

## Article XIII. Administration and Enforcement

### 157.211. ADMINISTRATION

#### A. The Staff.

1. The City Planner. The City Planner shall have the following powers and duties to be carried out in accordance with these ordinances which include, but are not limited to:
  - a. To serve as staff to the Planning Commission and the Board of Zoning Appeals with regard to their functions under these ordinances, and to inform such bodies of all facts and information at their disposal with respect to applications for amendments to the text of these ordinances, amendments to the zoning maps, appeals, variances, permit requests, and any other matters brought before them under this ordinance.
  - b. To maintain the text of these ordinances and the zoning maps.
  - c. To maintain development review files and other public records related to the administration and enforcement of these ordinances.
  - d. To review applications for zoning permits filed under these ordinances.
  - e. To recommend and comment on proposed amendments to these ordinances and to the zoning maps.
  - f. To establish such rules of procedure and permit application forms as are necessary and proper for the administration of their responsibilities under these ordinances.
  - g. To determine street classifications.
2. The Zoning Administrator. The Zoning Administrator shall issue permits required hereunder and enforce the provisions of the zoning ordinances as set out herein except for enforcement duties specifically assigned to the City Planner. If the Zoning Administrator finds that any of the provisions of this ordinance have been or are being violated, he shall notify, in writing, the person responsible for such violations, indicating the nature of the violation and order that necessary actions be taken to correct the violation. He shall order discontinuances of illegal uses of land, buildings, or structures, removal of illegal buildings or structures, or of illegal additions, alterations or structural changes, discontinuance of any illegal work being done and shall take any other action authorized by this ordinance to insure compliance therewith.

3. The Urban Forester. The Urban Forester shall review permit applications, recommending and approving landscaping and tree conservation plans, and otherwise assisting with the administration and enforcement of this ordinance as may be specified herein or directed by the city manager.
4. The City Manager. The City Manager shall appoint the City Planner, the Zoning Administrator, and the Urban Forester and shall have the authority to exercise any and all duties and authorities assigned to such.

**B. The Boards.**

1. The Planning Commission. The Planning Commission (“Commission”) shall have certain duties related to this ordinance including, but not necessarily limited to, the following:
  - a. To review and from time to time initiate changes to this ordinance.
  - b. To review and make recommendations on applications for changes to this ordinance or the zoning maps.
2. The Board of Zoning Appeals.

a. Establishment.

A Board of Zoning Appeals (“Board”) is hereby established for the City of Camden. Said Board shall consist of five members, who shall be citizens of Camden and appointed by city council for overlapping terms of four years. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment and any member may be removed by the council for cause, after a public hearing. Members shall serve without pay, but may be reimbursed for any expenses incurred while representing the board.

b. Powers and duties.

The Board shall have the following powers and duties:

- 1) To hear and decide appeals according to the procedures of this section, where it is alleged there is an error in any order, decision, determination, or interpretation made by the Zoning Administrator or other administrative official in the administration and enforcement of this ordinance.
- 2) To grant variances from the terms of this ordinance according to the standards and procedures prescribed herein.

- c. Meetings. Meetings of the Board shall be held at the request of the chair at such times and place as the chair may determine and shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, an indication of such fact. Final disposition of permits, appeals or variances shall be recorded in the minutes, indicating the reasons of the Board therefore, all of which shall become a part of the public record.
- d. Quorum. A quorum shall be required to take any official action, with three members present constituting a quorum.
- e. Elections and appointments. The Board shall elect a chairperson and a vice-chairperson from its members, who shall serve for one year, or until reelected. The city manager shall appoint a secretary to the board from among city staff.
- f. Rules of procedure. The Board shall adopt rules and bylaws in accordance with S.C. § 6-29-790.
- g. Hearings. The Board shall fix a reasonable time for hearing matters referred to it. Public notice of Board hearings required under these ordinances shall be in accordance with the South Carolina Code of Laws. A sign shall be posted on or adjacent to the property affected, with at least one such sign being visible from each public thoroughfare that abuts the property. All forms of notice shall occur at least 15 days prior to the announced hearing, and each shall indicate the nature of the proposed change, identification of the affected property, and time, date and place of the hearing.
- h. Decisions of the Board of Zoning Appeals.
  - 1) In exercising the above powers, the concurring vote of the majority of the members present and voting shall be required to reverse or affirm, wholly or in part, or modify any order, requirement, decision, or determination of the Zoning Administrator or other administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, and to that end, shall have the powers of the officer from whom the appeal is taken and may direct the issuance of a permit. The Board, in its execution of the duties provided for herein, may subpoena witnesses and, in case of contempt may certify such fact to the circuit court having jurisdiction.
  - 2) All final decisions and orders of the Board must be in writing and be permanently filed in the office of the Board as 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.

