

ARTICLE J. ADMINISTRATION

Sec. 6-3-181. Duties of zoning administrator.

- (a) It shall be the duty of the duly appointed zoning administrator or zoning official, and he is hereby given the authority, to administer and enforce all provisions of this chapter.
- (b) The zoning administrator shall accept and examine all applications for construction, or land use or reuse, and shall issue building and zoning compliance permits where such applications are in accord with the provisions of this chapter and applicable building regulations. He shall direct parties in conflict with this chapter, cause to be kept records and files of any and all matters referred to him, and execute any and all reports as the city/county council may require.
- (c) If the zoning administrator shall find that any one of the provisions of this chapter is being violated, he shall notify, in writing, the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings or structures; order removal of illegal buildings or structures or of illegal additions, alterations or structural changes; or order discontinuance of any illegal work being done; or shall take any other action authorized by this chapter to ensure compliance with or to prevent violation of its provisions.

(Ord. No. 13-86, § X.A, 12-2-86)

Sec. 6-3-182. Building and sign permits required.

Unless elsewhere exempted by this chapter, no building, sign or other structure shall be erected, moved, added to or structurally altered without a permit therefor issued by the zoning administrator. No building or sign permit shall be issued by the zoning administrator except in conformity with the provisions of this chapter, unless he receives a written order from the board of appeals in the form of an administrative review or variance as provided by this chapter. The permit, if issued, shall be posted on the property in full view from the front street.

(Ord. No. 13-86, § X.B, 12-2-86)

Cross references: Building regulations, tit. 6, ch. 1; signs generally, § 6-3-115.

Sec. 6-3-183. Application for building permit.

- (a) All applications for building permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the zoning administrator, including existing or proposed building or alterations; existing or proposed uses of the building and land; the number of families, housekeeping units or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with and provide for the enforcement of this chapter.
- (b) One copy of the plans shall be returned to the applicant by the zoning administrator after he shall have marked such copy either as approved or disapproved and attested to the marking by his signature on such copy. The original copy of the plan, similarly marked, shall be retained by the zoning administrator.

(Ord. No. 13-86, § X.C, 12-2-86)

Cross references: Building regulations, tit. 6, ch. 1.

Sec. 6-3-184. Certificate of zoning compliance.

- (a) It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or parts thereof, hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued therefor by the zoning administrator stating that the proposed use of the building or land conforms to the requirements of this chapter. Failure to make such application within three months shall be presumptive evidence that the property was in conforming use at the time of enactment or amendment of this chapter.
- (b) No permit for erection, alteration, moving or repair of any building shall be issued until an application has been made for a certificate of zoning compliance, and the certificate shall be issued in conformity with the provisions of this chapter upon completion of the work.
- (c) A temporary certificate of zoning compliance may be issued by the administrative official for a period not exceeding six months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.
- (d) The zoning administrator shall maintain a record of all certificates of zoning compliance, and a copy shall be furnished upon request to any person.

(Ord. No. 13-86, § X.D, 12-2-86)

Sec. 6-3-185. Construction and use to conform with plans and applications.

Building permits or certificates of zoning compliance issued on the basis of plans and applications approved by the zoning administrator authorize only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement or construction.

(Ord. No. 13-86, § X.E, 12-2-86)

Sec. 6-3-186. Review of questions by zoning administrator.

It is the intention of this chapter that all questions arising in connection with the enforcement of this chapter 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.

(Ord. No. 13-86, § X.F, 12-2-86)

Sec. 6-3-187. Joint planning commission--Established.

Pursuant to S.C. Code 1976, § 6-29-320, the county planning board is abolished, and there is established a joint planning commission which shall be known as the "joint planning commission of Greenwood County" (hereinafter referred to as the "commission"). The commission shall perform all planning functions in the County of Greenwood, the City of Greenwood, the Town of Ware Shoals, the Town of Ninety Six, and the Town of Troy, including revision of the comprehensive plan which shall be

commenced immediately, and which shall conform to the requirements of the Comprehensive Planning Enabling Act of 1994 (the Act).

