

**ARTICLE XIV. ADMINISTRATION, ENFORCEMENT,  
APPEALS, COMPLAINTS AND REMEDIES**

**Section 14.1 Administration**

**14.1.1 Administrative Officer**

Pursuant to SC Code §6-29-905, the Dorchester County Zoning and Land Development Standards Ordinance shall be administered, interpreted and enforced by the County Zoning Administrator, except as otherwise specifically stated in this Ordinance. The Zoning Administrator may be assisted, as needed, in the administration and enforcement of this Ordinance by other County officials, pursuant to their respective fields. Specifically, the Zoning Administrator's duties and powers shall include:

- (a) Interpreting the Zoning and Land Development Standards Ordinance. In administering this Ordinance and rendering determinations as to the uses permitted in various zoning districts, the Zoning Administrator shall have the power and authority to render decisions whether a specific proposed use, although not listed as a permitted, conditional, or special exception use, is so substantially similar in substance and effect to a permitted, conditional or special exception use, that it should be allowed as if expressly permitted.
- (b) Administering permits and certificates where the requirements of this Ordinance have been met.
- (c) Processing applications for variances, special exception uses to the Board of Zoning Appeals.
- (d) Processing applications for subdivision approvals.
- (e) Processing appeals to the Board of Zoning Appeals and preparing the record for appeal to circuit court.
- (f) Collecting fees for the processing of applications for permits and certificates.
- (g) Investigating and resolving complaints pertaining to potential violation of ordinances.
- (h) Conducting inspections of buildings, structures and uses of land to determine compliance with the provisions of this Ordinance.
- (i) Maintaining public records related to zoning and land development approvals.

- (j) Enforcing the provisions of this Ordinance, the decisions of the Board of Zoning Appeals and conditions placed upon a project in conjunction with a land development approval by the BZA, Planning Commission and/or County Council.
- (k) Maintaining and making available for public inspection and copying the official Zoning Map and Zoning and Land Development Standards.
- (l) Other duties assigned by ordinance, County Council, BZA, or Planning Commission.

#### 14.1.2 Interpretations

- (a) **Provisions are Minimum Requirements:** In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, morals, and general welfare. Except where expressly provided herein, the Zoning Administrator shall not authorize a standard less than the minimum requirement.
- (b) **Unspecified Uses:** Except when specifically determined by the Zoning Administrator as included or implied within the description of another use listed in Article VI, Use Groups as authorized by Section 14.1(a)(1), no uses are permitted unless specified in a use group or accessory use listed for a particular district. Land uses, buildings or other structures not specifically included or implied in the description of a use group shall not be permitted in any district.
- (c) **Adding Unspecified Uses to the District Regulations:** Uses other than those allowed in the applicable zoning district may be added to a district only upon a text amendment approved by County Council under the provisions of Article XVI.

#### 14.1.3 Ordinance Review and Maintenance

Not less than once every two years, the Planning Commission shall prepare and submit to County Council a written report that updates development activities in the County; evaluates this Ordinance and other related Ordinances in terms of effectiveness, ease and cost of administration and implementation, and strengths and weaknesses; and recommends any desirable amendments to these Ordinances, or modifications of the guidelines or administrative procedures used to implement these Ordinances.

#### **14.1.4 Compliance**

No building permit or certificate of occupancy shall be issued, no building or structure shall be erected, altered, or occupied, no use or change in use commenced, and no land altering activity commenced relating thereto may occur prior to endorsement or verification by the Zoning Administrator that such activity shall be in compliance with this Ordinance and has received all approvals required under this ordinance. The County shall require the payment of fees for review of plans and issuance of permits as specified by fee schedules adopted by County Council, including the uniform building fee schedules provided in Ordinances 89-07 and/or as may be subsequently amended.

### **Section 14.2 Planning Commission**

A Planning Commission is hereby established for Dorchester County as a board that has the powers and duties as provided in the South Carolina Code §6-29-310 et seq.. The Dorchester County Planning Commission, as established by County Council, may function as an advisory committee to the Zoning Administrator with respect to the provisions of this ordinance.