- i. Re-hearings and appeals from a decision of the Board of Zoning Appeals.
  - 1) *Rehearing.* An application for a rehearing shall be made in the same manner as provided for in original appeal within a period of thirty days after the Board’s decision has been filed with the City Planner. In addition, specific information to enable the Board to determine whether or not there has been a substantial change in facts, evidence, or conditions of the case, shall be presented in writing or graphically. A rehearing shall be denied by the Board, if, in its judgment, such change in facts, evidence or conditions have not been proven. In the event that the board finds that a rehearing is warranted, it shall thereupon proceed in the same manner as for the original hearing.
  - 2) *Waiting period required.* Upon the denial of an original application or adverse ruling on appeal, or upon the denial of an application for which a rehearing has been conducted, whichever is applicable, a similar application may not be filed for a period of one year after the date of denial of the original application.
  - 3) *Appeals.* A person who may have a substantial interest in any decision of the Board or an officer or agent of the city may appeal from a decision of the Board to the circuit court in and for Kershaw County 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. Alternatively, a property owner whose land is the subject of a decision of the Board may appeal by filing a notice of appeal with the circuit court accompanied by a request for pre-litigation mediation in accordance with § 6-29-825 of the S.C. Code of Laws.

C. The City Council. The City Council (“Council”) shall have the following duties related to this ordinance:

1. To review and from time to time initiate changes to this ordinance.
2. To decide upon any application or request for amendment to this ordinance or the zoning maps.
3. To take any other action not otherwise delegated to staff, the Planning Commission or Board of Zoning Appeals as the City Council may deem desirable and necessary to implement the provisions of this ordinance.

**D. Permits.**

1. Permit required. No building or land shall hereafter be used or occupied, no building, sign or structure shall be erected, expanded or moved, and no significant tree shall be removed on any lot except single-family residential lots until a zoning permit as required by this ordinance has been issued. The form and content of such permit, when not expressly set out in this ordinance, shall be determined by the City Planner and may include any information required for the applicant to demonstrate intent to comply with the zoning ordinances. Zoning permit forms shall be available at the office of the Zoning Administrator.
2. Permit type. Permits shall be required for any use unless specifically exempted by this ordinance, conditional uses, and removal of significant trees on any lot except single family residential lots.
3. Expiration of permit. Any permit issued by the Zoning Administrator or other administrative official under the provisions of the zoning ordinance shall become null and void after a period of six months from the date of issuance of the permit unless a valid building permit has been issued related to the work authorized by the permit or, if a building permit is not required, substantial work has begun. Once a zoning permit has expired, construction work on the property in question must immediately cease and may not commence until a new zoning permit has been issued.
4. Condition of approval. Zoning permits issued on the basis of site plans, architectural renderings, landscaping plans, and other information submitted as part of the zoning permit application process authorize only the use, arrangement, construction, and change set forth in such approved plans and applications. Uses, arrangements, construction, or changes that differ from those authorized by any such permit shall be deemed a violation of this ordinance.
5. Right of appeal. If a request for a zoning permit from the Zoning Administrator or other administrative official is disapproved or if a ruling of the Zoning Administrator or other administrative official is questioned, the aggrieved party may appeal such ruling to the Board in accordance with § 157.211(F).
6. Permits for uses by right and uses with conditions. A permit for a use by right and a conditional use shall be obtained from the Zoning Administrator or other administrative official. Applications for a permit shall be made on a form provided by the Zoning Administrator or other administrative official.
7. Application requirements for a grading (land disturbing) permit. Requirements for a grading permit are contained in the *South Carolina Stormwater Management and Sediment Reduction Ordinances* hereby adopted by reference.

