

Oct 05 2026

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas Patrick C. Fant III, Circuit Court Judge

Appellate Case No. 2024-001138

The Altamont Road Safety Alliance, Sussane Beattie, Brenda Cale, Elaine Carter, Ron & Ava Chitty, Aaron & Heather Collins, Margaret & Robert Degiorgio, Elliot & Jennifer Earle, Laura Edge, Travis Elmore, Marilyn Endler, John Fields, Jim Hambright, Leah Hunter, Lauren Johnson, Cynthia Kinghorn, Alex Kiriakides, Jason Kraning, Elaine & Bill Landreth, Robert & Patricia Lanning, Frank & Barbara League, Louis & Ann Leblanc, Frank Lewkowicz, Forrest & Jane Long, George & Fain McDaniel, Brian McSharry, Ronald & Kathy Mercer, Steven & Anna Mickle, Helen & Fred Moorhead, John Parker, Audrey Pasin, Jim Sheets, Matthew Phillips, Shannon Pierce, Michael Rawls, Ronald & Tommie Reece, Daniel & Kimberly Rudzinski, Jason Seefafer, David Taylor, Ronald Trammel, Greg Valente, and Emily & Caleb Vanwingerden.

Petitioners

v.

Greenville County Board of Zoning Appeals

Respondent

PETITION FOR A WRIT OF CERTIORARI

Respectfully submitted,

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QUESTIONS PRESENTED

1. WHETHER THE COURT OF APPEALS ERRED IN CONSTRUING S.C. CODE ANN. § 6-29-760 IN A MANNER THAT PERMITS A COUNTY LEGISLATIVE COMMITTEE TO FUNCTION AS A GATEKEEPER THAT CAN PREVENT A CITIZEN-INITIATED ZONING TEXT AMENDMENT REQUEST FROM EVER REACHING THE PLANNING COMMISSION REVIEW AND PUBLIC-HEARING PROCESS REQUIRED BY THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING ENABLING ACT OF 1994?
2. WHETHER THE COURT OF APPEALS ERRED IN CONCLUDING THERE IS NO CONFLICT BETWEEN S.C. CODE ANN. § 6-29-760 AND GREENVILLE COUNTY'S ORDINANCE INTERPRETATION THAT ALLOWS A CITIZEN-INITIATED TEXT AMENDMENT REQUEST TO END AT THE PLANNING AND DEVELOPMENT COMMITTEE STAGE—WITHOUT PLANNING COMMISSION REVIEW AND WITHOUT ANY SCHEDULED PUBLIC HEARING?
3. WHETHER THE COURT OF APPEALS APPLIED AN UNDULY DEFERENTIAL STANDARD TO QUESTIONS OF STATUTORY CONSTRUCTION AND THE LEGALITY OF THE COUNTY'S PROCEDURE, BY AFFIRMING AN INTERPRETATION THAT (AS APPLIED) ALLOWS COMMITTEE INACTION OR COMMITTEE DENIAL TO NULLIFY THE STATUTORY AMENDMENT PROCESS FOR CITIZEN-INITIATED REQUESTS?

STATEMENT OF THE CASE

This appeal concerns Greenville County's process for reviewing citizen-initiated requests to amend the text of the County zoning ordinance. Petitioners submitted a request to amend portions of the zoning ordinance related to Altamont Road on Paris Mountain and contend they are entitled to a public hearing as the first step in the review process. Respondent is the Greenville County Board of Zoning Appeals (the zoning board).

The Court of Appeals affirmed the zoning administrator's interpretation of Greenville County ordinance section 3:2.3. Under that interpretation, citizen-initiated text amendments must be first presented to the County Council's Planning and Development Committee. A proposed amendment will be scheduled for a public hearing and considered for adoption only if County Council recommends that it proceed to a public hearing.

The Court of Appeals held that this procedure was not contrary to state law and was not an arbitrary or clearly erroneous interpretation of the ordinance and therefore affirmed. The Court of Appeals further held that S.C. Code Ann. § 6-29-760(A) requires a public hearing before enactment or amendment but does not require a public hearing to be the first step in all amendment processes; and that the statute does not mandate when planning commission review must occur so long as it occurs before a change is made. Because it found the foregoing issue dispositive, the Court of Appeals declined to address remaining issues under *Futch v. McAllister Towing of Georgetown, Inc.*, 335 S.C. 598, 613, 518 S.E.2d 591, 598 (1999).

Jurisdiction is proper under the South Carolina Appellate Court Rules governing petitions for certiorari to review decisions of the Court of Appeals. Petitioners sought further review following the Court of Appeals' decision affirming the zoning administrator's interpretation of Greenville County ordinance section 3:2.3 and the zoning board's decision. The Court of Appeals thereafter denied rehearing, and Petitioners now seek this Court's discretionary review of the

important statutory-construction and conflict issues decided below.

