

1978 WL 34726 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 28, 1978

*1 Mr. James Harrison
Waccamaw Regional Council of Government
Post Office Drawer 419
Georgetown, South Carolina 29440

Dear Jim:

Enclosed is a copy of the 1971 amendment to the 1967 legislation creating the regional councils of government. With respect to the Horry County Planning Commission (Commission), it was originally created in 1968 [55 STAT. 2397 (1968)] as an agency to 'study total development within the county and prepare plans which will promote the orderly and economical development thereof, submit these plans to appropriate Federal, State, county and municipal officials having jurisdiction in the county, and encourage the execution of these plans.' In 1971, the Commission was abolished [57 STAT. 1103 (1971)] and, two years later, the Commission was recreated with the same powers that it had been granted in 1968 and with the following additional power:

... , the Commission shall adopt zoning plans and regulations covering the use of all land within the Grand Strand Flood District which was created pursuant to Act No. 1857 of 1972; provided, however, no such plans or regulations shall conflict with the Southern Standard Building Code or any other codes adopted by the Grand Strand Flood District. 58 STAT. 1863, § 4 at 1865 (1973).

The 1973 legislation also specifies that nothing therein should be construed to affect the powers and duties of the Horry County Development and Tourism Commission, whose duties are set forth in Act No. 709 of 1956 [49 STAT. 1711 (1956)], as amended. Those duties include encouraging the location of industry and promoting the tourist industry and agriculture in Horry County but do not include enacting zoning plans or regulations.

According to the 1973 legislation, then, the Commission is empowered to adopt zoning regulations applicable in the territory embraced within the Grand Strand Flood District. In view of that authority, any ordinance enacted by the Horry County Council implementing the provisions of Act No. 487 of 1967 relating to land use and the creation of a county planning commission [see, §§ 6-7-310 et seq., and [§ 4-9-30\(9\), CODE OF LAWS OF SOUTH CAROLINA](#), 1976] before January 1, 1980, cannot conflict with or derogate from the authority already vested in the Commission. See, 59 STAT. 692, § 3 at 716 (1975). After that date, the Horry County Council will be able to abolish the Commission if it desires and fully implement the provisions of Act No. 487 of 1967.

With kind regards,

Karen LeCraft Henderson
Assistant Attorney General

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