8. Site plan required. Site plans shall be required as part of the permit application process for any of the following:
  - a. New structures.
  - b. Expansions to existing structures.
  - c. Any new use not contained within an existing building except:
    - i. Agricultural uses which do not involve the construction of buildings, containment pens for livestock, swine, or poultry, or the construction of sediment or animal waste lagoons;
    - ii. Temporary or seasonal uses unless the Zoning Administrator cannot otherwise determine compliance with parking or screening requirements.
  - d. Any change in impervious surface area on lots located within a watershed overlay district.
  - e. Any significant change in required landscaping or buffer areas.
9. Site plan requirements. A site plan shall consist of the following elements, except that the Zoning Administrator has the authority to waive any application requirement where the proposed type or scale of use makes that information unnecessary or impractical.
  - a. Graphic materials required for plans. Site plans shall be drawn to scale on a map of the property. A scale shall be used which insures that all features are legible. All site plans shall include the following detail:
    - i. A location map that shows the project in relation to the larger planning area.
    - ii. Proposed title of the project.
    - iii. The name of the applicant.
    - iv. Name of the project designer and developer.
    - v. The name of the development.
    - vi. A north arrow.

- vii. A legend.
  - viii. A scale, including a bar scale.
- b. Conditions on the site. Site plans shall show existing and proposed features of the site including proposed changes to existing features. Such features shall include, but shall not be limited to, the following:
- i. Natural, historic, and open space features.
  - ii. Existing vegetation (wood, pastureland, etc.).
  - iii. Streams, ponds or rivers.
  - iv. Historic sites.
  - v. Fragile environmental areas.
  - vi. The location of significant trees, as required, including the DBH, genus (e.g. oak, elm, maple, etc.) location, proposed tree protection zone, and a note for each significant tree to be removed stating the reason for removal. See § 157.141 – *Tree Conservation* for acceptable reasons for tree removal.
  - vii. The location and general landscape and vegetative composition of natural areas that are intended to be incorporated in required buffers or landscaped areas.
  - viii. Contour lines shown as dotted lines at no more than five foot intervals (this may be modified by the Zoning Administrator depending upon topography).
- c. Legal and man-made features. Site plans shall show legal and man-made features of the site. Such features shall include, but shall not be limited to, the following:
- i. Existing and proposed property lines, public and private easements including utility easements (e.g. water, sewer, electric, power, stormwater, and telephone).
  - ii. The zoning of the property and adjacent properties, including zoning district lines. (Note: some uses may require identification of zoning district designations as much as one thousand feet from the proposed development site. Please consult *Article IV – Conditional Uses* of this

- ordinance regarding the proposed use, or contact the Zoning Administrator for more information.)
- iii. Project phase lines.
  - iv. Lot dimensions.
  - v. Existing and proposed street rights-of-way and existing streets clearly marked or noted as public or private. This shall include alleys and planned points of ingress and egress.
  - vi. Parking and loading areas clearly indicating the dimensions of parking spaces, aisles, maneuvering areas, stacking spaces and driveways.
  - vii. Stormwater structures and conveyances, including all engineered stormwater control structures and proposed connections to or extensions of public systems.
  - viii. Existing and proposed utilities and utility rights-of-way, including water, sewer, electric, power, telephone and street lighting.
  - ix. The location and dimensions of all structures, including freestanding signs.
  - x. A lighting plan with sufficient detail to determine compliance with the lighting standards of this ordinance.
  - xi. All sidewalks, trails, and pedestrian paths.
  - xii. The location, dimensions, and composition (plants, ground covers, materials, etc.) of all landscaping, berms, fences, walls, screening, and buffering.
  - xiii. The general location and number of dwelling units for multi-family projects.
  - xiv. A tabulation of the number of acres in the project by use, and existing and proposed impervious surface ratios for nonresidential uses.
  - xv. The location, size, and dimensions of all recreational areas and areas intended to remain as permanent open space, clearly indicating whether such open space areas are intended to be offered for dedication to the public.



