a matter [that] rests in the sound discretion of the trial court and will not be disturbed absent a clear showing of abuse."[4] *Eargle v. Horry Cty.*, 344 S.C. 449, 453, 545 S.E.2d 276, 279 (2001) (quoting *Garris v. Governing Bd. of S.C. Reinsurance Facility*, 319 S.C. 388, 390, 461 S.E.2d 819, 820 (1995)). "An abuse of discretion occurs [when] the trial court is controlled by an error of law or [when] the [c]ourt's order is based on factual conclusions without evidentiary support." *City of Columbia v. Pic-A-Flick Video, Inc.*, 340 S.C. 278, 282, 531 S.E.2d 518, 521 (2000).

LAW/ANALYSIS

I. Appellate Standing

Appellant argues it had standing to appeal the Commission's decision to the circuit court under section 6-29-1150(D) because the statute's language does not limit the class of permissible appellants to only property owners. We agree.

"The right of appeal does not exist in every case[] and can only be claimed under some constitutional or statutory provision conferring such right." *Turner v. Joseph Walker Sch. Dist. No. 9*, 215 S.C. 472, 476, 56 S.E.2d 243, 244 (1949) (quoting *Whipper v. Talbird*, 32 S.C. 1, 10 S.E. 578 (1890)). "[N]o appeal is to be allowed from an inferior or special tribunal, except in cases where it is expressly granted by law." *Sasser v. S.C. Democratic Party*, 277 S.C. 67, 69, 282 S.E.2d 602, 603 (1981).

Here, Appellant does not argue that a constitutional provision confers on it a right of appeal from the Commission to the circuit court. Rather, Appellant asserts it has standing under section 6-29-1150. Developer and the Commission argue that

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[4] Once the circuit court has granted a declaratory judgment, the standard of review for the content of the judgment "is . . . determined by the nature of the underlying issue" as "[d]eclaratory judgments in and of themselves are neither legal nor equitable." *Campbell v. Marion Cty. Hosp. Dist.*, 354 S.C. 274, 279, 580 S.E.2d 163, 165 (Ct. App. 2003). As we previously stated, the circuit court in the present case did not grant a declaratory judgment but rather dismissed the action along with the appeal from the Commission's decision.

section 6-29-1150 restricts potential appellants to only property owners. Section 6-29-1150 states in its entirety:

> (A) The land development regulations adopted by the governing authority must include a specific procedure for the submission and approval or disapproval by the planning commission or designated staff. These procedures may include requirements for submission of sketch plans, preliminary plans, and final plans for review and approval or disapproval. Time limits, not to exceed sixty days, must be set forth for action on plans or plats, or both, submitted for approval or disapproval. Failure of the designated authority to act within sixty days of the receipt of development plans or subdivision plats with all documentation required by the land development regulations is considered to constitute approval, and the developer must be issued a letter of approval and authorization to proceed based on the plans or plats and supporting documentation presented. The sixty-day time limit may be extended by mutual agreement.
>
> (B) A record of all actions on all land development plans and subdivision plats with the grounds for approval or disapproval and any conditions attached to the action must be maintained as a public record. In addition, the developer must be notified in writing of the actions taken.
>
> (C) Staff action, if authorized,[5] to approve or disapprove a land development plan may be appealed to the planning commission by **any party in interest**. The planning commission must act on the appeal within sixty days, and the action of the planning commission is final.

[5] It is unclear from the record whether Greenville County has authorized its Planning Department staff to make approval decisions or whether there existed a formal staff approval from which Appellant could appeal to the Commission. However, it appears that the Commission held regular meetings and acted on recommendations of the Planning Department staff. In any event, the Commission conceded during oral arguments that section 6-29-1150 grants standing to any party in interest to appear before the Commission.

