

# DILLON HISTORIC OVERLAY ORDINANCE

**Passed: February 11, 2002**

**Photographic Documentation of Properties**

**April 2002**

City Council  
Planning and Zoning Commission  
Board of Architectural Review  
Historic Research Committee  
Revitalization Executive Committee

# **DILLON HISTORIC OVERLAY ORDINANCE**

CITY OF DILLON, SOUTH CAROLINA

Dillon County

## **OUTLINE**

**SECTION 5-4-68 PURPOSE** (SC Code of Laws Title 6, Chapter 29-720-C (5))

**SECTION 5-4-69 DESIGNATIONS**

**SECTION 5-4-70 ESTABLISHMENT OF DISTRICTS**

**A. Commercial**

1. Intent of Commercial Districts
2. Permitted Uses
3. Architectural and Site Design Requirements

**B. Residential**

1. Intent of Residential Districts
2. Permitted Uses Restrictions
3. Adaptive Use Permits
4. Adaptive Use Permit Criteria - B&B and B&B Inns
5. Group Homes
6. Multi-Family Dwellings
7. Public Use
8. New Construction or Additions

**SECTION 5-4-71 STANDARDS FOR DILLON HISTORIC DESIGNATIONS**

**A. Criteria**

1. Historic and Cultural Importance
2. Architectural, Engineering Importance
3. Geographical Importance
4. Archeological Importance

**B. Classifications**

1. Dillon Historic Districts
2. Dillon Historic Neighborhoods
3. Notable Properties
4. Structures Built Prior to 1936
5. National Register Properties

**SECTION 5-4-72 BOARD OF ARCHITECTURAL REVIEW (BAR) SC Code of Laws, Title 6 Chapter 29 -870**

**A. Establishment and Purpose** SC: 6-29-870

**B. Membership** SC: 6-29-870

1. Requirements
2. Number
3. Appointment Criteria
4. Terms

**C. Powers and Duties** SC: 6-29-880

1. Powers
2. Education
3. Certified Local Government Status
4. Disqualification
5. Amendments to the Historic Overlay Ordinance
  - a. Re-evaluation
  - b. Planning and Zoning

**D. Consistent Policies**

1. Secretary of the Interior's Standards for Rehabilitation
2. Streetscape Guidelines and Maintenance Requirements
3. Design Guidelines

**SECTION 5-4-73 DESIGNATION PROCESS**

- A. Requests
  - B. Research
  - C. Eligibility
  - D. Public Hearings
  - E. Objections
- SC: 6-29-900**

**SECTION 5-4-74 CERTIFICATES OF APPROPRIATENESS (COA)**

- A. Historic Structures
- B. New Structures
- C. Built Prior to 1936
- D. Signage, Awnings and Canopies
- E. Public Right of Ways and Easements

**SECTION 5-4-75 EXCLUSIONS FROM CERTIFICATES OF APPROPRIATENESS (COA)**

- A. Maintenance and Repairs
- B. Temporary Signage
- C. Maintenance and Replacement of Streetscape Elements

**SECTION 5-4-76 ENFORCEMENT AND PENALTIES**

**SECTION 5-4-77 CERTIFICATE OF ECONOMIC HARDSHIP**

- A. Denial of COA
- B. Determination Process

**SECTION 5-4-78 DENIALS OF COA AND APPEALS**

**SECTION 5-4-79 APPEALS PROCEDURE**

**SC: 6-29-900**

- A. Form of Appeal
- B. Time of Appeal
- C. Calendar
- D. Withdrawal
- E. Continuances

**SECTION 5-4-80 HEARING PROCEDURE**

- A. Appearances
- B. Witness
- C. Cross Examination
- D. Evidence
- E. Conduct of Hearing
- F. Disposition
- G. Form of Order
- H. Service of Order
- I. Rehearing

**SECTION 5-4-81 APPEAL FROM BAR TO CIRCUIT COURT**

**SECTION 5-4-82 CONTEMPT AND PENALTY**

**SECTION 5-4-83 NOTICE OF APPEAL, TRANSCRIPT AND SUPERSEDEAS**




**SECTION 5-4-84 DETERMINATION OF APPEAL AND COSTS**

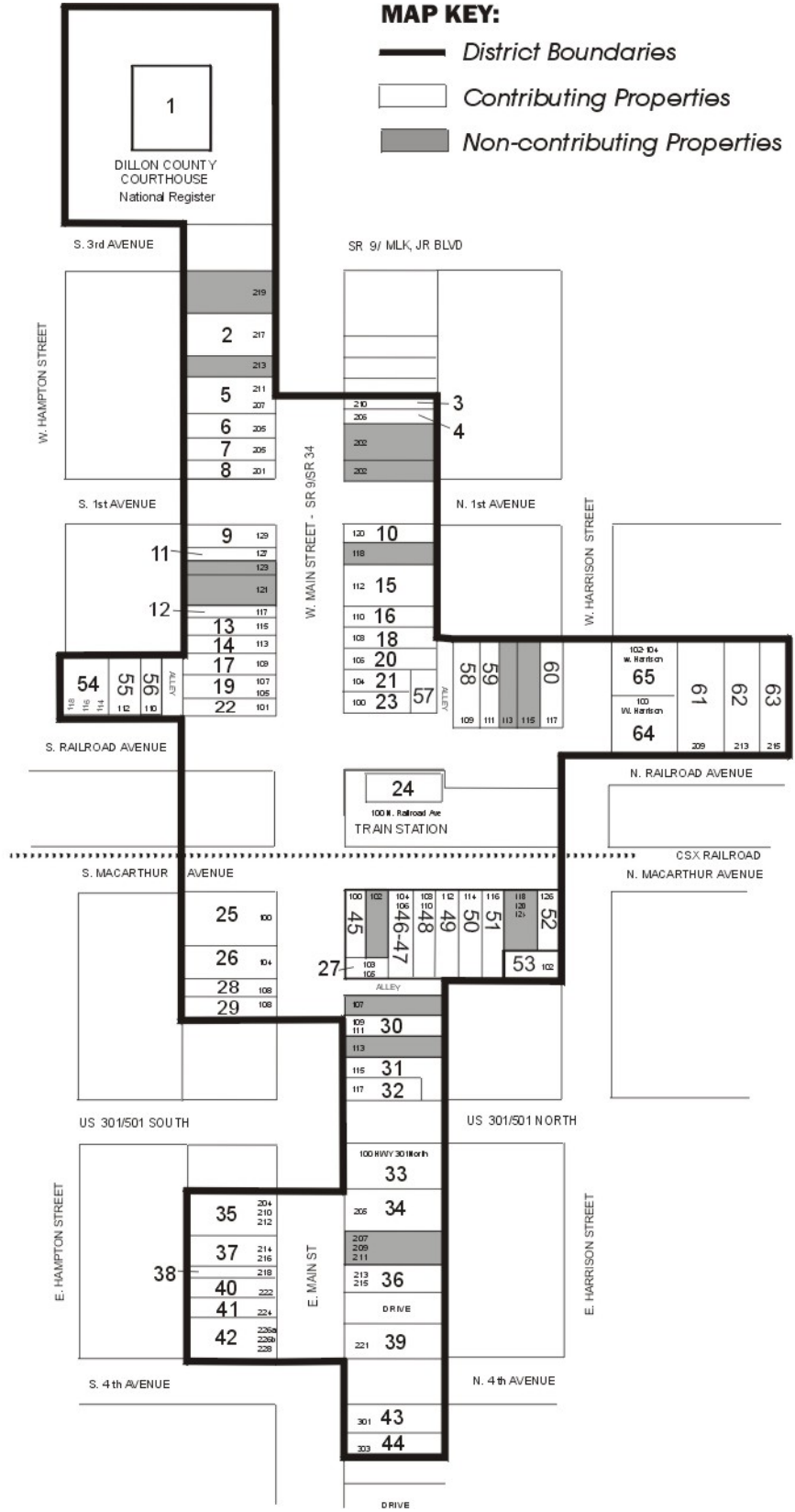
**SECTION 5-4-85 APPEAL TO SUPREME COURT**

