

ARTICLE XVI: BOARD OF ARCHITECTURAL REVIEW

1600 Establishment of Board of Architectural Review

Board of Architectural Review In order to achieve the purpose of the city's National Register Historic District and to further historic preservation city-wide, and in accordance with Section §6-29-870 of the Code of Laws of South Carolina, 1676, as amended, a Board of Architectural Review is hereby created, which shall also be known as the Architectural Review Board. The Review Board shall consist of seven members who shall be appointed by the City Council. All members appointed to serve on the Board shall be residents of the City of Georgetown with the exception of the slot to be filled by an architect. Any non-city resident appointed to fill the architect position must be a resident of Georgetown County. All members shall demonstrate an interest, competence or knowledge of historic preservation. The Board shall be made up of the following; (1) a historian knowledgeable in local history, (2) a planner, (3) an archaeologist, (4) an architect, or if an architect is not available to serve, someone knowledgeable in building design and construction, (5) a resident of the Historic Buildings District, (6) a representative from the Core Commercial Buildings District, (7) a member of the Georgetown Historical Society. In the event an architect, historian, planner and archaeologist are unavailable, then a resident of the Historic Buildings District and two at-large members shall be selected for these positions. The initial terms of office for the members shall be established as follows: one member for a term of four years; two members for a term of three years; two members for a term of two years; and two members for a term of one year. All subsequent terms shall be for four years. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Members shall serve without pay, but may be reimbursed for any expense incurred while representing the Board.

1600.1 Proceedings of the Board of Architectural Review. The Board of Architectural Review shall elect a chairman and vice-chairman from its members who shall serve for one year or until reelected or until their successors are elected. The Board shall appoint a secretary, who may be a City employee. The Board shall adopt rules, regulations and by-laws in accordance with the provisions of this Ordinance and with Section §6-29-387 of the Code of Laws of South Carolina, 1676, as amended. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. All meetings of the Board shall be open to the public.

1600.2 Powers and duties of the Board of Architectural Review. In addition to other powers and duties in this Article, the Board of Architectural Review shall have the following powers and duties with respect to properties for which a Certificate of Appropriateness is a prerequisite to a building or demolition permit, or an application for a Historic Rehabilitation Tax Incentive Assessment:

(1) In its consideration of an application to demolish in whole or in part, remove, or alter the exterior architectural appearance of any existing structure, the Georgetown Board of Architectural Review shall consider, among other things, the historic, architectural, and aesthetic arrangement, composition or features of such structure, the relationship between such structures and the surrounding area, and its importance to the City;

(2) in its consideration of an application for new construction, the Georgetown Board of Architectural Review shall consider, among other things, character and appropriateness of the design, scale, texture and materials of the structure in question, and the relationship of such design elements to similar features of structures in the surrounding area;

(3) the Board shall not consider interior arrangement or interior design; nor shall it make requirements except for the purpose of preventing developments which are not in harmony with the prevailing character of the Historic Buildings District or which are obviously incongruous with its character;

(4) the Georgetown Board of Architectural Review may refuse a Certificate of Appropriateness for the erection, reconstruction, alteration, demolition in whole or in part, or removal of any structure, sign, freestanding mailbox, newspaper receptacle or other similar structure within the Historic Buildings District which in the opinion of the Board would be detrimental to the interests of the Historic Buildings District and against the public interest of the City of Georgetown;

(5) in its consideration for application to demolish, remove, alter or construct a structure; the Board shall use the design guidelines approved by City Council for use by the Board in reviewing requests; and,

(6) in its review under an application for the Historic Rehabilitation Tax Incentive Assessment, the Board and its chair shall have the powers and duties delegated in Article V, Chapter 21 (§21 80-84 Bailey Bill).

1600.3 Historic Designation. The Board shall review the local inventory for Historic Buildings. The Board shall conduct first review and evaluation of proposed nominations for the National Register of Historic Places and send those recommendations to the State Historic Preservation Office for consideration by the state board. The Board shall further make recommendations for historic designation to the City Planning Commission. The Commission will then make a recommendation to City Council. The Board's recommendation shall be based on the following criteria:

A property may be designated historic if it:

1. Has significant inherent character, interest, or value as part of the development or heritage of the community, state, or nation; or
2. Is the site of an event significant in history; or
3. Is associated with a person or persons who contributed significantly to the culture and development of the community, state or nation; or
4. Exemplifies the cultural, political, economic, social, ethnic, or historic heritage of the community, state, or nation; or
5. Individually, or as a collection of resources, embodies distinguishing characteristics of a type, style, period, or specimen in architecture or engineering; or
6. Is the work of a designer whose work has influenced significantly the development of the community, state or nation; or
7. Contains elements of design, detail, materials, or craftsmanship which represent a significant innovation; or

8. is part of or related to a square or other distinctive element of community planning; or
9. Represents an established and familiar visual feature of the neighborhood or community; or
10. Has yielded, or may be likely to yield, information important in pre-history or history.