> (D)(1) An appeal from the decision of the planning commission **must** be taken to the circuit court within thirty days after **actual notice of the decision**.
>
> (2) A **property owner** whose land is the subject of a decision of the planning commission **may** appeal by filing a notice of appeal with the circuit court **accompanied by a request for pre-litigation mediation** in accordance with Section 6-29-1155.
>
> A notice of appeal and request for pre-litigation mediation **must** be filed within thirty days after **the decision of the board is mailed**.
>
> (3) Any filing of an appeal from a particular planning commission decision pursuant to the provisions of this chapter must be given a single docket number, and the **appellant** must be assessed only one filing fee pursuant to Section 8-21-310(11)(a).
>
> (4) When an appeal includes no issues triable of right by jury or when the parties consent, the appeal must be placed on the nonjury docket. A judge, upon request by any party, may in his discretion give the appeal precedence over other civil cases. Nothing in this subsection prohibits a **property owner** from subsequently electing to assert a pre-existing right to trial by jury of any issue beyond the subject matter jurisdiction of the planning commission, such as, but not limited to, a determination of the amount of damages due for an unconstitutional taking.

(emphases added).

"The cardinal rule of statutory construction is that we are to ascertain and effectuate the actual intent of the legislature." *Burns v. State Farm Mut. Auto. Ins. Co.*, 297 S.C. 520, 522, 377 S.E.2d 569, 570 (1989). "In interpreting a statute, the court will give words their plain and ordinary meaning[] and will not resort to forced construction that would limit or expand the statute." *State v. Johnson*, 396 S.C. 182, 188, 720 S.E.2d 516, 520 (Ct. App. 2011).

> Under the plain meaning rule, it is not the province of the court to change the meaning of a clear and unambiguous statute. Where the statute's language is plain, unambiguous, and conveys a clear, definite meaning, the rules of statutory interpretation are not needed and the court has no right to impose another meaning.

S.C. Energy Users Comm. v. S.C. Pub. Serv. Comm'n, 388 S.C. 486, 491, 697 S.E.2d 587, 590 (2010) (citation omitted). Further, "[t]he intention of the legislature must be gleaned from the entire section and not simply clauses taken out of context." *Singletary v. S.C. Dep't of Educ.*, 316 S.C. 153, 162, 447 S.E.2d 231, 236 (Ct. App. 1994).

A statute "must be read as a whole and sections [that] are part of the same general statutory law must be construed together and each one given effect." *CFRE, LLC v. Greenville Cty. Assessor*, 395 S.C. 67, 74, 716 S.E.2d 877, 881 (2011) (quoting *S.C. State Ports Auth. v. Jasper County*, 368 S.C. 388, 398, 629 S.E.2d 624, 629 (2006)). "We therefore should not concentrate on isolated phrases within the statute." *Id.* "Instead, we read the statute as a whole and in a manner consonant and in harmony with its purpose." *Id.* "In that vein, we must read the statute so 'that no word, clause, sentence, provision or part shall be rendered surplusage, or superfluous,' for '[t]he General Assembly obviously intended [the statute] to have some efficacy, or the legislature would not have enacted it into law.'" *Id.* (citation omitted) (alterations in original) (quoting *State v. Sweat*, 379 S.C. 367, 377, 382, 665 S.E.2d 645, 651, 654 (Ct. App. 2008)).

The **plain language** of section 6-29-1150 as a whole provides Appellant the right to appeal the Commission's decision to the circuit court. First, subsection (C) allows "any party in interest" to appeal staff action to the planning commission. This language clearly contemplates an organization such as Appellant.[6] In turn, subsection (D)(1) allows this class of persons to appeal a commission decision to the

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[6] *See Bank of Am., N.A. v. Draper*, 405 S.C. 214, 220, 746 S.E.2d 478, 481 (Ct. App. 2013) (defining a real party in interest for purposes of standing as "a party with a real, material, or substantial interest in the outcome of the litigation" (quoting *Hill v. S.C. Dep't of Health & Envtl. Control,* 389 S.C. 1, 22, 698 S.E.2d 612, 623 (2010))). Notably, the parties agree that Appellant had standing to appear before the Commission during its August 2016 meeting. In fact, Developer has admitted that Appellant's members include persons who own property and live in the immediate vicinity of the proposed subdivision.

circuit court. From this class of appellants, subsection (D)(2) carves out the subclass of property owners and gives this subclass the option of seeking pre-litigation mediation in addition to an appeal.