#### **14.2.1 Membership**

- (a) The Planning Commission shall consist of no less than seven (7) and no more than twelve (12) residents of the County.
- (b) When making appointments, County Council shall consider professional expertise, community knowledge, and concern for the future welfare of the total community and its citizens.
- (c) Members shall represent a broad cross section of community interests and concerns.
- (d) No Commission member may hold an elected public office in Dorchester County.
- (e) Members of the Planning Commission shall be appointed by County Council, with one from each of the seven council districts, for four (4) year terms and shall serve until their successors are appointed and qualified.
- (f) The term shall normally expire the 31<sup>st</sup> day of December concurrent with the term of office of the County Council District Seat which appointed the member.
- (g) Members shall serve without pay, but may be reimbursed for authorized expenses incurred in the performance of their duties.

- (h) Should any vacancy occur among the members of this Planning Commission by reason of death, resignation, disability or otherwise, immediate notice thereof shall be given to the Clerk of County Council by the Secretary. County Council shall fill any vacancy for an unexpired term in the same manner as the original appointment.
- (i) County Council may remove any member it appoints for cause.
- (j) The Planning Commission shall also consist of non-voting, ex officio members to include, but not limited to, the Director of Public Works, Director of Planning, County Engineer, Zoning Administrator as well as representatives from the Dorchester County Health Department.

#### **14.2.2 Officers**

The Commission shall elect one of its members as chairperson and another as vice-chairperson for one-year terms.

- (a) The Chairman shall appoint a three (3) member nominating committee for this purpose at the regular meeting in January, with the committee to report and the Commission to vote as the first order of business at the February meeting and the new or re-elected Chairman and Vice-Chairman to assume their duties immediately following the vote for both offices. In the event that there is no continuing Chairman or Vice-Chairman at the January meeting due to new Commission member appointments, the Commission shall then elect a temporary Chairman for the month of January who shall serve until the new officers are elected in February. Until the new or re-elected officers assume their respective chairs at the February meeting, the outgoing officers will retain all official duties and responsibilities.
- (b) The duties and powers of the officers of the Planning Commission shall be as follows:
  - (1) **Chairman**
    - a. To preside at all meetings of the Board;
    - b. To call special meetings of the Board in accordance with the Rules and Regulations;
    - c. To sign documents of the Commission; and
    - d. To see that all actions of the Board are properly taken.
  - (2) **Vice-Chairman:** During the absence, disability or disqualification of the Chairman, the Vice-Chairman shall exercise or perform all the duties and be subject to all the responsibilities of the Chairman.

(3) **Secretary**

- a. To keep the minutes of all meetings of the Commission;
  - b. To give or serve all notices required by law or by this ordinance;
  - c. To prepare the agenda for all meetings of the Commission;
  - d. To be custodian of Commission records; and
  - e. To inform the Commission of correspondence relating to business of the Commission and to attend to all such correspondences.
- (c) A Planning Department staff member shall serve in the capacity of Secretary for the Commission to prepare and maintain the minutes of meetings and other records.
- (d) Should any vacancy occur among the officers of the Planning Commission, the vacant office shall be filled in accord with this subsection, such officer to serve the unexpired term of the office in which such vacancy shall occur.

**14.2.3 Meetings**

- (a) **Regular Meetings** of the Planning Commission will normally be held monthly in the Dorchester County Services Building, the day and month and the time for said meetings being set annually by the Commission at their first regular meeting in January. At such meetings the Board shall consider all matters properly brought before it. A regular meeting may be cancelled or rescheduled by the Commission at a prior meeting.
- (b) **Special Meetings** of the Planning Commission shall be held at a time and place designated by the Chairman or Vice-Chairman. Notice thereof shall be given to all members not less than twenty four (24) hours in advance thereof. If a special meeting is requested by someone rather than a member of the Commission or Staff, a fee of Three Hundred Fifty Dollars (\$350) shall be charged.
- (c) **Quorum:** At any duly called meeting of the Planning Commission a quorum shall consist of a majority of members legally appointed at the time of said meeting.

**14.2.4 Voting**

- (a) At all meetings of the Planning Commission, all members, including the Chairman shall be entitled to cast one vote on each question. Voting shall be by voice or a show of hands. In the event that any member shall have a personal interest and be disqualified from voting upon or discussing the matter, and the Secretary shall so record in the minutes that no vote was cast by such member.