- xvi. The location, size and dimensions of all open space to be held by the public or in common ownership including the percentage of the total site that is set aside as such and a description of its purpose and use.
10. Design and landscaping information required. Whenever a proposed project would be subject to one or more of the design standards, landscaping, lighting, environmental, or fencing/wall requirements of this ordinance, architectural renderings sealed by an architect and/or site or feature plans (e.g., landscaping, lighting, etc.) sealed by a qualified professional shall be required as part of a complete application, except that the Zoning Administrator or review board (the board with authority to review the request) may exempt minor modifications that do not require such renderings or plans to demonstrate an intent to comply with the ordinances. Whenever required, such plans shall be prepared in sufficient detail at a sufficient scale to determine compliance with relevant sections of this ordinance. In addition, any such development shall, prior to the release of the certificate of occupancy, submit as-built drawings sealed by a qualified professional that demonstrate with reasonable accuracy that what was constructed and any and all site modifications including tree removal conform to the permit and the requirements of this ordinance. The Zoning Administrator or other administrative official at his discretion may accept sealed statements from qualified professionals as demonstration of compliance for any item.
11. Sign detail required. Whenever a new sign or change in existing sign would require the issuance of a permit, detailed designs showing all relevant information required to determine compliance with the sign ordinances shall be required as part of a complete application and shall include, but not limited to the following:
- a. Common signage plan, where applicable, in accordance with the requirements of § 157.077.
  - b. Identification of ownership and/or leaseholder of property on which the sign is to be erected, including street address.
  - c. Name and address of the owner of the sign.
  - d. Site plan sketch with dimensions (legible, understandable non-professionally drafted plan is acceptable) showing the location of the sign with respect to the property and right-of-way lines, building and setback lines, and buildings, parking areas, existing free-standing signs, and buffer areas.
  - e. Correct size, shape, configuration, face area, height, nature, number and type of sign to be erected, including the size of letters, graphics, clearances, connection, and support methods.

- f. The value of the sign and sign structure.
  - g. Colors of awning.
  - h. Colors of sign background (*§ 157.105(G)*).
  - i. The Zoning Administrator may waive any of the informational requirements listed above deemed unnecessary to process an application.
  - j. For freestanding signs exceeding 40 square feet in area, the applicant shall include a drawing by a registered South Carolina engineer or architect and a written certification from a registered South Carolina engineer or architect that the sign is structurally sound and safe, does not constitute a hazard to persons or property on the premises, on adjacent property, or in the vicinity of its location, that the sign is in compliance with all building or other construction codes and the requirements of this ordinance.
12. Other requirements. In addition to information required in this subsection, other information or documents deemed relevant by the Zoning Administrator or review board shall be required, including but not limited to evidence of approval of sedimentation and erosion control plans, prior to issuance of a zoning permit.
- E. Inspections for compliance.** The Zoning Administrator or other appropriate administrative official or authorized representative thereof may make or require inspections of any land disturbing activity, construction or any maintenance required by this zoning ordinance to ascertain whether such activity is in compliance with the provisions of this ordinance as well as with approved permit applications, plats and/or plans.
- F. Appeals.**
- 1. The Board shall hear and decide appeals from any order, requirement, decision, or determination made by the Zoning Administrator or other administrative official pertaining to this ordinance. An appeal may be taken by any person aggrieved by such order, requirement, decision or determination.
  - 2. An appeal to the Board shall be made within thirty days of the effective date of the order, requirement, decision, or determination made by the Zoning Administrator or other administrative official.
  - 3. An appeal stays all legal proceedings in furtherance of the action appealed from, unless the Zoning Administrator or other administrative official from whom the appeal is taken certifies to the Board, after the notice of appeal shall have been filed with him/her, that by reason of facts stated in the certificate a stay would, in his/her

opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed except by a restraining order which may be granted by the board or by a court of record on application, on notice to the City Planner and on due cause shown.

4. A notice of appeal, specifying the grounds thereof, shall be filed with the Zoning Administrator on a form to be provided by the Zoning Administrator or other administrative official. Once an appeal is filed, the Zoning Administrator shall immediately transmit all papers with reference to the case to the City Planner and the Board.
5. The board of zoning appeals shall fix a reasonable time for the hearing of an appeal and shall give due notice of the hearing to any parties in interest and at least fifteen days' public notice of the hearing of such appeal in a newspaper of general circulation in the area.
6. The Board may reverse or affirm, in whole or in part, or may modify the order, requirement, decision, or determination with reference to the appeal.