Further, subsection (D) as a whole gives different treatment to the larger class of appellants and the subclass of property owners who seek pre-litigation mediation. Under subpart (1), the larger class of appellants have thirty days after **receiving actual notice** of a commission decision to file an appeal to the circuit court; the use of the word "must" indicates that the appellant must file within the designated deadline in order to invoke the circuit court's appellate jurisdiction. On the other hand, subpart (2) uses the word "may" to indicate that a property owner has the option of adding a request for pre-litigation mediation to his notice of appeal, and if he takes advantage of this option, he must file the notice of appeal and the mediation request within thirty days after the Commission's decision is **mailed** in order to invoke the circuit court's appellate jurisdiction. If the owner of the subject property does not opt to request pre-litigation mediation, he would be subject to the more liberal deadline in subpart (1).

Based on the foregoing, the larger class of appellants, i.e., "any party in interest," is not diminished due to the reference to property owners in subsection (D)(2), which simply gives property owners the option to seek pre-litigation mediation.

The legislative intent to allow any party in interest to appeal a planning commission decision is also apparent from the language in subparts (3) and (4) to subsection (D). Subpart (3) uses the term "appellant," rather than property owner, in addressing the circuit court's appellate filing fee, while subpart (4) uses the term "property owner" when addressing the right to a jury trial "of any issue beyond the subject matter jurisdiction of the planning commission, such as, but not limited to, a determination of the amount of damages due for an unconstitutional taking," which only a property owner would seek. Therefore, the language throughout all of subsection (D) shows that the legislature contemplated a larger class of appellants with a subclass of property owners.

This plain reading of section 6-29-1150 is consistent with the legislative history of section 6-29-1150. *See CFRE,* 395 S.C. at 74, 716 S.E.2d at 881 ("[W]e read the statute as a whole and in a manner consonant and in harmony with its purpose."). Section 6-29-1150 is part of the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, S.C. Code Ann. §§ 6-29-310 to -1640 (2004 & Supp. 2018). The purpose of this Act was to consolidate "existing

planning enabling legislation [and] to update existing legislative acts."[7] Subsection (D) was not part of section 6-29-1150 until June 2, 2003, when the legislature enacted the South Carolina Land Use Dispute Resolution Act (LUDRA).

The General Assembly enacted LUDRA for the purpose of improving and expediting the adjudicatory process for property owners who wish to file a claim for a purported regulatory taking. Bradford W. Wyche, *An Overview of Land Use Regulation in South Carolina*, 11 SOUTHEASTERN ENVTL. L.J. 183, 196–97 (2003). LUDRA amends the South Carolina Local Government Comprehensive Planning Enabling Act of 1994

> by allowing a property owner whose land is the subject of a decision by the board of zoning appeals, board of architectural review or planning commission to file a notice of appeal with the circuit court, accompanied by "a request for pre-litigation mediation." The request must be granted, and the government entity must be represented at the mediation. A non-owner may be granted leave to intervene in the mediation if the person has a "substantial interest" in the decision of the local entity.

Id. at 197 (quoting S.C. Code Ann. §§ 6-29-820(B)(2) (Supp. 2003); 6-29-900(B)(2); and 6-29-1150(D)(2) (footnotes omitted)). Hence, LUDRA amended existing provisions governing appeals from a board of zoning appeals (section 6-29-820), a board of architectural review (section 6-29-900), and a planning commission (6-29-1150) by adding the option for pre-litigation mediation. LUDRA also added a new provision immediately following each of these appeal provisions to address the specific procedures for pre-litigation mediation, i.e., section 6-29-825 (immediately following section 6-29-820), section 6-29-915 (immediately following section 6-29-900), and section 6-29-1155 (immediately following 6-29-1150).

As to planning commission decisions, LUDRA amended section 6-29-1150 by adding subsection (D). Critically, the language in subsection (D)(1), i.e., "An appeal from the decision of the planning commission must be taken to the circuit

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[7] *See* 1994 Act No. 355 (setting forth the Act's purpose in its introduction); *Joytime Distributors & Amusement Co. v. State*, 338 S.C. 634, 649, 528 S.E.2d 647, 655 (1999) (stating that it is appropriate "to consider the title or caption of an act in aid of construction to show the intent of the legislature" (citing *Lindsay v. Southern Farm Bureau Casualty Ins. Co.*, 258 S.C. 272, 188 S.E.2d 374 (1972))).

court within thirty days after actual notice of the decision," previously appeared as the last sentence in subsection (C) (prior to LUDRA's amendment):

> Staff action, if authorized, to approve or disapprove a land development plan may be appealed to the planning commission by **any party in interest**. The planning commission shall act on the appeal within sixty days and the action of the planning commission is final. **An appeal from the decision of the planning commission may be taken to circuit court within thirty days after actual notice of the decision**.