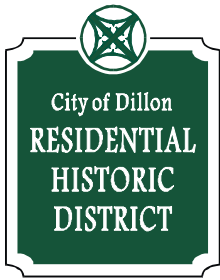
**SECTION 5-4-86 CONFLICT WITH OTHER LAWS**

**SC: 6-29-960**

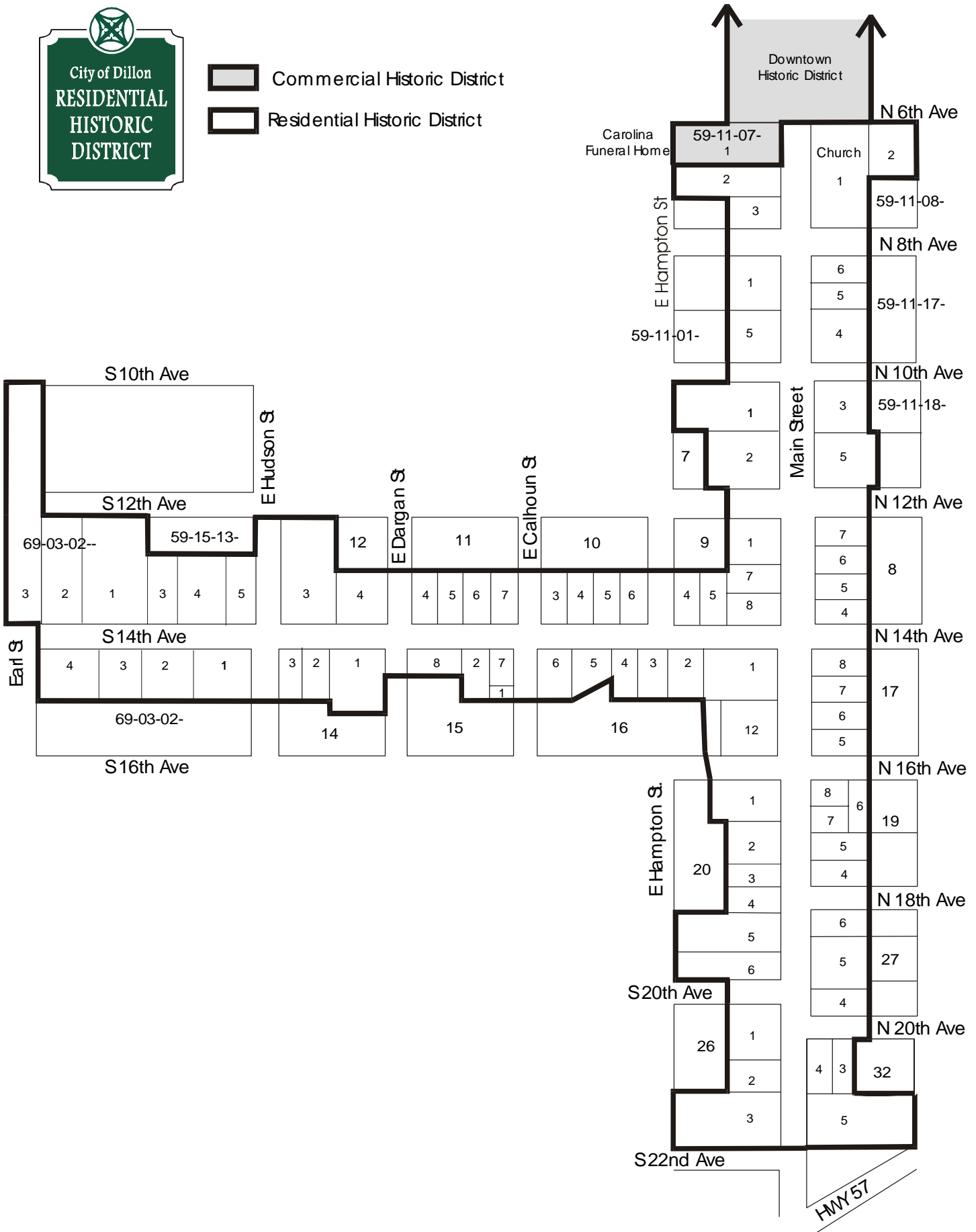
**MAP KEY:**

-  District Boundaries
-  Contributing Properties
-  Non-contributing Properties





- Commercial Historic District
- Residential Historic District



# DILLON HISTORIC OVERLAY ORDINANCE

## **SECTION 5-4-68 PURPOSE**

The Dillon Historic Overlay Ordinance his hereby establish according to the SC Code of Laws, Title 6, Chapter 29-720-C-(5).

The purpose of the Dillon Historic Overlay Ordinance is to identify Dillon Historic Designations: Commercial Districts, Residential Districts, Neighborhoods, Notable Properties and properties listed on the National Register of Historic Places and to promote the educational, cultural and general welfare of the public through the identification, preservation, protection and enhancement of the historic or architecturally worthy structures and properties and areas of the city; and to maintain such as visible reminders of the history and cultural heritage of the city, the state and the nation. Where the term Dillon Historic Designation is used in the article or in any supplementary materials, it shall apply to any area or property within the city limits designated by the City Council following the standards and procedures set forth in this ordinance. However, where there is a reference to a specific type of district or property that reference shall apply and supersede any other reference.

## **SECTION 5-4-69 DESIGNATIONS**

For the purpose of this article, the Dillon Historic Designations of Commercial Districts, Residential Districts, Neighborhoods, notable properties and properties listed on the National Register of Historic Places are hereby established and are governed by the Historic Overlay Ordinance. The boundaries of the districts, neighborhoods, notable properties and National Register sites shall be designated on the official zoning map of the City of Dillon. All Dillon Historic Designations are subject to standards, guidelines and procedures as set forth herein.