**G. Variances.**

1. When unnecessary hardships would result from carrying out the strict letter of this ordinance, the Board shall have the power to vary or modify any of the ordinances or provisions of this ordinance relating to the use, construction or alteration of buildings or structures or the use of the land so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.
  - a. Anyone requesting a variance shall file such with the City Planner on a form provided by the City Planner. After filing, the request shall be heard at the next available Board meeting. Posting and notification requirements for Board hearings are provided in § 157.211 (B)(2)(g).
  - b. The Board, in considering an application for a variance, shall give due consideration to the following:
    - 1) No nonconforming use of land or structures in the same district, and no permitted use of land or structures in other districts shall be considered grounds for the granting of a variance.
    - 2) The request for a variance to establish a use not otherwise permitted within the zoning district where the property in question is located shall not be granted.

- 3) The fact that property may be used more profitably will not be considered in granting a variance.
  - 4) No variance shall be granted that would extend physically a nonconforming use of land, or that would change the zoning district boundaries shown on the official zoning map.
- c. The Board, before granting a variance, shall make and explain all of the following required findings in writing:
- 1) There are extraordinary and exceptional conditions pertaining to the particular piece of property;
  - 2) These conditions do not generally apply to other property in the vicinity;
  - 3) Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
  - 4) 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.
- d. The Board, in granting a variance, may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which a variance is granted, shall be deemed a violation of this ordinance.

**H. Amendments.**

1. Authority. This ordinance, including the official zoning map, may be amended from time to time by the city council as herein specified, but no amendment shall become effective unless it shall have first been submitted to the Commission for review and recommendation.
2. Initiation. Any amendment to the zoning text or map, except for the classification of property to a conditional district may be initiated by:
  - a. The city council or the planning commission.
  - b. A property owner(s) when requesting an amendment regarding his own property, upon filing an official petition including a complete application.
  - c. An authorized representative of the property owner(s).

3. Application for a text amendment. A petition for amendment to the text of this ordinance shall consist of:
  - a. A completed application form. Application forms for amendments shall be obtained from the office of the City Planner.
  - b. A written justification for the requested amendment including consistency of the proposal with city planning policies.
  - c. All required fees.
  - d. Any other information deemed necessary by the City Planner.
  
4. Application for a map amendment. A petition for amendment to the zoning map shall consist of:
  - a. A completed application form. Application forms for amendments shall be obtained from the office of the City Planner.
  - b. A list of adjoining properties including tax parcel numbers and the name and address of each owner. For the purposes of this section, adjoining properties shall include those properties where any portion of which lies within 100 feet of any boundary of the subject property if located across any public or private street.
  - c. A map of the parcel and its relationship to the general area in which it is located.
  - d. All required fees.
  - e. Any other information deemed necessary by the City Planner or review board.
  
5. Copies; transmission to boards. The City Planner shall determine the number of copies of each petition and other required documentation to be submitted by the petitioner so that copies may be circulated to all appropriate staff, agencies, and boards for review and comment. All papers and other data submitted by the applicant regarding the amendment request shall be transmitted by the City Planner to the Commission.

6. Withdrawal or amendment of petition.
  - a. A petition filed according to this section may be withdrawn by the petitioner at any time up to the scheduling, by the planning commission, of the date of the public hearing on the petition.
  - b. If the petitioner wishes to withdraw the petition after the scheduling of the public hearing, the petitioner may file a request to withdraw with the City Planner. On the date scheduled for the hearing, the planning commission may approve the request for withdrawal if it finds that there are substantial circumstances favoring the withdrawal and that the withdrawal will not be detrimental to the interests of citizens affected by the petition.
  - c. No changes to the petition shall be made at the hearing, although potential changes proposed by the petitioner, planning commission, and other interested parties may be presented at the hearing and considered by the planning commission during their deliberations.
  - d. If the city council deems any amendment to be a substantial change to the petition, it shall defer action on the petition for thirty days to allow interested parties the opportunity to comment on the amendment to the petition.
  - e. If the city council deems any amendment to be an intensification of the petition, it shall call a new public hearing.
  