§ 6-29-1150(C) (2004) (emphases added). When former subsection (C) is viewed as a whole, it is logical that the last sentence did not specify who had standing to appeal a planning commission decision because the class of permissible appellants, "any party in interest," was already established in the first sentence of subsection (C) providing for appeals from staff action to the commission.

Further, moving the last sentence of former subsection (C) to current subsection (D)(1) and changing the term "may" to "must" were the only meaningful changes LUDRA made to this particular appeal provision.[8] Thus, both before and after the enactment of LUDRA, there was no language in the appeal provision limiting the class of appellants to property owners. Rather, section 6-29-1150, as amended by LUDRA, continued to expressly confer standing to appeal to the circuit court to any party in interest. LUDRA also added the new material appearing in (D)(2) – (4) to allow pre-litigation mediation and otherwise improve the process for a landowner's takings claim.

It is clear that the purpose of amending section 6-29-1150 to accommodate a property owner's takings claim did not require limiting the class of all appellants to property owners, and, again, there is nothing in the language of the amended statute to so limit this class. Otherwise, the reference to property owners would have seemingly been added to subpart (1). In fact, the only meaningful change in the language that formerly appeared in subsection (C) and now appears in (D)(1) was from "may" to "must," indicating that the class of those who are authorized to appeal a commission decision was not diminished by LUDRA. If the legislature had desired to diminish the class when it amended the statute in 2003, it would have explicitly done so by referencing property owners in subpart (1). It did not. *See Johnson*, 396

[8] The only other change was adding the article "the" to "circuit court."

S.C. at 188, 720 S.E.2d at 520 ("In interpreting a statute, the court will give words their plain and ordinary meaning, and will not resort to forced construction that would limit or expand the statute."). Instead, it retained the larger class of appellants in subpart (1), with its own deadline, while adding subpart (2), with its own distinct deadline, for the subclass of property owners who wish to request pre-litigation mediation.

In its brief, Developer argues that in LUDRA, the legislature drew a distinction between appeals from a zoning board and appeals from a planning commission by allowing appeals from a zoning board decision by a "person who may have a substantial interest in" the decision (section 6-29-820) while declining to expressly authorize anyone other than a property owner to appeal in section 6-29-1150(D). However, the standing provision in section 6-29-820 was in place before LUDRA was enacted. Further, prior to the enactment of LUDRA in 2003, the provision in section 6-29-1150 allowing an appeal to circuit court, then located in subsection (C), **did not specifically mention property owners**. Following Developer's logic, even property owners did not have standing to appeal prior to LUDRA's enactment, which would render the appeal language meaningless due to the lack of standing for any class of persons wishing to appeal. Such a result is unacceptable. *See State v. Sweat*, 386 S.C. 339, 351, 688 S.E.2d 569, 575 (2010) ("Courts will reject a statutory interpretation which would lead to a result so plainly absurd that it could not have been intended by the [l]egislature or would defeat the plain legislative intention."); *State v. Long*, 363 S.C. 360, 364, 610 S.E.2d 809, 811 (2005) ("The legislature is presumed to intend that its statutes accomplish something.").

In fact, LUDRA also added the language found in subsection (D)(2), specifically mentioning property owners, to sections 6-29-820 and 6-29-900 (governing appeals from decisions of boards of zoning appeals and boards of architectural review). *See* 2003 Act No. 39, §§ 3, 8 (amending sections 6-29-820 and 6-29-900 to allow property owners the option of adding a request for pre-litigation mediation to the notice of appeal). Both of these statutes included an appellate standing provision *before* LUDRA amended these statutes in 2003, and the **addition** of LUDRA's pre-litigation mediation option for property owners did not result in a corresponding reduction in the class of possible appellants in these statutes—the appellate standing provisions in both statutes remained intact.