## **SECTION 5-4-70 ESTABLISHMENT OF DISTRICTS**

There may be designated one or more districts within the city limits provided that each district consists of at least five (5) acres of contiguous land and the public streetscape is included. The review criteria for the different districts, with the exception of the Dillon Historic Neighborhoods, which have more flexible standards, will be reviewed by the standards listed in Section 5-4-72 (D) Consistent Policies. The streetscape shall include any and all elements on or visible from public rights of way, parking areas, and areas where easements have been secured. Such elements shall include design, streetscape elements, vegetation, trees, light fixtures, portable signage and other visual elements whether portable or permanent. The purpose of including the streetscape is to enhance the visual image of the historic districts through a well planned coordinated design concept involving all elements placed on or are visible from public rights of way and areas where easements have been secured.

### **A. COMMERCIAL DISTRICTS**

The Dillon Downtown Commercial District established in June 2000 is defined on the original map

#### **1. INTENT OF A COMMERCIAL DISTRICT**

- a. Preserve, to reinforce, and enhance the quality of commercial activity, the architectural character, and the physical scale of the commercial district
- b. Encourage coordinated and planned use of the district as:
  - An attractive central business district
  - A central area serving the adjoining residential neighborhoods
  - A location for active but controlled commercial activity
- c. Encourage rehabilitation of historic structures, development and restoration in harmony with architectural scale and style of the district through an integrated mixture of residential and commercial uses; and
- d. Discourage the intrusion of incompatible uses, the demolition of historic structures, and unnecessary removal or pruning of trees, and the creation of visually prominent parking areas.

#### **2. PERMITTED USES**

All uses permitted within the B-1 Central Business District Commercial Ordinance Section 5-4-59, provided that there are no drive-through windows.

#### **3. ARCHITECTURAL AND SITE DESIGN REQUIREMENTS**

- a. Off street parking shall not be established between the street and the front façade of the structure.
- b. Floors or porches shall be at the same level as floors within the structure or within eight (8) inches of the level of those floors.
- c. The predominant eave-line for new construction shall be two (2) stories in height. However, if existing structures over fifty (50) years old on both sides of the proposed structure are single story then the new structure must be single story. For the purpose of this subsection, a story shall have a maximum height of fourteen (14) feet and a minimum height of nine (9) feet from finished floor to finished floor.

- d. There shall be no flat roof without a parapet or a balustrade at least three (3) feet in height erected above the roofline of the façade structure.

## **B. RESIDENTIAL DISTRICTS**

A Dillon Residential District was established in June 2000 and is defined as shown on the original map

### **1. INTENT OF A HISTORIC RESIDENTIAL DISTRICT**

- a. Reserved for low density residential purposes and the preservation of the residential streetscape
- b. Encouragement of restoration and preservation of historic structures, out buildings, and enclosures such as fences and gates.
- c. Restrict further development to structures that may vary in design but relate to or are compatible with the specific area, street or block.
- d. To protect the district from new construction that does not reflect the historic character area
- e. Avoid unwarranted encroachment of commercial or other uses affecting the historic character of a residential district or the streetscape

### **2. PERMITTED USE RESTRICTIONS**

All uses permitted within the R-7 single-family residential district as shown in Section 5-4-57-1, however, the following restrictions applying with no variations or exceptions are permitted:

#### **a. PARKING**

1. Minimum off street Parking requirements: Section 5-4-57-7
2. Off-street parking shall be provided and shall not be established between the street and the front façade of the structure. Off -street parking may be provided by a public parking area located not more than three hundred (300) feet from the structure.
3. Parking areas planned for more than three (3) vehicles requires appropriate screening from adjoining properties and public right-of-ways.
4. Hardscape areas (parking, walks, driveways, patios) must be surfaced with reduced noise materials appropriate for the district
5. All light fixtures for parking and hardscape areas must be appropriate for the district and shall not be placed as to brightly illuminate adjoining properties or the public right of way
6. New planned parking areas shall not cause the unnecessary removal of trees. Protection from ground compaction shall be provided for each tree to the drip line

- b. WASTE STORAGE, TRASH CONTAINERS, services and materials connected with adaptive use shall not be located between the street and the front façade of the structure and must be appropriately screened from adjoining properties and public rights of way.

#### **c. SIGNAGE, in addition to the underlying district ordinances:**

1. Interior illuminated signs are prohibited
2. No sign which displays intermittent or flashing illumination
3. No more than one freestanding sign and /or one wall sign

### **3. ADAPTIVE USE PERMITS**

Historic structures, notable structures and structures in a residential historic district may be adapted for permitted uses as listed for R-7 in Section 5-4-57. A COA and an adaptive use permit are required.

#### **a. RESTRICTIONS:**

1. Revocable if all conditions and restrictions are not met
2. The permit is considered null and void if not in operation within one year of original date of issue
3. Non-transferable
4. Change in adaptive use requires a new permit

#### **b. PROCEDURE AND REQUIREMENTS - Submit the following to Planning and Zoning Commission:**

1. Certificate of Appropriateness
2. Business overview listing type of business, hours of operation, expected volume, and percentage used for adaptive use and residence use
3. Site plan, to scale, indicating off-street parking accommodations, traffic flow, entrances and exits, buffer areas, and placement of trash and storage containers

- c. PLANNING AND ZONING COMMISSION shall take into account:
  1. Impact to the neighborhood
  2. Appropriateness of maintaining the character of the neighborhood
  3. Traffic flow
  4. Public opinion
  5. Adaptive, productive use of a historic structure
  6. The unnecessary removal of trees and shrubbery

**4. ADAPTIVE USE PERMIT CRITERIA 5-4-57-2 through 4**

Uses permitted in the R-7 code 5-4-57; 2-4: Bed & Breakfast (B&B), B&B Inn, Group Homes, Home Occupations, Multi-family Dwellings require that a COA is obtained and the property meet all applicable building and fire codes and comply with all business licenses, revenue collection, and health laws of the City of Dillon, and the State of South Carolina.

- a. BED AND BREAKFASTS (Homestay, Host Home, Cottage, Guesthouse)
  1. Definition: Bed and Breakfast (Home Occupation, Section 5-4-57-4): This type facility is defined as primarily a resident occupied single family dwelling or portion thereof, offering lodging for compensation, with or without breakfast, to guests residing no more than seven (7) consecutive days. No meals other than breakfast may be served to overnight guests unless catered.
  2. Restrictions:
    - No structural additions to the building can be made to add additional bedrooms
    - There must be no other B&B within the historic district located within five hundred (500) feet of the proposed B&B. Distances shall be measured from the property line.
- b. BED AND BREAKFAST INNS (Manors)
 

Proposed B&B Inns may make application to the Planning and Zoning Commission prior to operation as a Bed and Breakfast and in addition, serve meals and host such events as wedding receptions and business meetings, and reunions by providing the following for consideration:

  1. Business plan with floor plan of serving areas and kitchen facilities, sample of menus, hours of operation, expected volume, percentage of structure to be used for serving versus guestroom use
  2. Site plan, to scale, indicating off-street parking accommodations, hardscape areas, traffic flow, entrances and exits, buffer areas, placement of trash and storage containers
  3. Restrictions:
    - No structural additions to the building can be made to add additional bedrooms
    - There must be no other B&B within the historic district located within five hundred (500) feet of the proposed B&B. Distances shall be measured from the property line.
  4. Planning and Zoning shall take into account:
    - Impact to the neighborhood
    - Appropriateness of maintaining the character of the neighborhood
    - Traffic flow
    - Noise and light levels at night
    - Adaptive, productive use of a historic structure
    - Public opinion

**5. GROUP HOMES**

Provided that they conform to the special requirements of this subsection of Section 5-4-47-3.