7. Hearing.
  - a. The Commission shall conduct the public hearing for each proposed amendment. All meetings of the planning commission shall be open to the public. At a meeting, any party may appear in person or by agent, or by attorney.
  - b. In cases involving rezoning, or other changes to the Official Zoning Map, conspicuous notice shall be posted on or adjacent to the property affected, with at least one such notice being visible from each public thoroughfare that abuts the property. Such notice shall be posted at least 15 days prior to the date scheduled for the public hearing on the matter and shall indicate the nature of the proposed change, identify the affected property, and the time, date and place of the hearing. Notice of a proposed rezoning shall be mailed to the owners of adjacent property and shall also be published in a newspaper with general circulation in Camden at least 15 days prior to the hearing.

- c. Notice of any request for a change in the zoning map shall state that the Commission and city council may consider the application of any of the zoning districts to the property, not just the classification requested.
  - d. No member of the Commission shall participate in any way in decisions regarding matters where the member, a family member of the member, an individual with whom the member is associated, or a business with which the member is associated has an economic interest.
8. Conduct of public hearing.
- a. No amendment shall be adopted until after the Commission has held a public hearing on the proposed amendment and final action has been taken by the city council.
  - b. The hearing shall be conducted by the Commission in accordance with rules and procedures established by the Commission.
  - c. When presenting a petition for the reclassification of property to a general-use district, as opposed to a conditional zoning district, the petitioner shall refrain from using any graphic materials or descriptions of the proposed use or development site design, except for those which would apply to any use or development site design permitted in the requested district.
  - d. In the event that the owner of property that is the subject of the amendment will be allowed to present oral or written comments to the planning commission, the City Planner shall provide notice no later than ten days prior to the scheduled date of the public hearing to any other interested members of the public, including adjoining property members, that they may provide comments in the same manner.
9. Report, recommendation and decision.
- a. No proposed amendment shall be approved unless it is first submitted to the Commission for a recommendation. The Commission shall make a recommendation to the Council to approve, approve with conditions, deny, or defer a decision on the proposed amendment within thirty calendar days after the submission of a completed petition meeting all the requirements provided for in this section. In the event that the Commission does not make such a recommendation to the Council within thirty days of the submission of a petition, the Commission shall be considered to have recommended approval of the proposed amendment.

- b. Following review of the proposed amendment and the advertised public hearing, the Commission shall reach a decision regarding said amendment and report its findings and recommendation to Council for the required final action per § 157.211(J)(9)(c). The report and recommendation of the Commission shall be placed on the agenda of the Council at its next regular meeting.
- c. The Council, after receiving the report and recommendation of the Commission, shall within a reasonable time either reject the proposed amendment or approve the proposed amendment, with or without modifications, or defer action until it has time to consider any new evidence. If no action is taken by city council within a reasonable time, then the proposed amendment shall be considered denied, unless otherwise specified by city council. Following final action by Council, any necessary changes shall be made to the official zoning map and/or text of the zoning ordinance. A written record of the type and date of such change shall be maintained by the City Planner.
- d. In considering any petition to reclassify property the planning commission in its recommendation and the Council in its decision shall consider all of the following:
  - 1) Whether the proposed reclassification is consistent with the purposes, goals, objectives, and policies of adopted plans for the area.
  - 2) Whether the proposed reclassification is consistent with the overall character of existing development in the immediate vicinity of the subject property.
  - 3) The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreational facilities, police and fire protection, hospitals and medical services, schools, stormwater drainage systems, water supplies, and wastewater and refuse disposal.
  - 4) Whether the proposed reclassification will adversely affect a known archaeological, environmental, historical, or cultural resource.
- e. When considering a petition to rezone property, the planning commission and the Council shall not evaluate the petition based on any specific proposal for the use of the property or design of the site.
- f. In approving an amendment to rezone property the Council may change the existing classification of the property, or any part of the property covered by



the petition, to the classification requested or to any other classification or classifications permitted by this ordinance.

