



The State of South Carolina  
**OFFICE OF THE ATTORNEY GENERAL**

CHARLES MOLONY CONDON  
ATTORNEY GENERAL

June 2, 1997

Amelia R. Linder, Legal Counsel and Director  
Berkeley County Planning and Codes Enforcement  
223 North Live Oak Drive  
Moncks Corner, South Carolina 29461-3707

Re: Informal Opinion

Dear Ms. Linder:

This opinion is a follow up to the opinion addressed and sent to you on June 3, 1997. You have asked whether a public hearing upon fifteen days' notice must be held before a proposed zoning amendment is introduced to county council.

Pursuant to Section 14.3 of the Berkeley County Zoning and Development Standards Ordinance, prior to enacting an amendment, County Council shall hold a public hearing thereon, at least fifteen days notice of the time and place of which shall be published in a newspaper of general circulation in the County. The Ordinance was enacted pursuant to, and is consistent with, Section 6-7-730 of the South Carolina Code of Laws.

Section 4-9-130, entitled "[P]ublic hearings on notice must be held in certain instances. ....," provides in pertinent part:

Public hearings, after reasonable public notice, must be held before final council action is taken to:

...

(4) adopt zoning and subdivision regulations;

...

Ms. Linder  
Page 2  
June 2, 1997

Not less than fifteen days' notice of the time and place of such hearings shall be published in at least one newspaper of general circulation in the county.

...

The procedures found in Section 4-9-130 require a public hearing upon fifteen days' notice before final council action is taken on zoning regulations. (The notice and hearing requirements being consistent with the Ordinance and Section 6-7-730). Section 4-9-130 does not contain a requirement that a public hearing upon fifteen days' notice be held prior to the introduction by a council member of an amendment to the zoning regulations. In fact, this Office has previously opined that the public hearing can be held at the same time of the first or second readings of the ordinance so long as the notice requirements are met. Op. Atty. Gen. dated January 26, 1979. Of course, I would recommend that the public hearing be held as soon along in the process as possible so as to allow the public to voice their opinions on the zoning regulations.

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