

Bond Case Briefs

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EMINENT DOMAIN - SOUTH CAROLINA

Gulfstream Café, Inc. v. Georgetown County

Supreme Court of South Carolina - October 29, 2025 - S.E.2d - 2025 WL 3019559

Restaurant owner that held easement rights over shared parking lot in planned development brought action against county challenging validity of ordinance allowing construction of new restaurant in planned development, alleging due process and takings claims and a claim that ordinance was invalid due to county councilmember's improper involvement with original application for new restaurant.

After a bench trial, Circuit Court entered judgment for county, denied restaurant owner's claim for attorney fees, and granted county's motion for costs. Restaurant owner appealed.

The Supreme Court held that:

- Restaurant owner's easement rights were nonexclusive;
- Ordinance did not violate substantive due process;
- Ordinance was not a per se taking;
- Ordinance was not a regulatory taking;
- Ordinance was not a taking on theory of regulatory inverse condemnation;
- Ordinance was not invalid due to councilmember's improper involvement with original application; and
- Procedural due process was satisfied.

County ordinance allowing construction of new restaurant in same planned development as existing restaurant whose owner held nonexclusive easement rights over shared parking lot with 62 parking spaces was not a "regulatory taking"; county advanced legitimate land use concerns in approving new restaurant in a safer building that complied with modern day building and fire codes, new restaurant would serve the growing tourist population in area, restaurant owner was still able to operate its restaurant and enjoy its nonexclusive easement, restaurant owner did not lose access to any parking spaces, and there was no interference with restaurant owner's investment-backed expectations.