- g. The Council may modify any proposed text amendment upon adoption of an ordinance enacting the amendment, without the withdrawal or modification of the petition or further public hearings, when, in the opinion of the Council, such a change is not material so as to require a separate public hearing.

10. Effect of the denial of a petition.

- a. A petition for the reclassification of property that has been denied in whole or in part shall not be re-submitted within one year of the date of the Council's action on the original petition.
- b. The Council may, however, allow re-submission of a petition within the one-year restricted period if it determines that, since the date of action on the prior petition, one of the following criteria has been met:
  - 1) There has been a similar change in the zoning district classification of an adjacent property.
  - 2) The Council has adopted a new or amended plan for the area that changes public policy regarding how the property affected by the amendment should be developed.
  - 3) Construction or expansion of a road, water line, sewer line, or other infrastructure has occurred or is to occur in such a time frame as to serve the property and comfortably accommodate the intensity of development allowed under the proposed classification.
  - 4) There has been a substantial change in conditions or circumstances, outside the control of the petitioner, which justifies waiver of the one-year restriction on a new petition. This shall not include a change in the ownership of the subject property nor, in the case of a petition for reclassification to a conditional or overlay district, a change in the scale or features of the development proposed in the prior petition.

**157.212. ENFORCEMENT**

- A. Complaints.** Whenever a violation of this ordinance occurs, or is alleged to have occurred, the Zoning Administrator or other administrative official shall record and investigate such complaint, and take such action as provided by this ordinance. Complaints may be filed in writing or verbally, stating fully the cause and basis thereof.
- B. Penalties generally.** Where any building, structure or sign is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building, structure, sign or land, or is proposed to be used in violation of this ordinance, the Zoning Administrator may in accordance with the provisions of *S.C. Code § 56-7-80*, as amended, issue an ordinance summons, or institute an injunction, mandamus, or other appropriate action or proceeding to prevent such 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. Each day such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use continues shall be deemed a separate offense.
- C. Specific remedies.** Specific remedies for the violation of any provision of this ordinance include the following:
1. **Permit revocation.** The Zoning Administrator or other administrative official may revoke any zoning permit issued by staff after written notification to the permit holder when violations of this ordinance have occurred, when false statements or misrepresentations were made in securing the permit, work is being or has been done in substantial departure from the approved application or plan, or a permit has been mistakenly issued in violation of this ordinance.
  2. **Stop work orders.** Whenever a building, structure or part thereof is being constructed, demolished, renovated, altered, or repaired in substantial violation of any applicable provision of this ordinance, the Zoning Administrator or other administrative official may order the specific part of the work that is in violation, or would be when the work is completed, to be immediately stopped. The stop work order shall be in writing, directed to the person doing the work, and shall state the specific work to be stopped, the specific reasons for cessation and the action(s) necessary to lawfully resume work.
  3. **Criminal penalties.** Any person violating any provision of this ordinance shall upon conviction be guilty of a misdemeanor and shall be fined as determined by the court for each offense.
  4. **Injunction.** Enforcement of the provisions of this ordinance may also be achieved by injunction. When a violation occurs, the Zoning Administrator or other

administrative official may, either before or after the institution of other authorized action, apply to the appropriate division of court for a mandatory or prohibitory injunction commanding the defendant to correct the unlawful condition or cease the unlawful use of the property.

5. Order of abatement. In addition to an injunction, the Zoning Administrator or other administrative official may apply for and the court may enter into an order of abatement as part of the judgment in the case. An order of abatement may direct any of the following actions:
  - a. Buildings or other structures on the property be closed, demolished, or removed;
  - b. Fixtures, furniture or other moveable property be moved or removed entirely;
  - c. Improvements, alterations, modifications or repairs be made; or
  - d. Any other action be taken that is necessary to bring the property into compliance with this ordinance.
6. Withholding Approvals. Any violation of this ordinance shall constitute grounds for withholding new building permits directly related to said violation until the violation has been corrected, including the payment of all fines and fees and the planting of all trees and vegetation required as mitigation.