Therefore, it is unlikely that in enacting LUDRA, the legislature intended to diminish the class of potential appellants seeking review of a planning commission decision when it added the pre-litigation mediation option for property owners to

section 6-29-1150. Rather, it left the existing provisions in all three statutes intact. This harmonizes with LUDRA's purpose of merely improving the process for property owners who wish to file a claim for a purported regulatory taking. *See Sweat*, 386 S.C. at 350, 688 S.E.2d at 575 ("A statute as a whole must receive a practical, reasonable, and fair interpretation consonant with the purpose, design, and policy of the lawmakers." (quoting *Browning v. Hartvigsen*, 307 S.C. 122, 125, 414 S.E.2d 115, 117 (1992))).

Such an interpretation is also consistent with the legislature's express authorization of local land development regulation to further "the harmonious, orderly, and progressive development of land" within South Carolina's municipalities and counties as required by "[t]he public health, safety, economy, good order, appearance, convenience, morals, and general welfare." S.C. Code Ann. § 6-29-1120 (2004); *see CFRE,* 395 S.C. at 74, 716 S.E.2d at 881 ("[S]ections [that] are part of the same general statutory law must be construed together and each one given effect." (quoting *S.C. State Ports Auth.*, 368 S.C. at 398, 629 S.E.2d at 629)). Among the purposes for which local land development regulation is authorized are "to assure the adequate provision of safe and convenient traffic access and circulation . . . in and through new land developments" and "to assure . . . the wise and timely development of new areas . . . in harmony with the comprehensive plans of municipalities and counties." § 6-29-1120. It would defeat these very purposes to deny affected persons the right to appeal a commission decision to the circuit court. Therefore, such an interpretation of section 6-29-1150 cannot prevail. *See Sweat*, 386 S.C. at 351, 688 S.E.2d at 575 ("Courts will reject a statutory interpretation which would lead to a result so plainly absurd that it could not have been intended by the [l]egislature or would defeat the plain legislative intention."); *Long*, 363 S.C. at 364, 610 S.E.2d at 811 ("The legislature is presumed to intend that its statutes accomplish something.").

Based on the foregoing, section 6-29-1150, through the combined force of the plain language in subsections (C) and (D), expressly grants any party in interest, such as Appellant, standing to appeal a commission decision to the circuit court.

II. Declaratory Judgment Act

Appellant maintains that it had standing to file its declaratory judgment action with the circuit court pursuant to the Declaratory Judgment Act to seek a uniform standard for the Commission's application of the Comprehensive Land Use Plan. We agree.

The purpose of the Declaratory Judgment Act (the Act) "is to settle and to afford relief from uncertainty and insecurity with respect to rights, status and other legal relations. It is to be liberally construed and administered." S.C. Code Ann. § 15-53-130 (2005). Further, the Act provides,

> Any person interested under a deed, will, written contract or other writings constituting a contract **or whose rights, status or other legal relations are affected by** a statute, municipal ordinance, contract or franchise may have determined any question of construction or validity arising under the instrument, statute, ordinance, contract or franchise and obtain a declaration of rights, status or other legal relations thereunder.

S.C. Code Ann. § 15-53-30 (2005) (emphasis added). Moreover, the Act gives courts of record the power to "declare rights, status and other legal relations **whether or not further relief is or could be claimed**" and confers on such declarations "the force and effect of a final judgment or decree." S.C. Code Ann. § 15-53-20 (2005) (emphasis added). The Act also states that the general power conferred on the circuit court under section 15-53-20 "in any proceeding when declaratory relief is sought in which a judgment or decree will terminate the controversy or remove an uncertainty" is not limited by the enumeration of specific powers in sections 15-53-30 to -50. S.C. Code Ann. § 15-53-60 (2005).

