

1975 WL 29420 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 24, 1975

\*1 Ladson F. Howell, Esquire  
County Attorney  
P. O. Box 112  
Beaufort, South Carolina 29902

Dear Mr. Howell:

You have requested an opinion from this office as to whether or not the unincorporated community of Hilton Head Island is authorized to create a planning commission pursuant to Act No. 487 of 1967. 55 STAT. Act No. 487 at 863 (1967).

Article 3, Section 2 of the above-referenced Act provides, *inter alia*:

The governing authority of each municipality may create a municipal planning commission.

In Section 3 of the same Article, the territorial jurisdiction of a municipal planning commission is defined as:  
... the total area within its corporate limits ... [Emphasis added.]

The intent is clear, therefore, that Act No. 487 of 1967 authorizes counties and incorporated municipalities within the State to create planning commissions, and, since Hilton Head Island is not an incorporated municipality, it cannot form a planning commission pursuant to that Act.

Section 3 of the Act, however, authorizes a county planning commission, such as the Beaufort County Planning Commission, to exercise the powers granted by the Act in the total unincorporated area of the county, or parts thereof, upon passage of a resolution by the governing authority so that the unincorporated community of Hilton Head Island would be under the jurisdiction of the Beaufort County Planning Commission.

With kind regards,

Karen LeCraft Henderson  
Assistant Attorney General

1975 WL 29420 (S.C.A.G.)

---

End of Document

© 2017 Thomson Reuters. No claim to original U.S. Government Works.