(Ord. No. 1-99, § 1, 1-5-99)

Editor's note: Section I of Ord. No. 2-95, adopted March 7, 1995, repealed former §§ 6-3-187--6-3-192 of the Code and added new provisions as §§ 6-3-187--6-3-191. Formerly, §§ 6-3-187--6-3-192 pertained to the board of zoning appeals and derived from Ord. No. 13-86, §§ X.G--X.L, adopted Dec. 2, 1986. Subsequently, Ord. No. 1-99, adopted Jan. 5, 1999, created new provisions which in effect superseded §§ 6-3-187 and 6-3-188 of the Code; said provisions of Ord. No. 1-99 have been included within the Code as §§ 6-3-187--6-3-188.3, 6-3-192--6-3-193, at the discretion of the editor. See the code comparative table for a detailed analysis of inclusion of the provisions of Ord. No. 1-99.

Sec. 6-3-188. Same--Membership.

The commission of the county shall consist of 15 members, seven appointed by the county council, five appointed by the City of Greenwood, one appointed by the Town of Ninety Six, one appointed by the Town of Ware Shoals, and one appointed by the Town of Troy. It is the intent that the incorporated and unincorporated portions of the county shall be represented on the commission as nearly as practical proportionate to the population in each area according to the most recent decennial census, and the number of appointments by each body shall be adjusted as necessary after each census.

(Ord. No. 1-99, § 2, 1-5-99)

Note: See editor's note, § 6-3-187.

Sec. 6-3-188.1. Same--Finances.

- (a) The commission may purchase equipment and supplies and may employ or contract for such experts as it considers necessary and consistent with funds available.
- (b) The commission may cooperate with, contract with, or accept funds from federal government agencies, state government agencies, local general purpose governments, school districts, special purpose districts, public or eleemosynary agencies, or private individuals or corporations; it may expend the funds; and it may carry out such cooperative undertakings and contracts as it considers necessary.

(Ord. No. 1-99, § 7, 1-5-99)

Note: See editor's note, § 6-3-187.

Sec. 6-3-188.2. Joint board of zoning appeals--Reorganized.

Pursuant to S.C. Code 1976, § 6-29-780(A), the joint board of zoning appeals (the "board") is reorganized and shall perform all functions prescribed by the ACT in the county under the common zoning ordinance adopted by Greenwood County, the City of Greenwood, the Town of Ware Shoals, the Town of Ninety Six, and the Town of Troy.

(Ord. No. 1-99, § 3, 1-5-99)

Note: See editor's note, § 6-3-187.

Sec. 6-3-188.3. Same--Membership.

The board is hereby reorganized to consist of nine members, four appointed by the county council, two appointed by the City of Greenwood, one appointed by the Town of Ninety Six, one appointed by the Town of Ware Shoals, and one appointed by the Town of Troy. It is the intent that the incorporated and unincorporated areas of the county be represented on the board as nearly as practical proportionate to the population in each area according to the most recent decennial census, and the number of appointments by each body shall be adjusted as necessary after each census.

(Ord. No. 1-99, § 4, 1-5-99)

Note: See editor's note, § 6-3-187.

Sec. 6-3-189. Same--Powers.

(a) The joint board of zoning appeals has the following powers:

- (1) To hear and decide appeals where it is alleged there is error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this chapter;
- (2) To hear and decide appeals for variance from the requirements of this chapter when strict application of the provisions of this chapter would result in an unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the board makes and explains in writing the following findings:
 - a. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
 - b. These conditions do not generally apply to other property in the vicinity;
 - c. Because of these conditions, the application of this chapter to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
 - d. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.
 1. The board may not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land, or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance. Other requirements may be prescribed by this chapter.
 2. In granting a variance, the board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area, or to promote the public health, safety, or general welfare;
 3. To permit uses by special exception subject to the terms and conditions for the uses set forth for such uses in this chapter.