- a. No exterior modification will be allowed which would result in the addition of any bedroom to an existing structure. No variances from this condition shall be permitted.
- b. Off street, on site parking must be provided at the location of the group home for a number of vehicles, which shall not exceed the number of existing bedrooms, plus one vehicle found at that location.
- c. No on-premises signage or on-premises advertising of a structure as a group home will be permitted.

**6. MULTI-FAMILY DWELLINGS**

Interior modification of structures is allowed to accommodate two (2) to three (3) dwelling units provided further that the total combined living area should be at least two thousand (2,000) square feet for a two-family and, at least three thousand (3,000) square feet for a three-family unit.

7. **PUBLIC USE:** Land adapted for public use such as recreation, public utility stations requires submission of a site plan for COA indicating buffer areas and materials screening adjoining properties
8. **NEW CONSTRUCTION OR ADDITIONS**  
 Unless specified elsewhere in this chapter, or unless subject to relief under conditions set forth in Section 5-4-47, rights of Way and Easements, residences and uses permitted in the residential historic district shall be required to conform to the following standards and regulations
  - a. **CERTIFICATE OF APPROPRIATENESS**
  - b. **LANDSCAPING:** A scale site plan indicating plant materials and trees, buffer areas and screening, hardscape surfaces (driveways, walks and parking), and exterior lighting must be submitted to BAR for approval

**SECTION 5-4-71 STANDARDS FOR DILLON HISTORIC DESIGNATIONS**

**A. CRITERIA**

A structure, group of structures, property, site of district or neighborhood may be designated that of historic importance if it meets one or more of the following criteria:

**1. HISTORIC AND CULTURAL IMPORTANCE**

- a. Built more than 50 years ago and has significant character, interest or value as part of the development, heritage
- a. Is the site of an historic event with a significant effect upon society
- b. Exemplified the cultural, political, economic, social or historic heritage of the community

**2. ARCHITECTURAL, ENGINEERING IMPORTANCE**

- a. Portrays the environment in an era of history characterized by a distinctive architectural style
- b. Embodies those distinguishing characteristics of an architectural type or engineering specimen
- c. Is the work of a designer whose individual work has significantly influenced the development of Dillon
- d. Contains elements of design, detail, materials or craftsmanship which represent significant innovation

**3. GEOGRAPHICAL IMPORTANCE**

- a. By being part of or related to a square, park or other distinctive area, should be developed or preserved according to a plan based on an historic, cultural or architectural motif
- b. Owing to its unique location or singular physical characteristic represents an established and familiar feature of the neighborhood, community

**4. ARCHEOLOGICAL IMPORTANCE**

Has yielded or may be likely to yield information important in pre-history or history

**B. CLASSIFICATIONS**

**1. DILLON HISTORIC DISTRICTS**

An area may be designated as a “Dillon Historic Commercial or Residential District” where it meets one or more of the above criteria

**2. DILLON HISTORIC NEIGHBORHOOD**

An area may be designated as a “Dillon Historic Neighborhood” where it meets one or more of the above criteria and where the following two (2) criteria apply:

- a. There is a sizable number of properties in the subject area which are not considered to contribute to the architecture or historical significance of an area; and
- b. The cultural values or financial resources of a significant number of property owners in the subject area as reasonably considered by the Dillon City Council are such that flexible standards of the Dillon Historic Designation are appropriate. The flexible standards shall be outlined in the guidelines.

**3. NOTABLE PROPERTIES**

Individual structures within the city limits may be designated as “notable properties”. The Dillon City Council may designate structures as “notable properties” where it reasonably determines that those structures embody a particularly high degree of significance in accordance with the criteria listed above.

**4. STRUCTURES BUILT PRIOR TO 1936**

Any structure within the city limits built prior to 1936 and meeting one or more of the criteria above may be designated a “notable property” by the City Council.

**5. NATIONAL REGISTER PROPERTIES**

All structures and districts listed on the National Register of Historic Places within the city limits

**SECTION 5-4-72 BOARD OF ARCHITECTURAL REVIEW (BAR)**

**A. ESTABLISHMENT AND PURPOSE**

The Board of Architectural Review has been established for the specific purpose of preservation and protection of Dillon’s designated historic districts and properties for their unique, special or desired character by means of restriction

and conditions governing the right to erect, demolish, remove in whole or in part, alter their exterior appearance in pursuant to SC Code 6-29-710 and 6-29-870 appointed by the City Council and will hereinafter referred to as the BAR. The BAR shall adopt by-laws upon the recommendation of the Planning and Zoning Commission and the City Council. Exterior appearance shall include architectural character, general composition, and general arrangement of exterior structure, including the kind, color, and texture of the building material and type and character of all windows, doors, light fixtures, signs, awnings, and all appurtenant elements visible from any street or public thoroughfare. BAR shall promote an all-encompassing historic design concept through regulation of the public streetscape within districts.

## **B. MEMBERSHIP**

### **1. REQUIREMENTS**

- a. No member may hold any other public office.
- b. The governing authority or authorities creating the BAR may remove any member of the board, which it has appointed.
- c. Each BAR member shall attend at least one information or educational meeting per year, pertaining to the work and functions of the BAR, to historic preservation, or to operations of federal, state, and local preservation programs.

### **2. NUMBER**

The BAR shall consist of seven (7) members with a demonstrated interest, competence or knowledge of historic preservation. Two (2) non-voting consultant members shall be professionals in the discipline of architecture, history, architectural history, planning, archeology, or related disciplines, including urban planning, American studies, American civilization, cultural geography, cultural anthropology, engineering, real estate, law, banking, construction and urban streetscape design with experience in urban arboriculture.

### **3. APPOINTMENT CRITERIA**

All board members shall be a resident of the City or own property within a historic district unless otherwise indicated and shall to be appointed by the City Council following these criteria:

- a. One (1) person representing the designated Dillon Residential Historic District who is a resident and property owner within the residential district.
- b. One (1) person representing the Dillon Downtown Historic District who must own property in the Downtown District
- c. One (1) person who owns or rents a commercial business in the Downtown Historic District
- d. One (1) person recommended by the Dillon Historic Society who is a member and is not required to be a resident of the city or own property within a historic district
- e. One (1) person recommended by the Downtown Revitalization Committee
- f. One (1) person recommended by the Planning and Zoning Commission.
- g. One (1) person representing a residential area not included in a designated district

### **4. TERMS**

The Board members shall serve terms of four (4) years with a maximum of two (2) consecutive terms. Terms shall be staggered. Board members shall serve until their successor is appointed. Board members may be reappointed and serve additional terms after being off of the board for a minimum of two (2) years. Any vacancy on the board shall be filled for the un-expired term by appointment by the City Council following the above criteria within 60 days. Members of the BAR shall serve without compensation, but may be reimbursed for any expenses as approved by the city manager while representing the board.