- (b) The affirmative vote of a majority of those present and voting shall be necessary for the adoption of any resolution or other voting matter.
- (c) In cases where a decision of the Chair is appealed, a majority is required to defeat the ruling of the Chair. In these cases, the Chairman shall vote and even though his or her vote makes a tie, the tie sustains the ruling of the Chair.

#### **14.2.5 Proceedings**

- (a) At any regular meeting of the Planning Commission, the following shall be the regular order of business:
  - (1) Ascertain quorum present
  - (2) Minutes of the preceding meeting
  - (3) Rezoning Requests
  - (4) Subdivision Applications
  - (5) Street Naming Committee
  - (6) Old Business
  - (7) New Business
  - (8) Report of the Chairman
  - (9) Report of the Director of Planning
  - (10) Public Hearings “When Scheduled”
  - (11) Adjournment
- (b) Anyone wishing to appear on the agenda must contact the Director of Planning ten (10) working days prior to a meeting.
- (c) Policy for Receipt of Public Comments.
  - (1) A copy of both the Rezoning Request and the Zoning Administrator’s cover letter of recommendation will be made available to each member of the Commission.
  - (2) The verbal presentation to the Commission is to be made by the Zoning Administrator on behalf of the applicant, including the Zoning Administrator’s recommendation. Commission members may then ask questions of the applicant.
  - (3) Public input concerning the request will then be taken, with input being limited to a maximum of two (2) minutes in duration with one (1) presentation per person. In the event that there would be one or more organized groups in attendance (Civic Club, Homeowners Association, etc.), each group will be allowed two (2) spokespersons each with a maximum of three (3) minutes each for input.
  - (4) Sign in Procedure (Name – Address - Request)

- (d) Each formal action by the Planning Commission required by law, rule or regulation shall be embodied in a formal resolution duly entered in the minutes after an affirmative vote as provided in Section 14.2.4 above.

#### **14.2.6 Minutes**

A copy of the minutes of each Planning Commission meeting shall be sent to Dorchester County's libraries. Copies shall also be made available as a public record at the Dorchester County Department of Planning office. A nominal charge will be imposed when responding to requests for copies.

#### **14.2.7 Rules of Procedure**

Meetings of the Planning Commission will be conducted in accordance with Robert's Rules of Order. The Planning Commission shall adopt rules of organizational procedure that address all items listed in SC Code §6-29-360.

#### **14.2.8 Powers and Duties**

The Planning Commission shall be assigned the power and duty to develop and carry out a continuing planning program for the physical, social, and economic growth, development, and redevelopment of Dorchester County. In accomplishing this, the planning Commission may prepare and periodically revise development and/or redevelopment plans and programs, and prepare and recommend to Council measures for implementing such plans and programs as follows:

- (a) Zoning Ordinances to include text, map, and any necessary revisions.
- (b) Regulations for land subdivision or development and appropriate revisions thereof, and to oversee administration of the regulations adopted.
- (c) An Official Map showing the exact location of existing or proposed public streets, highways, utility rights-of-way, and public building sites. The Official Map and Zoning Map may be the same document. The Commission is responsible for developing regulations and procedures for administering the Official Map Ordinance.
- (d) Landscaping ordinances setting forth minimum standards for planting, tree preservation, and other aesthetic considerations for land and structures.
- (e) A Capital Improvements Program (CIP) which lists required projects to carry out the adopted plans, including a annual listing of priority projects for consideration by County Council for implementation prior to preparation of its capital budget; and policies or procedures to facilitate implementation of planning elements.

### **Section 14.3 Violations and Enforcement**

The Zoning Administrator shall have the authority and the duty to ensure that all buildings and structures and the use of all land complies with the provisions of this Ordinance. Whenever the Zoning Administrator determines that a violation of this Ordinance has occurred, or whenever the Zoning Administrator has received reliable information indicating that a violation of this Ordinance is about to occur, he shall notify in writing the persons responsible for such violation, indicating the nature of the violation; and take such action as is necessary to correct the violation and prevent further similar violations from occurring.

