Article 3. Administration and Enforcement

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Section 301. Administration and Enforcement

The zoning administrator has authority to administer and enforce the provisions of the Zoning Ordinance.

301.A. The duties of the zoning administrator are to:

1. Interpret the provisions of the Zoning Ordinance and district boundaries;
2. Approve all building and land improvement permits for zoning compliance;
3. Approve conditional uses provided all the required zoning standards are met;
4. Process applications for zoning variances and special exceptions;
5. Process appeals to the Board of Zoning Appeals and preparing the record for appeal to circuit court;
6. Maintain the current Zoning Map including zoning overlays;
7. Maintain public records related to zoning;
8. Investigate and resolve zoning violation complaints;
9. Enforce the Zoning Ordinance; and
10. Perform other duties assigned by ordinance or the city manager.

301.B. If the zoning administrator or other appropriate code enforcement officer determines that any of the provisions of this ordinance are being violated, he shall enforce the requirements of the ordinance by:

1. Notifying in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it; or
2. Ordering in writing the person responsible to discontinue the illegal use, addition, alteration or structural change; or
3. Ordering in writing the person responsible to immediately discontinue the illegal work being done; or
4. Issuing an ordinance summons; or by taking any other action authorized by law to ensure compliance with or to prevent violation of the ordinance.

The zoning administrator or other appropriate code enforcement officer is not required to warn before the issuance of an ordinance summons. In addition to the institution of criminal process for the misdemeanor violation of the Zoning Ordinance, the ordinance summons shall also serve as official notice of the zoning administrator's interpretation of the Zoning Ordinance and determination of the applicability of the ordinance to the land use. The zoning administrator or other appropriate code enforcement officer may invoke a single course of enforcement or parallel courses of enforcement in his discretion as the exigencies of the
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circumstances demand. Delivery of the written notice of violation and order to correct or discontinue is deemed accomplished by deposit in regular mail with sufficient postage affixed to the last known address; or by hand delivery to a person of suitable age and responsibility at the address; or by affixing the notice of violation to the structure or on a sign at the address. A system of fines and penalties for violation of the requirements of the Zoning Ordinance will be levied and applied by the City according to its adopted annual fee schedule.

Section 302. Building, Sign and Vehicular Use Area Permits Required
No building, structure, or sign shall be erected, moved, added to, or structurally altered, nor shall any vehicular use area be created or expanded without a permit. No building, sign, or vehicular use area permit shall be issued, except in conformity with the provisions of this ordinance, unless a written order is issued by the Board of Zoning Appeals in the form of an administrative review or variance.

Section 303. Stop Work Order
The zoning administrator may post a Stop Work Order on a property for any work in violation of the Zoning Ordinance. A Stop Work Order requires all activities violating the Zoning Ordinance to cease immediately upon issuance. Failure to comply with a Stop Work Order or removal of a posted Stop Work Order is a violation of this ordinance.

Section 304. Vehicular Use Area Particulars
It shall be unlawful to initially occupy, use or cause to be occupied or used any vehicular use area unless all improvements required by city codes have been installed and approval has been obtained for the use of such vehicular use area. Approval for use of vehicular use areas shall be by certificate of use for such areas, such certificate to be issued by the zoning administrator. The use of a vehicular use area prior to issuance of a certificate of use as herein provided for shall be cause for the zoning administrator to require immediate evacuation and cessation of use. Upon receiving notice that the vehicular use area is being used without first having obtained a certificate of use, the zoning administrator shall immediately notify the owner or occupier of the land, in writing, said notice to require immediate cessation of the use. If corrective action is not taken by the owner or occupier of the land within twenty-four hours after receipt of such notice the vehicular use area may be barricaded and such area must remain unoccupied until the required improvements have been completed and a certificate of use is issued. Re-striping of an existing vehicular use area that does not change the layout of the approved parking spaces may be done without a permit or re-approval from the zoning administrator. The provisions herein which authorize barricading of vehicular use areas shall only apply to those vehicular use areas constructed after the effective date of this Ordinance.

Section 305. Application for Building Permit
All applications for building permits shall be in accordance with the requirements of the building code as adopted by ordinance by the City. The application shall include such other information as lawfully may be required by the zoning administrator including, but not limited to:

305.A. The number of dwelling units the building is designed to accommodate;

305.B. Conditions existing on the lot;

305.C. Area to be cleared or graded;
305.D. Location of solid waste containers;

305.E. Location of any proposed hazardous materials;

305.F. Size, height, location and orientation of proposed signs;

305.G. Elevation above mean sea level of the finished first floor or lowest horizontal support if in a special flood hazard zone;

305.H. A copy of a duly recorded plat; and

305.I. Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this ordinance.

Changes made subsequent to the issuance of a permit shall be reviewed and approved by the zoning administrator prior to the building official's approval of the change.

Section 306. Expiration of Building Permit
If the work described in any building permit has not begun within six months from the date of issuance thereof, said permit shall expire, unless an extension has been granted by the building official in accordance with the provisions of the building code. All requests for permit extensions shall have the zoning administrator's approval prior to being granted by the building official. If no work described in a building permit has been initiated prior to its expiration date the permit shall be canceled by the Building Official who shall give written notice to the person affected.

Section 307. Complaints Regarding Violations
Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the zoning administrator.

Section 308. Staff Review
In the planning and zoning context in which applications for approval are required to be reviewed by an appointed body after preliminary staff review, applications that are incapable of review due to incompleteness, failure to address required statutory standards, or illegibility shall be returned to the applicant for completion and correction prior to staff's submittal of the application to the reviewing body.