## **C. POWERS AND DUTIES**

### **1. POWERS**

The BAR has binding power of review involving the structures and the districts with streetscapes designated as historically important as may be determined by the historic district zoning ordinance and as stated

### **2. EDUCATION**

The BAR shall endeavor to educate the community about their own historic resources and preservation.

### **3. CERTIFIED LOCAL GOVERNMENT STATUS**

The BAR shall assist the Code Enforcement Director in submitting the annual report of BAR activities required by the State Historic Preservation Office (SHPO). The annual report form will include the number of cases reviewed, disposition of cases, new local designations, commission appointments, new or revised resumes, attendance records, minutes or a synopsis of the minutes, and local preservation plans and projects.

### **4. DISQUALIFICATION**

Any member of the BAR who has a direct or indirect interest in any property which is the subject matter of, or is affected by decision of the BAR shall be disqualified from participating in the discussion, decision, or proceedings of the BAR in connection therewith.

### **5. AMENDMENTS TO THE HISTORIC OVERLAY ORDINANCE**

- a. The BAR from time to time shall re-evaluate the historic overlay ordinance and make recommendations to Planning and Zoning for amendments or additions to the ordinance
- b. Planning and Zoning shall then make their recommendations to the City Council

## **D. CONSISTENT POLICIES**

### **1. THE SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION**

The Secretary of the Interior's Standards for Rehabilitation are hereby adopted. The BAR, in the exercise of its authority, shall utilize "The Standards".

**2. STREETScape GUIDELINES AND MAINTENANCE REQUIREMENTS**

The Bar shall consult SCDOT landscape policies for recommendations regarding landscaping, streetscape and horticultural maintenance issues

**3. DESIGN GUIDELINES**

The guidelines shall be presented to the Planning and Zoning commission for their approval and the recommendation for acceptance by the City Council.

- a. **COMMERCIAL:** The BAR shall create "commercial design guidelines" detailing specific exterior issues which shall cover but are not limited to such commercial design matters as: design, signage, awnings, lighting, display of merchandise, security devices, sidewalk encroachments, murals, other pertinent issues and streetscape issues within historic districts such as streetscape elements, lighting, vegetation, trees and other elements placed on or visible from public right of ways or where easements have been secured.
- b. **RESIDENTIAL:** The BAR shall create "residential design guidelines" detailing specific exterior issues which shall cover but are not limited to appropriate historic design, architectural features, doors, windows, porches, roofs, chimneys, shutters, exterior lighting, garages and outbuildings, additions, and enclosures such as fences and gates

**SECTION 5-4-73 DESIGNATION PROCESS**

Based upon the criteria set forth in section 5-4-69, the Board of Architectural Review (BAR) shall establish a process of continual evaluation and surveys of structures and sites within the city limits of Dillon. Upon review of proposed designations, make subsequent recommendations regarding designations to the Planning and Zoning Commission for recommendation to the city council.

**A. REQUESTS**

Requests for the establishment or modification of a Dillon Historic Designation may originate with the Planning and Zoning Commission, city council, the BAR or any interested citizen or citizen group and be presented to the BAR for consideration.

**B. RESEARCH**

The BAR shall conduct preliminary research of the request to determine eligibility under the standards set forth in Section 5-4-71. The BAR may conduct informal meetings by invitation to owners of properties to be designated individually or as a district or neighborhood, seek advice or preservation professionals and historians, and conduct or receive any preliminary research or studies to assist with its decision.

**C. ELIGIBILITY**

After review the information gathered in the preliminary research, the BAR should vote on whether the area or property is eligible. If the BAR determines the area or property is eligible to become a Dillon Historic Designation, it shall prepare a report which will detail the boundaries of the district or location of the property, document the history and significance of the area, and provide photographs of the properties within the area. The report shall be submitted to the Planning and Zoning Commission for their review and a recommendation made to City Council.

**D. PUBLIC HEARINGS**

After the Planning and Zoning Commission holds a public hearing and makes a recommendation the report shall be sent to City Council as a request for an amendment of a historic overlay to the official zoning map. City Council shall hold a public meeting to consider the proposed Dillon Historic Designation. All property owners as identified in county tax records shall be notified in writing at least thirty (30) days in advance of this meeting by first class mail. Property owners may appear at the public meeting before Council to voice their approval or opposition to the designation.

**E. OBJECTIONS**

**1. INDIVIDUAL PROPERTIES OR NOTABLE PROPERTY:**

Any property owner may object in writing to BAR designating their property as individually historic or as a notable property at the time of the first public meeting regarding the proposed designation. Objections for individual properties or notable properties shall be binding.

**2. DISTRICT PROPERTIES:**

Any property owner may object in writing to the decision by the BAR to recommend designation of his property as historic, either contributing or non-contributing, at the first public meeting regarding designation. Followed by the appeals process as outlined in SC Code of Law Section 6-29-900

**SECTION 5-4-74 CERTIFICATES OF APPROPRIATENESS**

The owner or owner's representative with the owner's signature of approval must sign an application for a Certificate of Appropriateness.

The BAR shall require data and materials in the form of an application for a "Certificate of Appropriateness" as are reasonable and necessary to determine the nature of the application. An Application shall not be considered complete

until all the required data and materials have been submitted. Nothing shall prevent the applicant from filing additional relevant information.

**A. HISTORIC STRUCTURES**

No designated historic structure may be demolished or removed, in whole or in part, nor may the exterior architectural character of the structure be altered until after an application for a “Certificate Of Appropriateness” (COA) has been submitted to the BAR and approved.

**B. NEW STRUCTURES**

No new structures may be erected within a designated historic district or neighborhood until after a COA is submitted to the BAR and approved and city permits issued.

**C. BUILT PRIOR TO 1936**

No inventoried structure, built prior to 1936, and within the city limits may be demolished or removed in whole or in part until after a COA from the BAR is approved or the period of postponement in the case of application for partial or total demolition provided for in section 5-4-101 (BAR By-Laws) has expired.

**D. SIGNAGE, AWNINGS AND CANOPIES**

A COA is required for permanent signage, awnings, canopies and the design and non-changeable components of the portable signs such as menu boards or sales easels.

**E. PUBLIC RIGHT OF WAYS AND EASEMENTS**

A COA is required for streetscapes, streetscape elements, vegetation, light fixtures, other elements or items placed on public rights of way or property easements, whether temporary or permanent within in a designated historic district.

**SECTION 5-4-75 EXCLUSIONS FROM CERTIFICATES OF APPROPRIATENESS**

**A. MAINTENANCE AND REPAIR**

Ordinary maintenance and repair of any of the existing exterior features of a structure that do not involve a change in any of the following: design, type of material, color, size or outward appearance shall be exempt from the review and approval.