#### **14.3.1 General Provisions**

- (a) Any building or structure erected contrary to any of the provisions of this Ordinance and any use of any building or land which is conducted, operated or maintained contrary to any of the provisions of this Ordinance or the provisions of any approval granted by the County under this Ordinance shall be a violation of this Ordinance and the same is hereby declared to be unlawful.
- (b) Any person, whether owner, lessee, principal, agent, employee or otherwise, who violates any of the provisions of this ordinance, or permits any such violation, or fails to comply with any of the requirements hereof, or who erects any building or structure or uses any building, structure or land in violation of the provisions of this Ordinance or the provisions of any approval granted by the County under this Ordinance shall be subject to the enforcement provisions of this Section.
- (c) Whenever a violation occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the cause and basis thereof shall be filed with the Zoning Administrator.
- (d) The Zoning Administrator shall record such complaint, investigate, and take action thereon as provided by this Ordinance.
- (e) Upon his becoming aware of any violation, the Zoning Administrator shall serve notice of such violation on the person committing or permitting the same, and the land owner, and if such violation has not ceased within such reasonable time as the Zoning Administrator has specified in such notice, he shall institute such action as may be necessary to terminate the violation.
- (f) In addition to the remedies provided in this Section, the Zoning Administrator may initiate injunction, mandamus, abatement or any other appropriate action or proceeding to prevent the unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use or to correct or abate the violation or to prevent the occupancy of the building, structure, or land.

- (g) If the person responsible for the alleged violation denies that a violation exists, he may appeal the decision of the Zoning Administrator pursuant to the provisions of Article XV of this Ordinance; however, during such appeal process, the developer may not proceed in any manner in violation of these ordinances.

### **14.3.2 Remedial Actions**

In order to correct a violation of this Ordinance, or to mitigate the adverse impacts resulting from violation of this Ordinance, the Zoning Administrator has the discretion to select among the following courses of action, as appropriate under the circumstances. The intent of these steps is to allow the non-compliance to be eliminated or mitigated without necessitating legal action by the County with stature against the violator.

- (a) order a discontinuance of the illegal action;
- (b) issue a “stop order,” per SC Code of Laws §6-29-950(A), requiring cessation of construction, or of an unauthorized activity or use, pending the submission and approval of a building permit, site development plan or drainage plan, as provided for in this Ordinance;
- (c) withhold any or all zoning permits, building permits, or other permits or certificates of occupancy for any development that does not comply with the provisions of the Zoning and Land Development Standards Ordinance. Such permits and certificates will not be granted to the applicant until the development is brought into compliance with these ordinances;
- (d) require the developer or owner to take specific actions to bring the construction or activity in question into compliance with this Ordinance;
- (e) where compliance is not practical, require the developer or owner to take specific actions that will minimize the extent and impacts of the non-compliance so long as this will not work an undue hardship on adjoining or nearby property and uses;
- (f) where the severity of the situation warrants, require the removal of illegal structure, additions and uses;
- (g) require the developer or owner to take appropriate actions to mitigate the adverse impacts caused by, or associated with, the violating action or use; and/or
- (h) require the developer or owner to otherwise make reasonable restitution for damage caused or expenses incurred as a result of the violation of this Ordinance; and

- (i) collect any fees or costs incurred by the County in taking remedial action.

### **14.3.3 Judicial Action**

The Zoning Administrator is empowered to seek injunctive relief or specific performance to enforce the provisions of this Ordinance, or of any requirements for remedial action taken under this section. Injunctive relief is especially warranted when land altering activity is commenced, or is about to commence, contrary to the provisions of this Ordinance.

### **14.3.4 Magistrate Action**

Any violation of the Dorchester County Zoning and Land Development Standards Ordinance is unlawful and any person violating this Ordinance shall be deemed guilty of a misdemeanor per SC Code of Laws §6-29-950 and upon conviction, shall be punished by a fine not to exceed Two Hundred Dollars (\$200.00) or imprisonment for not more than thirty (30) days. Each day such violation shall continue shall be deemed a separate offense.

## **Section 14.4 Appeal from the Decision of the Zoning Administrator**

It is the intention of this Ordinance that all questions arising in connection with the enforcement of the Ordinance shall be presented first to the Zoning Administrator and that such question shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Administrator. Such appeal must be filed within fifteen (15) days of the receipt of notice of such action. The Zoning Administrator's action will remain in effect during the appeal process.