1600.301 Owner Notification. Owners of properties proposed to be designated historic shall be notified in writing thirty days prior to consideration by City Council. Owners may appear before the City Council to voice approval or opposition to such designation.

1600.302 Identification on City Zoning Map. All locally designated historic properties and historic districts shall be clearly shown on the zoning map.

1600.303 Opposition to Designation. Any property owner may object to the decision by the City Council to designate his or her property as historic by filing suit against the City of Georgetown before the Courts of the State of South Carolina.

1600.304 Application for Historic Rehabilitation Tax Incentive Assessment. Where an Historic Designation is originally sought in conjunction with an application for the Historic Rehabilitation Tax Incentive Assessment under Article V, Chapter 21 of the City of Georgetown Code of Ordinances, the Board shall conduct the review contemplated by 1600.3, making its recommendation to Planning Commission on the property for which designation is sought. (ref. 21-84(B), City Code of Ordinances)

Editor's note: An ordinance adopted August 17, 2000 added a new § 1600.3 as set out above, deleting the former § 1600.3, which pertained to decisions of the Board of Architectural View, and added a new § 1600.4 as set out below, thereby renumbering former §§ 1600.4 and 1600.5 as §§ 1600.5 and 1600.6.

1600.4 Decisions of the Board. The concurring vote of a majority of the members present shall be necessary to approve any application that comes before the Board. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be public record. On all applications and other matters brought before the Board of Architectural Review, the Board shall inform in writing all the parties involved of its decisions and the reasons therefore. If an application for a Certificate of Appropriateness is denied, the application may not be considered by the Board for one year unless the applicant can demonstrate to the Board that the reasons given for denial have been addressed or new information can be presented to support the previous request.

1600.5 Review procedures. An application for a building permit in the Historic Buildings District shall be accompanied by plans and other information necessary to determine the appropriateness of the features to be passed upon. The Board shall meet within thirty days after notification of the Zoning Administrator of the filing of an application and at such other times as the Board may determine necessary, or upon call of the Chairman.

1600.501 The Board shall give adequate public notice of all applications to be considered by the Board, as well as due notice to the parties in interest. Public notice shall be published in a newspaper of general circulation within the City at least seven days in advance of such meeting.

1600.502 Upon approval, disapproval or modification of any application presented to the Board, the Board of Architectural Review shall immediately transmit a report to the Zoning Administrator stating the basis upon which the decision was made. If approval or modification

of the application was determined, the Board shall cause a Certificate of Appropriateness to be issued to the applicant. Upon failure of the Board to act upon the application within forty-five days after submission to the Zoning Administrator, the application shall be deemed to be approved, except when mutual agreement has been made for an extension of the time limit. When a Certificate of Appropriateness has been issued, a copy thereof shall be transmitted to the Zoning Administrator, who shall from time to time inspect the construction or alteration approved by such Certificate, and report to the board any work not in accordance with such Certificate. In case of disapproval of any application, the Board of Architectural Review shall state the reasons there for in writing to the applicant. Notice of such disapproval and a copy of any written statements shall also be transmitted to the Zoning Administrator. In addition to stating the reasons for denial, the Board may also make general or specific recommendations in order for the application to be approved.

1600.6 Appeals. Any person or any officer, department or Board of the city aggrieved by any final decision of the Board may appeal to a court of record having competent jurisdiction. A duly verified petition, setting forth that the decision of the Board is illegal in whole or in part and specifying the ground of the illegality shall be presented to the Court within thirty days after the filing of the decision of the Board.

Editor's note- (Ord. of 8-17-2000, §§ 1--4; Ord. of 1-16-2003; Ord. of 9-16-04) (renumbered Article IV, Sections 407, 407.1, 407.2, 407.3, 407.31, 407.32, 407.33, 407.4, 405.5, 407.51, 407.52, and 407.6. to new Article XVI, Sections 1600, 1600.1, 1600.2, 1600.3, 1600.301, 1600.302, 1600.303, 1600.4, 1600.5, 1600.501, 1600.502 and 1600.6, ord. of 4-21-2011) (ord. of 10-20-16 for Bailey Bill).