**B. TEMPORARY SIGNAGE**

A COA is not required for temporary signs: (e.g. going out of business signs), standard auxiliary signs (e.g. “open”, “welcome”, hours of operation, credit card decal signs), and components of portable signs, which change regularly (e.g. menu boards on easels). Nothing in this article shall be construed to prevent the construction, reconstruction, alteration or demolition of any elements of a structure that authorized municipal officers certify as required for public safety.

**C. MAINTENANCE AND REPLACEMENT OF STREETSCAPE ELEMENTS AND VEGETATION**

COA is not required for maintenance and replacement of vegetation. Change of materials or visual appearance, such as pruning require a COA

**SECTION 5-4-76 ENFORCEMENTS AND PENALTIES**

When a COA and a building permit are issued, the building official or other designated staff member will conduct timely inspections of the alteration, construction or demolition as approved by the COA. The property owner shall be required to have a copy of the COA and support materials and the building permit on the premises for inspection. If alterations, construction and/or demolition are noted which are not in accordance with the COA or violates other ordinances, this information shall be immediately transmitted to the Code Enforcement Director, who shall also notify the Chairman of the BAR. If the building official finds that the alteration, construction or demolition is not in accordance with or is in violation of the COA, he shall issue a “stop work order” and notify the recipient of the COA and the Code Enforcement Director, in writing, indicating the nature of the violation and ordering the action necessary to correct it. If corrective action is not taken to comply with the COA, persons in violations shall be subject to penalties as described in the Zoning Ordinance of the City of Dillon.

**SECTION 5-4-77 CERTIFICATE OF ECONOMIC HARDSHIP**

**A. DENIAL OF COA**

Upon denial of a COA, an application for a Certificate of Economic Hardship may be made on a form approved by the BAR and provided by the Code Enforcement Director.

**B. DETERMINATION PROCESS**

The BAR shall schedule a public hearing concerning the application and provide notice in the same manner as Section 5-4-00. Any person may testify at the hearing concerning economic hardship in the same manner as Section 5-4-00. The BAR may solicit expert testimony or require that the applicant make submissions concerning any or all of the following information before it makes a determination on the application:

1. Estimate of the cost of the proposed construction, alteration, demolition or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the BAR for changes necessary for the issuance of a COA
2. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation

3. Estimated market value of the property in its current condition; after completion of the proposed construction, alteration, demolition or removal: after any changes recommended by the BAR; and in the case of proposed demolition, after renovation of existing property for continued use.
4. In the case of proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experiences in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.
5. Amount paid for the property, the date of purchase, and the party from whom purchased, including the description of the relationship, if any to the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer.
6. If property is income producing, the annual gross income from the property for the previous two years: itemized operating and maintenance expenses for the previous two years; depreciation deduction and annual cash flow before and after debt service, if any during the same period.
7. Remaining balance on any mortgage or other financing secured by the property owner and annual debt service, if any, for the previous two years
8. All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing, or ownership of the property
9. Any listing of the property for sale or rent, price asked, and offers received, if any, in the last two years.
10. Assessed value of the property according to the two most recent assessments.
11. Real estate taxes for the past two years.
12. Form of ownership or operation of the property, whether sole proprietorship, for profit or not-for-profit—corporation, limited partnership, joint venture or other.
13. Any other information, including the income tax bracket of the owner, applicant or principal investors of the property considered necessary by the BAR to make a determination as to whether the property does yield or may yield a reasonable return to the owners.

#### **SECTION 5-4-78 DENIALS OF COA AND APPEALS**

Upon disapproval of the plans, the BAR shall state its reasons for doing so and transmit a dated record of such action and reasons in writing to the applicant. In addition to stating the reasons for denial, the BAR 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. After receiving denial a COA, any applicant has the right to appeal the BAR's decision as provided herein.

#### **SECTION 5-4-79 APPEALS PROCEDURE**

##### **A. FORMS OF APPEAL**

Appeals from an administrative decisions regarding an issue under BAR's purview shall be appealed to the BAR. Certificates of hardship shall be filed on forms approved by the BAR provided by the Code Enforcement Director. The BAR may require additional information if deemed necessary to make a determination. The failure to submit adequate information may be grounds for dismissal. An application filed by an agent shall be accompanied by written designation of the agent signed by the applicant or party in interest.

Appeals from BAR decisions shall follow procedures outlined in SC Code of Law Section 6-29-900 and Section 5-4-13

##### **B. TIME OF APPEAL**

An appeal from a BAR decision must be filed within fifteen (15) days after the recorded date of notice of the decision. The appeal must be filed with the Code Enforcement Director who shall then notify the chairman of the BAR.

##### **C. CALENDAR**

The Code Enforcement Director shall mark the date of receipt of appeals and applications for variances and place them on the hearing calendar in the order in which received. Appeals shall be heard in the order on the calendar unless otherwise set by the BAR for good cause shown.

##### **D. WITHDRAWAL OF APPEAL**

Any appeal or application may be withdrawn by written notice filed with the Code Enforcement Director prior to the action of the BAR. An appeal that is withdrawn may not be re-filed after the fifteen (15) day time for appeal has expired. Withdrawn applications for variances may be re-filed after six (6) months and shall be placed on the calendar according to the date re-filed.

##### **E. CONTINUANCES**

The Code Enforcement Director shall publish the hearing of the BAR in a local newspaper and post on or adjacent to the property affected at least fifteen days (15) days prior to the hearing. The notice shall contain a description of each matter to be heard and identify the applicant and property affected.

#### **SECTION 5-4-80 HEARING PROCEDURE**

##### **A. APPEARANCES**

The applicant or any party in interest may appeal in person or by agent or attorney. The BAR may postpone or proceed to dispose of the matter on the records before it in the absence of an appearance on behalf of an applicant.

##### **B. WITNESS**

Parties in interest may present testimony under oath. Witnesses may be compelled to attend by subpoena requested at least ten (10) days prior to a hearing and signed by the chairman. The BAR may call its own witness when deemed appropriate.

**C. CROSS EXAMINATION**

No party shall have the right to cross-examine witnesses; however, the opportunity to examine opposing witnesses may be freely extended when conducted in an orderly manner. Intimidation of witnesses will not be allowed.

**D. EVIDENCE**

Relevant documents, photographs, maps, plans, drawings, etc will be received in the record without authentication in the form of legible copies. Relevant testimony that is not cumulative or hearsay will be received. The Chairman will rule on all evidentiary matters. Evidence may be placed in the record with an objection noted.