The Court of Appeals affirmed the judgment of the circuit court C.A: 2023-CP-23-6416; Opinion No. 2026-UP-381. Petitioners seek a writ of certiorari to review that decision

ARGUMENT

I. CERTIORARI IS WARRANTED BECAUSE THE COURT OF APPEALS DECISION PRESENTS IMPORTANT QUESTIONS OF STATEWIDE SIGNIFICANCE CONCERNING THE UNIFORM APPLICATION OF THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING ENABLING ACT OF 1994 AND THE PERMISSIBLE SCOPE OF COUNTY COMMITTEE-FIRST PROCEDURES FOR ZONING ORDINANCE TEXT AMENDMENTS.

The decision below presents recurring, statewide issues about how local governments must process citizen-initiated requests to amend zoning ordinance text under the Local Government Comprehensive Planning Enabling Act of 1994, including S.C. Code Ann. § 6-29-760. The Court of Appeals approved an ordinance interpretation under which a citizen-initiated text amendment can be terminated at a legislative committee stage and never proceed to the planning commission or to any scheduled public hearing.

This construction creates uncertainty and inconsistency in the administration of zoning text amendments across South Carolina. It effectively allows local procedural design to defeat the statutory structure intended to govern zoning enactments and amendments, particularly as to the mandatory roles contemplated for the planning commission and the public hearing process.

This Court's review is warranted to provide guidance on the lawful relationship between (a) the statutory amendment framework and (b) a county's internal committee or agenda-setting procedures where those procedures are applied to prevent the statutory process from being triggered at all.

II. THE COURT OF APPEALS INTERPRETATION OF § 6-29-760 PERMITS A CITIZEN-INITIATED TEXT AMENDMENT TO BE STOPPED AT A LEGISLATIVE COMMITTEE WITHOUT ANY PLANNING COMMISSION REVIEW, WITHOUT ANY

SCHEDULED PUBLIC HEARING, AND WITHOUT THE PROCESS THAT OTHERWISE APPLIES TO ZONING TEXT AMENDMENTS—AN OUTCOME PETITIONERS CONTEND IS INCOMPATIBLE WITH THE STATUTORY SCHEME.

The Court of Appeals construed § 6-29-760(A) to require only that a public hearing occur before enactment or amendment, while simultaneously approving an ordinance interpretation under which no hearing must ever be scheduled unless and until a county committee (and/or County Council) recommends that the matter proceed.

Under the interpretation affirmed below, a citizen-initiated amendment request may be denied—or may simply never advance—at the Planning and Development Committee level, thereby preventing the request from ever reaching the planning commission and preventing any scheduled public hearing from occurring. Petitioners contend that this construction and its practical effect are incompatible with § 6-29-760’s structure and purpose as part of the Comprehensive Planning Enabling Act.

The issue is not merely the sequencing of a hearing “before enactment.” The issue is whether a county may adopt and apply a process that allows legislative committee gatekeeping to nullify the statutory amendment process altogether for citizen-initiated requests.

III. REVIEW BY THIS COURT IS NECESSARY TO ADDRESS WHETHER § 6-29-760’S MANDATORY PLANNING COMMISSION FUNCTIONS (INCLUDING THE TIME LIMITED PLANNING COMMISSION REPORT REQUIREMENT) CAN BE RECONCILED WITH A LOCAL ORDINANCE INTERPRETATION THAT PERMITS A COMMITTEE OR COUNCIL TO PREVENT THE STATUTORY PROCESS FROM OCCURRING.

The Court of Appeals held that § 6-29-760 does not mandate when planning commission review must occur so long as it occurs before a change is made. But the ordinance interpretation affirmed below allows the County to prevent the time limited planning commission review from occurring at all by stopping a citizen-initiated request at the committee stage or full council stage, before any planning commission consideration and before any scheduled hearing process is set in

motion.

This Court's review is warranted to address whether the statutory planning commission functions contemplated by § 6-29-760 may be avoided entirely through a local, committee-first procedure as applied to citizen-initiated text amendment requests. Clarification from this Court is necessary to ensure the uniform application of § 6-29-760 and to prevent local procedures from operating as a categorical bar to the statutory process.

IV. BECAUSE THE COURT OF APPEALS DEEMED ITS HOLDING DISPOSITIVE AND DECLINED TO ADDRESS REMAINING ISSUES UNDER FUTCH, CERTIORARI REVIEW IS WARRANTED TO CORRECT THE DISPOSITIVE STATUTORY-CONSTRUCTION AND CONFLICT-ANALYSIS ERRORS AND TO PROVIDE GUIDANCE THAT WILL RECUR IN ZONING AMENDMENT PROCEDURES ACROSS THE STATE.

The Court of Appeals treated its statutory-construction and conflict analysis as dispositive and declined to reach Petitioners' remaining issues pursuant to Futch. If the Court of Appeals' interpretation of § 6-29-760 and its conflict analysis are incorrect, then Petitioners have been deprived of appellate consideration of additional issues that were not addressed.

This case therefore warrants certiorari review both to correct the threshold errors that controlled the outcome and to ensure proper legal standards are applied when evaluating (a) the legality of local zoning amendment procedures under state law and (b) whether a local procedure can be used to prevent citizen-initiated requests from proceeding to the planning commission and public hearing stages contemplated by the statutory scheme.

CONCLUSION

For the reasons stated, petitioner asks this Court to grant the petition for a writ of certiorari.

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