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The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES M. CONDON
ATTORNEY GENERAL

June 16, 1998

The Honorable Alonzo Harrison
Chairman, McCormick County Council
Route 2, Box 84-AAA
McCormick, South Carolina 29835

Re: Informal Opinion

Dear Mr. Harrison:

Your opinion request has been forwarded to me for reply. You have asked whether McCormick County must comply with the South Carolina Local Government Comprehensive Planning Enabling Act in order to continue the planning and zoning process in the County.

For a number of years, local planning in South Carolina was governed by a myriad of statutes including Section 6-7-10 et seq. of the South Carolina Code of Laws. In 1994, the General Assembly enacted the South Carolina Local Government Comprehensive Planning Enabling Act. (hereinafter "the 1994 Act")(codified as Section 6-29-310 et seq.). The purpose of the 1994 Act was to consolidate and update the existing planning enabling legislation. In doing so, the General Assembly repealed legislation relating to the county planning act, zoning and planning by municipalities, planning by local governments, and the Greenville Planning Commission. However, understanding the immediate repeal of this planning and zoning enabling legislation would create numerous problems at the local level, the General Assembly provided localities a five year window to enact new planning and zoning ordinances which conform to the provisions of the 1994 Act. At any time during that five years, the localities are permitted to enact legislation in compliance with the 1994 Act. However, at the end of this five year period, planning and zoning under these repealed acts will become obsolete. Op. Atty. Gen. dated March 23, 1995. Specifically, Section 2 of the Act provides:

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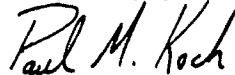
Chapter 27 of Title 4, Chapter 23 of Title 5, Section 6-7-310 through Section 6-7-1110, and Act 129 of 1963 are repealed, effective five years from the date of approval of this act by the Governor. At the end of five years, all local planning programs must be in conformity with the provisions of this act. During the intervening five years, this act is cumulative and may be implemented at any time.

As you know, the five year time period to enact planning and zoning ordinances which conform to the provisions of the 1994 Act will be coming to an end in the near future. The language of Section 2 of the 1994 Act is clear "[a]t the end of five years, all local planning programs must be in conformity with the provisions of the act." Therefore, to continue the planning and zoning process in the future, McCormick County would be required to proceed under the 1994 Act and enact ordinances which comply therewith.

This letter is an informal opinion only. It has been written by a designated assistant attorney general and represents the position of the undersigned attorney as to the specific questions asked. It has not, however, been personally scrutinized by the Attorney General nor officially published in the manner of a formal opinion.

With kindest regards, I remain

Very truly yours,



Paul M. Koch
Assistant Attorney General