**E. CONDUCT OF HEARING**

Conduct of Hearing: The normal order of hearing, subject to modification by the chairman, shall be:

1. Statement of matter to be heard (chairman or secretary)
2. Presentation by applicant (5 minute limit)
3. Presentation by official appealed (5 minute limit)
4. Presentation by opponents (5 minute limit)
5. Rebuttal by applicant (3 minute limit)
6. Un-sworn public comment when appropriate
7. The BAR may question participants at any point in the hearing
8. Matters in which additional time is granted may be moved to the end of the agenda

**F. DISPOSITION**

The BAR may deliberate and make a final disposition of the matter by majority vote of the members present at the hearing and qualified to vote; provided that not less than a quorum are qualified to vote. The vote may be taken at the same or subsequent meeting. A member may not vote on a matter the member has not heard. Deliberations shall be conducted and votes taken in public.

**G. FORM OF ORDER**

Any order issued disposing of a matter by granting or denying relief with such conditions as may be deemed necessary; or affirming, modifying, or reversing an administrative decision. A matter may be dismissed for lack of jurisdiction or prosecution. Findings of fact and conclusions of law shall be separately stated in an order.

**H. SERVICE OF ORDER**

The Code Enforcement Director shall deliver a copy of an order to each party in interest by certified mail immediately upon execution of the order by the chairman.

**I. REHEARING**

The BAR may grant a rehearing of an applicant which has been dismissed or denied upon written request filed with the Code Enforcement Director within fifteen (15) days after delivery of the order accompanied by new evidence which could not reasonably have been presented at the hearing, or evidence of a clerical error or mutual mistake of fact affecting the outcome.

**SECTION 5-4-81 APPEAL FROM BAR TO CIRCUIT COURT**

A person who may have a substantial interest in any decision of the BAR or any officer, or agent of the appropriate governing authority may appeal from any decision of the BAR to the circuit court in and for the 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 thirty (30) days after the affected party receives actual notice of the decision of the BAR.

**SECTION 5-4-82 CONTEMPT AND PENALTY**

In case of contempt by a party, witness, or other person before the BAR, the BAR may certify the fact to the circuit court of the county in which the contempt occurs and the judge of the court, in open court or in chambers, after hearing, may impose a penalty as authorized by law.

**SECTION 5-4-83 NOTICES OF APPEAL, TRANSCRIPT AND SUPERSEDEAS**

- A. Upon filing of the appeal, the clerk of the circuit court shall give immediate notice of it to the Code Enforcement Director and within thirty (30) days from the time of the notice the BAR shall file with the clerk a duly certified copy of the proceedings, including a transcript of the evidence heard before it, if any, and the decision of the BAR including its findings of fact and conclusions.
- B. The filing of an appeal in the circuit court from any decision of the BAR does not ipso facto act as a supersedeas, but the judge of the circuit court may in his discretion grant a supersedeas upon such terms and conditions as may seem reasonable and proper.

**SECTION 5-4-84 DETERMINATIONS OF APPEAL AND COSTS**

At the next term of the circuit court or in chambers upon ten (10) days notice to the parties, the resident presiding judge of the circuit court of the county shall proceed to hear and pass upon the appeal on the certified record of the BAR proceedings. The findings of fact by the BAR are final and conclusive on the hearing of the appeal, and the court may not take additional

evidence. In the event the judge determines that the certified record is insufficient for review, the matter must be remanded to the BAR for rehearing. In determining the questions presented by the appeal, the court shall determine only whether the decision of the BAR is correct as a matter of law. In the event that the decision of the BAR is reversed by the circuit court, the BAR must be charged with the costs and the governing authority that established the BAR must pay them.

**SECTION 5-4-85 APPEALS TO SUPREME COURT**

A party in interest who is aggrieved by the judgment rendered by the circuit court upon the appeal may appeal in the manner provided by the South Carolina Appellate Court Rules.

**SECTION 5-4-86 CONFLICT WITH OTHER LAWS**

When the regulations made under authority of this chapter require a greater width or size of yards, courts, or other open spaces, or require a lower height of building or smaller number of stories, or require a greater percentage of lot to be left unoccupied, or impose other more restrictive standards than are required in or under another statute, or local ordinance or regulation, the regulations made under authority of this chapter govern. When the provisions of another statute require more restrictive standards than are required by the regulations made under authority of this chapter, the provisions of that statute govern.

# **BOARD OF ARCHITECTURAL REVIEW**

CITY OF DILLON, SOUTH CAROLINA

Dillon County

## **BY-LAWS**

### Outline

#### **ARTICLE I: ORGANIZATION**

Section 5-4-87 By-Laws

Section 5-4-88 Purpose

Section 5-4-89 Adoption and Amendments

Section 5-4-90 Officers

SC: 6-29-870

- A. Chairman
- B. Vice-Chairman

SC: 6-29-870 D

C. Secretary

Section 5-4-91 Standing Committees

A. Historic Research Committee

B. Minor Projects Committee

C. Additional Committees

Section 5-4-92 Professional Consultants

A. Architectural

B. Streetscape

Section 5-4-93 Compensation

#### **ARTICLE II: MEETINGS**

Section 5-4-94 Time and Place

Section 5-4-95 Agenda

Section 5-4-96 Quorum

Section 5-4-97 Attendance

Section 5-4-98 Rules of Order

#### **ARTICLE III: CERTIFICATE OF APPROPRIATENESS**

Section 5-4-99 Pre-application Review Process

A. Informal Review

B. Process

Section 5-4-100 Applications

A. Forms and Submission

B. Timeline

Section 5-4-101 Approval

Section 5-4-102 Denials

# BOARD OF ARCHITECTURAL REVIEW

CITY OF DILLON, SOUTH CAROLINA

Dillon County

## BY-LAWS

### ARTICLE I ORGANIZATION

#### SECTION 5-4-87 BY-LAWS

These By-Laws are adopted pursuant to SC Code 6-29-710 and 6-29-870 for the City of Dillon Board of Architectural Review appointed by the City Council and will hereinafter referred to as the BAR.

#### SECTION 5-4-88 PURPOSE

BAR has the right by means of restriction and conditions governing the right to erect, demolish, remove in whole or in part, or alter the exterior appearance of all buildings or structures within the areas designated as Dillon Historic Districts, Dillon Historic Neighborhoods, Dillon Notable Properties and properties listed on the National Register of Historic Places within the city limits.

#### SECTION 5-4-89 ADOPTION AND AMENDMENTS

These bylaws were adopted by a vote of a majority of the members of the Board of Architectural Review (BAR) at a regular meeting on Monday, March 4, 2002.

These bylaws may be amended at any regular meeting of the BAR by a majority vote of the members of the board at least seven (7) days after the written amendment is delivered to all members.

#### SECTION 5-4-90 OFFICERS

The officers of the BAR shall be a chairman and vice-chairman elected at the beginning of the calendar year for a one year term or until he is re-elected or his successor is elected and qualified. The BAR shall appoint a board member as secretary or a member of the City staff may fill the position. Officers may be removed from office upon majority vote, but shall remain on the board. A new officer may then be elected to fill the un-expired term.

