**South Carolina General Assembly**

122nd Session, 2017-2018

**H. 3405**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Ridgeway

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Introduced in the House on January 11, 2017

Currently residing in the House Committee on **Judiciary**

Summary: Zoning regulations

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/11/2017 House Introduced and read first time ([House Journal‑page 33](file:///h:\hj\20170111.docx))

1/11/2017 House Referred to Committee on **Judiciary** ([House Journal‑page 33](file:///h:\hj\20170111.docx))

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**VERSIONS OF THIS BILL**

[1/11/2017](file:///p:\pprever\2017-18\3405_20170111.docx)

**A** **BILL**

TO AMEND SECTION 6‑29‑760, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROCEDURE FOR THE ENACTMENT OF ZONING REGULATIONS OR MAPS, SO AS TO PROVIDE THAT ONLY A LANDOWNER, HIS OR HER APPOINTED REPRESENTATIVE, OR THE GOVERNING BODY OF THE POLITICAL SUBDIVISION WHICH IS RESPONSIBLE FOR THE ZONING REGULATIONS OR MAPS PERTAINING TO THE PROPERTY MAY APPLY TO AMEND OR CHANGE ANY ZONING REGULATION OR MAP RELATING TO THAT PROPERTY.

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

SECTION 1. Section 6‑29‑760 of the 1976 Code is amended to read:

“Section 6‑29‑760. (A) 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 on it, which must 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 the public hearing must be given in a newspaper of general circulation in the municipality or county. In cases involving rezoning, conspicuous notice shall be posted on or adjacent to the property affected, with at least one such notice being visible from each public thoroughfare that abuts the property. If the local government maintains a list of groups that have expressed an interest in being informed of zoning proceedings, notice of such meetings must be mailed to these groups. No change in or departure from the text or maps as recommended by the local planning commission may be made pursuant to the hearing unless the change or departure be first submitted to the planning commission for review and recommendation. The planning commission shall have a time prescribed in the ordinance which may not be more than thirty days within which to submit its report and recommendation on the change to the governing authority. If the planning commission fails to submit a report within the prescribed time period, it is 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 is required before amending the zoning ordinance text or maps.

(B) Only a landowner, his or her appointed representative, or the governing body of the political subdivision which is responsible for the zoning regulations or maps pertaining to the landowner’s property, or the planning commission if authorized to do so by the governing body, may apply to amend or change any zoning regulation or map relating to that property. If a landowner whose land is the subject of a proposed amendment will be allowed to present oral or written comments to the planning commission, at least ten days’ notice and an opportunity to comment in the same manner must be given to other interested members of the public, including owners of adjoining property.

(C) An owner of adjoining land or his representative has standing to bring an action contesting the ordinance or amendment but may not propose a change in the zoning regulations or maps relating to the adjoining property after the zoning regulations or maps relating to the adjoining property have taken effect upon the final resolution of the adjoining landowner’s action to contest; however, this subsection does not create any new substantive right in any party.

(D) No challenge to the adequacy of notice or challenge to the validity of a regulation or map, or amendment to it, whether enacted before or after the effective date of this section, may be made sixty days after the decision of the governing body 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.”

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

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