

- f. In addition to those items required elsewhere in this UDO, an application for final development plan approval shall be considered complete by the Administrator only when the Design Review Board's final approval with written recommendations and findings shall be received by the Administrator.

#### **D. Appeal**

A person having substantial interest may make an appeal from a Design Review Board decision to the Circuit Court of Beaufort County within 30 days after the decision of the Board is postmarked.

### **3.20 Certificates of Appropriateness**

#### **A. Applicability**

1. A Certificate of Appropriateness shall be required for any construction activity in any historic district, including:
  - a. New structures;
  - b. Modification or expansion of existing structures; and
  - c. Demolition or partial demolition of any structure.
2. No structure that is outside the Historic District that is listed on the "Beaufort County Historic Sites Survey -1997" may be demolished or partially demolished until an application for a Certificate of Appropriateness has been submitted and processed in accordance with this UDO.
3. A certificate of appropriateness shall not be required for any of the following activities:
  - a. Routine repair and maintenance; and
  - b. Replacement in-kind, where there is no change in color or materials.
4. For the purposes of this Section, the term "structure" shall include:
  - a. Buildings;
  - b. Walls or fences;
  - c. Signs;
  - d. Light fixtures; or
  - e. Anything else constructed or erected, the use of which requires a permanent or semi-permanent location on the ground or which is attached to something having a permanent or semi-permanent location on the ground.

#### **B. Hearings on Certificate of Appropriateness Applications**

1. The Administrator may approve applications for a Certificate of Appropriateness for the following types of projects:
  - a. Individual signs;
  - b. Fences;
  - c. Paint color
  - d. Roof materials;

- e. Canopies and awnings;
  - f. Site changes; and
  - g. Demolition of noncontributing accessory structures (ex., sheds, carports, etc.)
2. The Historic District Review Board shall review all other applications for Certificates of Appropriateness.
  3. Evidence of approval of a Certificate of Appropriateness shall be in writing by the Administrator.

**C. Guidance Standards, Maintenance of Consistent Policies**

In order to provide guidance and insight into desirable goals and objectives for the Beaufort Historic District, the documents described in this section are hereby adopted for use by the Historic District Review Board in the exercise of its authority granted under Section 2.7 of this UDO.

1. The "Beaufort Preservation Manual," August 1979, and the "Beaufort Preservation Manual, Supplement," August 1990, prepared for the City by John Milner Associates, shall be utilized by the Board for review of projects located within the Beaufort Preservation Neighborhood.
2. The "Northwest Quadrant Design Principles," May 1999, prepared for the City by Winter & Company, shall be utilized by the Board for the review of projects located within the Beaufort Conservation Neighborhood.
3. The Secretary of Interior's "Standards for Rehabilitation" shall be utilized for projects within both districts.
4. Any special area standards as adopted by the Board.

**D. Approval of Certificate of Appropriateness**

1. In passing upon an application to demolish or demolish in part, or remove, or alter the exterior architectural appearance of any existing structure, the Board shall consider, among other things, the historic, architectural and aesthetic features of such structure, the nature and character of the surrounding area, the use of such structure and its importance to the City.
2. In passing upon an application for new construction in the Beaufort Historic District, the Board shall consider, among other things, the general design, the character and appropriateness of design, scale of buildings, arrangement, texture, materials and color of the structure in question, and the relation of such elements to similar features of structures in the immediate surroundings. The Board shall not consider the interior arrangement or interior design unless the interior arrangement or design affect the exterior appearance; nor shall it make requirements except for the purpose of preventing developments which are not in harmony with the prevailing character of the Beaufort Historic District, or which are obviously incongruous with this character.
3. The Board may refuse a Certificate of Appropriateness for the erection, reconstruction, alteration, demolition, partial demolition, or removal of any structure within the Historic District, which in the opinion of the Board, would be detrimental to the interests of the City.
4. Upon receiving an application for demolition or partial demolition of a structure which is listed in the "Beaufort County Historic Sites Survey-1997"

and lies within the limits of the City but outside the Beaufort Historic District, the Board, within 45 days after receipt of the application, shall either approve such application, or find that the preservation and protection of historic places and the public interest will be best served by postponing the demolition for a designated period, which shall not exceed 180 days from the receipt of the application, and notify the applicant of such postponement.

5. In all applications involving the demolition of the primary structure on a lot or of a contributing accessory structure, provisions shall be made for a public hearing as set forth in Section 3.1.
6. In any case involving the demolition or partial demolition of a structure, before granting approval or requiring a postponement, the Board may call on the Building Official to provide them with a report on the state of repair and structural stability of the structure under consideration.
7. Within the period of postponement of such demolition or alteration of any building, the Board shall take steps to ascertain what the City Council can or may do to preserve such building, including consultation with private civic groups, interested private citizens and other public boards or agencies and including investigation of the potential use of the power of eminent domain when the preservation of a given building is clearly in the interest of the general welfare of the community and of certain historic and architectural significance. The Board shall then make such recommendations thereabout to the City Council as the Board may determine to submit.
8. In case of disapproval, the Historic District Review Board shall state the reasons therefore in a written statement to the applicant and may give verbal advice to the applicant and make recommendations in regard to appropriateness of design, arrangement, texture, material, color and the like of the property involved.

#### **E. Review Criteria**

All development within the historic districts shall be reviewed in accordance with the guidance standards listed in paragraph C above. Among other grounds for considering a design inappropriate and requiring disapproval and resubmission are the following defects:

1. Arresting and spectacular effects;
2. Violent contrasts of materials or colors and intense or lurid colors;
3. A multiplicity or incongruity of details resulting in a restless and disturbing appearance;
4. The absence of unity and coherence in composition not in consonance with the dignity and character of the present structure in the case of repair; or
5. Construction of or remodeling or enlargement of an existing building in a manner not consistent with the prevailing character of the neighborhood.

#### **F. Report to Building Official**

Upon approval of the plans, the Historic District Review Board shall forthwith transmit a report to the Building Official stating the basis upon which such approval was made and cause a Certificate of Appropriateness to be issued to the applicant. If the Board shall fail to take action upon any case within 45 days after the receipt

of application for permit, the application shall be deemed to be approved, except where written agreement has been made for an extension of the time limit.

**G. Issuance of Certificate of Appropriateness**

When a Certificate of Appropriateness and Building Permit have been issued, the Building Official shall, from time to time, inspect the alteration or construction approved by such certificate and shall report such inspection to the Board listing all work inspected and reporting any work not in accordance with such certificate or violating any ordinances of the City.

**H. Denials of Certificate of Appropriateness**

Upon disapproval of the plans, the Board shall state its reasons for doing so and transmit a record of such action and reasons therefore in writing to the applicant. 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. The applicant may then make modifications to the plans and resubmit the application. Reconsideration of an application for demolition which has been denied by the Historic District Review Board may not be heard until 12 months from the date of the original public hearing, unless a major change has occurred in the property condition attributable to vandalism or natural causes, such as fire or weather.

**I. Appeal**

A person having substantial interest may make an appeal from a Historic District Review Board decision to the Circuit Court of Beaufort County within 30 days after the decision of the Board is postmarked.