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ZONING & PLANNING - SOUTH CAROLINA

Greenville Bistro, LLC v. Greenville County

Supreme Court of South Carolina - December 8, 2021 - S.E.2d - 2021 WL 5823888

Restaurant operator brought action against county for declaratory and injunctive relief, raising First Amendment free speech challenge to county's attempts to enforce its sexually oriented business code to prevent restaurant from operating with scantily-clad exotic dancers.

The Circuit Court granted operator's motion for temporary injunction, after which the county appealed and the Circuit Court denied county's motion for temporary injunctive relief during pendency of appeal. County appealed.

The Supreme Court held that:

- Zoning ordinance redefining "adult cabaret" and adding "semi-nude" definition was a valid time, place, and manner regulation;
- County was not bound by order releasing restrictions obtained in prior nuisance action to which county was not a party;
- Operator was not likely to succeed on merits of claim that county inequitably adopted ordinance due to its suspect timing;
- Trial court had jurisdiction to rule on county's motion for temporary injunctive relief; and
- County was entitled to temporary injunctive relief.

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