Appeals to the board may be taken by any person aggrieved or by any officer, department, board, or bureau of the participating municipality or county. The appeal must be taken within a reasonable time, as provided by this chapter or rules of the board, or both, by filing with the officer from whom the

appeal is taken and with the joint board of zoning appeals notice of appeal specifying the grounds of it. If no time is provided, the appeals must be taken within 30 days from the date the appealing party has received actual notice of the action from which the appeal is taken. The officer from whom the appeal is taken immediately shall transmit to the board all the papers constituting the record upon which the action appealed from was taken.

(b) Stay, hearings, decisions, and orders.

- (1) An appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board, after the notice of appeal has been filed from him, that by reason of facts stated in the certificate a stay would, in his/her opinion, cause imminent peril to life and property. In that case, proceedings may not be stayed otherwise than by a restraining order which may be granted by the board or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.
- (2) The board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give at least 15 days' public notice of it in a newspaper of general circulation in the community, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or attorney.
- (3) In exercising the above power, the board may, in conformity with the provisions of S.C. Code 1976, tit. 6, ch. 29, reverse or affirm, wholly or in part, or may modify the order, requirements, decision, or determination, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit. The board in the execution of the duties specified in S.C. Code 1976, tit. 6, ch. 6, may subpoena witnesses and in case of contempt may certify this fact to the circuit court having jurisdiction.
- (4) All final decisions and orders of the board must be in writing and be permanently filed in the office of the board as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the board which must be delivered to parties of interest by certified mail.

(Ord. No. 2-95, § I, 3-7-95; Ord. No. 14-99, § XXXV, 4-20-99)

Note: See editor's note, § 6-3-187.

Sec. 6-3-190. Same--Cases of contempt.

In case of contempt by a party, witness, or other person before the joint board of appeals, the board may certify this fact to the circuit court; and the judge of the court, in open court or in chambers, after hearing, may impose a penalty as authorized by law.

(Ord. No. 2-95, § I, 3-7-95)

Note: See editor's note, § 6-3-187.

Sec. 6-3-191. Same--Appeals from decisions.

Any person who may have a substantial interest in any decision of the joint board of appeals, or an officer or agent of the appropriate governing authority, may appeal from a decision of the board to the circuit court by filing with the clerk of court a petition in writing setting forth plainly, fully and distinctly why the decision is contrary to law. The appeal must be filed within 30 days after the decision of the board is mailed.

(Ord. No. 2-95, § 1, 3-7-95)

Note: See editor's note, § 6-3-187.

Sec. 6-3-192. Joint planning commission and joint board of zoning appeals--Terms of members; vacancies; expenses.

- (a) Terms of the members of the commission and the board shall be for three years or until their successors are appointed. Terms of initial appointees shall be staggered so that one-third of the members shall have terms expiring in each year.
- (b) Members of the commission and the board may be appointed to succeed themselves up to a maximum of three full terms. Thereafter, members may be appointed only after they have been off the commission or board at least one year.
- (c) The governing body of a municipality or the county may remove any member of the commission or the board appointed by it for cause. A vacancy for any reason shall be filled for the unexpired term.
- (d) Members of the commission or the board shall not hold an elective office and shall serve without pay. Members may be reimbursed for actual expenses incurred in the performance of their duties from available funds approved in advance.

(Ord. No. 1-99, § 5, 1-5-99)

Note: See editor's note, § 6-3-187.

Sec. 6-3-193. Same--Organization.

The commission and the board shall organize themselves, adopt rules of organizational procedure, elect a chairman and vice chairman for terms of one year, and appoint a secretary who may be an employee of the county. The commission and the board shall keep public records of their resolutions, findings, determinations and orders.

(Ord. No. 1-99, § 6, 1-5-99)

Note: See editor's note, § 6-3-187.

Secs. 6-3-194--6-3-200. Reserved.