**A. CHAIRMAN** shall be a voting member of the board and shall:

- a. Call meetings of the BAR
- b. Preside at meetings and hearings
- c. Act as spokesperson for the BAR
- d. Sign documents for the BAR
- e. Have orders of the BAR served on parties; and
- f. Perform other duties approved by the BAR

**B. VICE-CHAIRMAN** shall exercise the duties of the chairman in the absence, disability or disqualification of the chairman. In the absence of the chairman and vice chairman, the members present shall elect an acting chairman.

**C. SECRETARY** shall:

- a. Provide and publish notice of appeals and meetings
- b. Assist the chairman in preparation of the agenda
- c. Minutes: Record all meetings and hearings of the BAR on tape, which shall be preserved until final action is taken on all matters presented. Minutes shall be prepared for each meeting for approval by the board at the next regular meeting. The vote of each member upon a question shall be recorded and if absent or failing to vote, indicating that fact
- d. Maintain BAR minutes as public records filed with the City
- e. Serve BAR decisions on parties
- f. Attend to BAR correspondence and
- g. Perform other duties normally carried out by a secretary

#### SECTION 5-4-91 STANDING COMMITTEES

**A. HISTORIC RESEARCH COMMITTEE**

Shall consist of not less than five (5) members, chaired by a member of the BAR. Members may be from the community and may be replaced as necessary. It is the function of this committee to continually work

toward identification of structures, sites, properties, districts and neighborhoods within the City of Dillon and to make recommendations for designation and preservation.

- a. City Structures prior to 1936 Inventory
- b. National Register Nominations
- c. Surveys

**B. MINOR PROJECT COMMITTEE**

A minor projects committee may be appointed by the Chairman from the BAR members. It shall consist of three (3) board members. Members shall rotate one (1) year terms on this committee. It is the function of this committee to determine appropriateness of smaller projects such as, but not limited to, signage, fencing, etc.

**C. ADDITIONAL COMMITTEES**

The Chairman, as needed, from BAR members or community at large, may appoint committees to assist in meeting goals of education, preservation and recognition of historic designations. The chairman of each appointed committee must be a member of the BAR.

**SECTION 5-4-92 PROFESSIONAL CONSULTANTS**

The City Council, upon recommendations from the BAR, shall appoint professional consultants. A consultant is not a voting member of the board. Any costs incurred for consultations must be authorized by the city manager and paid for by the city council.

**A. ARCHITECTURAL**

The City Council shall appoint an architect, consultant or individual with demonstrated architectural or historic preservation expertise to serve as a professional advisor to the BAR.

**B. STREETSCAPE**

The City Council shall appoint a landscape architect, consultant or individual with demonstrated expertise in the design, selection, pruning and maintenance of city streetscape horticulture and trees. The consultant shall serve to coordinate streetscape and landscape specifications for the enhancement of historic districts.

**SECTION 5-4-93 COMPENSATION**

Members of the BAR shall serve without compensation, but may be reimbursed for any expenses as approved by the city manager while representing the board.

**ARTICLE II MEETINGS**

**SECTION 5-4-94 TIME AND PLACE**

An annual schedule of regular meetings shall be adopted, published and posted at The City Complex in December of each year. Special meetings may be called by the chairman upon 24 hours notice, posted and delivered to all members and local news media. Meetings shall be held at the place stated in the notices, and shall be open to the public.

**SECTION 5-4-95 AGENDA**

A written agenda shall be furnished by the secretary to each member of the BAR and the news media, and shall be posted at least five (5) days prior to each regular meeting, and at least twenty-four (24) hours prior to a special meeting. Items may be removed from the agenda or postponed at a meeting by a majority vote.

**SECTION 5-4-96 QUORUM**

A majority of the members of the BAR shall constitute a quorum. A quorum shall be present before any business is conducted other than rescheduling the meeting.

**SECTION 5-4-97 ATTENDANCE**

The Code Enforcement Officer and city council shall be advised in writing by the secretary of the BAR should any of the members miss three (3) consecutive meetings or more than one-third (1/3) of the regularly scheduled meetings in any one calendar year.

**SECTION 5-4-98 RULES OF ORDER**

Robert's Rules of Order shall govern the conduct of meetings except as otherwise provided by these Rules of Procedure.

## **ARTICLE III: CERTIFICATES OF APPROPRIATENESS**

### **SECTION 5-4-99 PRE-APPLICATION REVIEW PROCESS**

#### **A. INFORMAL REVIEW**

Prior to the preparation of working drawings and specifications or calling for proposals or bids, applicants may prepare preliminary scale drawings and outline specifications, including color samples, overall dimensions for review and an informal discussion with the BAR. The purpose of this informal review is to acquaint the applicant with the standards of appropriateness of design that are required.

#### **B. PROCESS**

The applicant shall request a pre-application review from the Code Enforcement Director who will contact the chairman of the BAR. The chairman shall call a special meeting.

### **SECTION 5-4-100 APPLICATIONS**

#### **A. FORMS AND SUBMISSION**

1. Forms approved by the BAR are to be obtained from the Code Enforcement Director.
2. Requirements: COA application completely filled out including support materials and any other information required in determining appropriateness. All support materials must be labeled with the applicant's name. Support materials include the following:
  - a. Plans, exterior elevations, drawings drawn to scale with sufficient detail as related to exterior appearances
  - b. New construction applications require drawings signed by an architect or draftsman with a plot plan or site layout.
  - c. Signage and awning applications require a rendering drawn to scale indicating measurements, materials, color and proposed placement on structure
  - d. Color samples and drawing indicating placement
  - e. Material and texture samples with drawing indicating placement
  - f. Photographs
    1. Repair, alterations or additions applications require legible photographs of the existing façade and surrounding structures
    2. New construction applications require site and adjoining structure photographs
    3. Demolition applications require photographs of all sides of the building and immediate surrounding structures
3. Two (2) complete applications, which must include all support materials, are to be submitted to the Code Enforcement Director and dated upon receipt. The Code Enforcement Director shall notify the chairman of the BAR that there is/are COA applications to be reviewed at the next scheduled meeting.

#### **B. TIMELINE**

Applications and support materials must be received fifteen (15) days prior to a regularly scheduled meeting date of the BAR

### **SECTION 5-4-101 APPROVAL**

Upon approval, both applications shall be stamped with an official COA "Approved" seal and signed and dated by the BAR chairman. One complete set is permanently filed with the Code Enforcement Director and one complete set returned to the applicant. A written report is sent to the Code Enforcement Director who will issue a COA permit to the applicant. If, the BAR shall fail to take action upon any case within forty-five (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.

When a COA has been issued, building officials shall enforce the permit as stated. Nothing in this article shall be construed to prevent the construction, reconstruction, alteration or demolition of any elements of a structure the authorized municipal officers certify as required for public safety.

### **SECTION 5-4-102 DENIALS**

Upon denial, the BAR shall state its reasons and make general or specific recommendations in writing in order for the application to be approved. One copy shall be permanently filed with the Code Enforcement Director and the other sent to the applicant. The applicant may then make modifications to the plans and resubmit the application. After receiving denial a COA, any applicant has the right to appeal the BAR's decision as provided SC Code of Laws 6-29-900.