Here, Appellant attached to its Notice of Appeal a complaint that includes a separate request for declaratory relief. Paragraph 53 of the complaint states that Appellant has standing to request a Declaratory Judgment pursuant to the Act based on "the members' interests being adversely affected by the decision of the Planning Commission." Paragraph 54 requests the circuit court to make a finding that the Commission

> has authority to and should take into consideration the Comprehensive Land Use plans, Future Land Use Maps, and [the] purposes and intent of the Land Development Regulations, all as adopted by Greenville County Council, when making decisions regarding subdivisions in unzoned areas of the County, that the [Commission] is not bound to "rubber stamp" the decisions of the Planning Department staff . . . and may consider . . . [South Carolina

> Department of Transportation (SCDOT)] design standards for road development . . . .

In light of this request, section 15-53-30 confers standing on Appellant because Appellant qualifies as "[a]ny person . . . whose rights, status or other legal relations are affected by" local legislation, namely, the Greenville County Land Development Regulations. *See* § 6-29-1150(A) ("The land development regulations adopted by the governing authority must include a specific **procedure** for the submission **and approval or disapproval** by the planning commission or designated staff." (emphases added)).

As such, Appellant "may have determined any question of construction or validity arising under" these regulations, namely, whether they give discretionary authority to the Commission to overrule a staff recommendation.[9] Some of Appellant's members own or reside on contiguous property or property in the vicinity of the proposed subdivision and will be impacted by the additional traffic generated by the subdivision. Therefore, Appellant's rights are affected by the Commission's application of these regulations in evaluating a staff recommendation. Further, section 15-53-60 confers standing on Appellant because the specific ruling Appellant seeks would remove the uncertainty concerning the Commission's discretionary authority.

Here, it is unclear whether the circuit court's one-sentence order actually encompassed Appellant's request for declaratory relief: "Court grants [Developer's] Motion to Dismiss due to Appellant's lack of standing in this matter."[10] The record reflects that the primary focus in the proceedings before the circuit court was on

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[9] We find this question as presented in Appellant's declaratory judgment complaint is fairly encompassed by the broader argument presented in Appellant's brief, i.e., that Appellant had standing under the Declaratory Judgment Act to seek a uniform standard for the Commission's application of the Comprehensive Land Use Plan. *See Greer v. McFadden*, 295 S.C. 14, 17–18, 366 S.E.2d 263, 265 (Ct. App. 1988) ("When this Court construes an exception, it will make its construction as liberal as the language will allow, in order to decide the question involved, unless it is satisfied that the statement has misled the respondent to his prejudice.").

[10] In its Rule 59(e) motion, Appellant sought the circuit court's ruling on the question of whether Appellant had standing under the Declaratory Judgment Act to seek a uniform standard for the Commission's application of the Comprehensive Land Use Plan. However, the circuit court denied Appellant's Rule 59(e) motion in a Form 4 order, giving no reason for the denial.

Appellant's standing to appeal the Commission's decision pursuant to section 6-29-1150. Hence, while the circuit court's summary order had the effect of dismissing Appellant's declaratory judgment action, it demonstrates that the court failed to exercise any discretion to evaluate Appellant's request for a declaratory judgment. *See Samples v. Mitchell*, 329 S.C. 105, 112, 495 S.E.2d 213, 216 (Ct. App. 1997) ("A failure to exercise discretion amounts to an abuse of that discretion."); *see also Fontaine v. Peitz*, 291 S.C. 536, 538, 354 S.E.2d 565, 566 (1987) ("When the [circuit court] is vested with discretion, but [its] ruling reveals no discretion was, in fact, exercised, an error of law has occurred."); *Johnson v. Johnson*, 296 S.C. 289, 304, 372 S.E.2d 107, 115 (Ct. App. 1988) ("A decision lacking a discernible reason is arbitrary and constitutes an abuse of discretion."). Further, to the extent the circuit court intended to encompass within its ruling Appellant's declaratory judgment action, the ruling is based on an error of law because sections 15-53-30 and -60 confer standing on Appellant. *See Pic-A-Flick*, 340 S.C. at 282, 531 S.E.2d at 521 ("An abuse of discretion occurs where the trial court is controlled by an error of law . . . .").

CONCLUSION

Based on the foregoing, we reverse the circuit court's order dismissing Appellant's declaratory judgment action and its appeal from the Commission's decision and remand to the circuit court for a determination on the merits of Appellant's issues.

REVERSED AND REMANDED.

LOCKEMY, C.J., and THOMAS, J., concur.