**D. Penalties for landscape, tree conservation and buffer violations.**

1. Where any landscaping, buffering, tree conservation or open space violation has occurred or is proposed to occur, the Zoning Administrator or Urban Forester may, in accordance with the provisions of *S.C. Code § 56-7-80*, as amended, issue an ordinance summons, or institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful action, or to correct or abate the violation or to prevent the occupancy of any building, structure or land associated with the violation. In addition to any other remedies for penalties in general specified herein, the following remedies shall apply for these types of violations:
  - a. If a significant tree is approved for removal and if the planting of a replacement tree is not possible per the provisions of *§ 157.141 – Tree Conservation*, a fee in an amount of no less than \$250 per tree as established by the City of Camden Fee Schedule shall be assessed against the property owner for each tree not planted.
  - b. Failure to plant replacement trees in accordance with this ordinance as required by the provisions of *§ 157.141 – Tree Conservation* shall be subject to

a fee in an amount of no less than \$500 as established by the City of Camden Fee Schedule for each tree not planted. No fine shall be assessed until the person or entity alleged to be in violation has been notified of the violation. Such notification shall identify the nature of the violation and shall set forth the measures necessary to achieve compliance; shall specify a date by which the person or entity must comply; and shall advise that failure to correct the violation within the time specified will subject that person or entity to any and all remedies including fines as outlined in this ordinance. If the site is not brought into compliance within the time specified in the notice of violation, a fine may be assessed from the date the notice of violation is received. The failure to plant each individual tree shall constitute a separate, daily and continuing violation.

- c. The willful, purposeful or negligent removal of a significant tree before, during or after development shall be assessed in accordance with generally accepted industry evaluation methods such as those in the Guide for Plant Appraisal authored by the Council of Tree and Landscape Appraisers and published by the International Society of Arboriculture. However, the maximum fine for each tree removed shall not exceed \$20,000. No notice of violation is needed prior to the assessment of a fine issued pursuant to this subsection.
- d. Irreparably injury or damage to, or destruction of trees protected by *§ 157.141 - Tree Conservation* that result in the total loss of the tree shall be assessed in accordance with generally accepted industry evaluation methods such as those in the Guide for Plant Appraisal authored by the Council of Tree and Landscape Appraisers and published by the International Society of Arboriculture. However, the maximum fine for each tree irreparably injured, damaged or destroyed shall not exceed \$20,000. No notice of violation is needed prior to the assessment of a fine issued pursuant to this subsection.
- e. Injury or damage to trees protected by *§ 157.141 - Tree Conservation* that do not result in the total loss of the tree(s) shall be assessed for each tree in accordance with generally accepted industry evaluation methods such as those in the Guide for Plant Appraisal authored by the Council of Tree and Landscape Appraisers and published by the International Society of Arboriculture. However, the maximum fine shall not exceed \$1,000. No notice of violation is needed prior to the assessment of a fine issued pursuant to this subsection.
- f. The fine for failure to install or maintain required tree protection measures in accordance with *§ 157.141 - Tree Conservation* shall not exceed \$1,000. No fine shall be assessed until the person or entity alleged to be in violation has been notified of the violation. Such notification shall identify the nature of the violation and shall set forth the measures necessary to achieve compliance; shall specify a date by which the person or entity must comply; and shall advise

that failure to correct the violation within the time specified will subject that person to any and all remedies including fines as outlined in this ordinance. If the site is not brought into compliance within the time specified in the notice of violation, a fine may be assessed from the date the notice of violation is received. The failure to install the required tree protection measures shall constitute a separate, daily and continuing violation. Injury or damage to, or destruction of, significant trees required to be protected resulting from inadequate or omitted tree protection measures constitute a separate violation which may subject the violator to penalties and fines as well.

2. Issuance of a fine or penalty does not relieve any party of complying with the mitigation requirements set forth in this article.
3. All fees collected shall be deposited into the City of Camden Tree Fund.

**E. Establishment of the City of Camden Tree Fund.** All fines and fees collected pursuant to the provisions of § 157.212(D) - *Penalties for landscape, tree conservation and buffer violations* shall be recorded and maintained in a special account to be known as the City of Camden Tree Fund. All such funds and accrued interest shall be used only for the purpose of funding the installation, maintenance and management of trees on public property within the City of Camden. The City shall maintain financial records of the Tree Fund including revenues and disbursements from the Fund.