

**ORDINANCE 2021-06**

**ARCHITECTURAL REVIEW ORDINANCE**

**AN ORDINANCE ESTABLISHING AN ARCHITECTURAL REVIEW BOARD FOR THE TOWN OF PAWLEYS ISLAND, SOUTH CAROLINA.**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF PAWLEYS ISLAND, SOUTH CAROLINA, PURSUANT TO THE SOUTH CAROLINA CODE OF LAWS 1976 (AS AMENDED) THAT AN ARCHITECTURAL REVIEW ORDINANCE IN THE FOLLOWING FORM IS HEREBY ADOPTED:

**ARTICLE 12. - ARCHITECTURAL REVIEW BOARD**

**12-1 TITLE.**

The title of this ordinance shall be the Pawleys Island Architectural Review Ordinance.

**12-2 AUTHORITY.**

Council expressly adopts this ordinance as a portion of the town's zoning ordinance, pursuant to S.C. Code 1976, § 6-29-870, to make specific provision for the preservation and protection of the town's historic and unique character.

**12-3 ORGANIZATION.**

The Architectural Review Board shall organize itself as follows:

- (A) Creation. There is hereby created an Architectural Review Board (hereinafter referred to as the "ARB") to be composed of five members appointed by the Mayor and Council. Members shall have a demonstrated interest in, and/or competence and knowledge in fields such as architecture, planning, real estate, engineering, construction and law. It is the intent of Town Council that members shall, by reason of diversity in their individual occupations, constitute an ARB which is broadly representative of the residents of Pawleys Island. A member of the Pawleys Island Planning Commission, appointed by a majority of the planning commission and approved by the Council, may serve as an ex-officio member of the ARB.
- (B) Terms of office. Members shall serve a term of two years. Terms shall be staggered, so that the terms of three members shall expire in each odd-numbered year, and terms of two members shall expire in each even-numbered year. Members shall serve until their successors are appointed and qualified. A member who replaces another member in midterm shall serve out the remainder of the term. Newly appointed members shall be installed at the first regular meeting after their appointment.

(C) Removal of members. Members may be removed at any time by Council.

(D) Intent and purposes. By establishing the ARB and charging it with the responsibility to protect the architectural integrity of residential structures and the character of the Town of Pawleys Island, the town intends:

- 1) To safeguard the heritage of the town, by preserving the historic elements of cultural and architectural history, and to prevent undesirable development which would contradict them;
- 2) To ensure the preservation of historic design elements, and to prevent undesirable development which would contradict them;
- 3) To foster civic beauty and pride;
- 4) To assure respect for the character, integrity and quality of the built and natural environments of the town.

(E) Duties and powers. All new developments proposed within the town shall be subject to the procedures, standards and guidelines specified in the following sections, in addition to those standards pertaining to the particular zoning district in which the development occurs. This will be accomplished through evaluation of proposed developments by the ARB which shall review the character and appearance of the proposed developments in a positive manner. It is the purpose of the review to determine, in a cooperative fashion with the developer (hereinafter referred to as the "applicant"), whether the proposed plan meets the guidelines and other standards as specified herein.

(F) Organization and rules of procedures.

- 1) Rules. The rules of procedures are adopted pursuant to S.C. Code § 6-29-790.
- 2) Officers. The officers of the ARB shall be a Chairperson and a Vice-Chairperson elected for one-year term before the end of each calendar year.
- 3) Chairperson. The Chairperson shall be a voting member of the ARB and shall have the following duties:
  - a. Call meetings of the ARB;
  - b. Preside at meetings and hearings;
  - c. Act as spokesperson for the ARB;
  - d. Sign documents for the ARB;
  - e. Perform other duties approved by the ARB.
- 4) Vice-Chairperson. The Vice-Chairperson shall exercise the duties of the Chairperson in the absence, disability or disqualification of the Chairperson. In the absence of the Chairperson and Vice-Chairperson, the acting Chairperson shall be elected by the members present.
- 5) Meetings.
  - a. Time and place. All regularly scheduled meetings shall be open to the public, and conducted in accordance with state law. Parties in interest may



appear personally or by agent. Meetings shall be held when necessary, at the Pawleys Island Town Hall, 323 Myrtle Avenue. Special meetings may be held on the call of the Chairperson upon 24 hours notice, or at other times as the ARB may determine. Notices of meetings shall be posted and delivered to all members and the local news media, and shall designate the time and place of the meetings.

- b. Agenda. A written agenda shall be furnished by the Town Clerk to each member of the ARB and to the news media, and shall be posted at least five days prior to each regular meeting. Items may be removed from the agenda or postponed at a meeting by a majority vote.
- c. Quorum and compensation. A majority of the members (three) of the ARB shall constitute a quorum. A quorum shall be present before any business is conducted other than rescheduling the meeting. The members shall regularly attend meetings and public hearings of the ARB and shall serve without compensation, except for reimbursement for authorized expenses attendant to the performance of their duties.
- d. Rules of order. Robert's Rules of Order shall govern the conduct of meetings except as otherwise provided by these rules of procedures.
- e. Conflict of interests. Any member of the ARB who shall have a direct or indirect interest in any property which is the subject matter of or affected by a decision of the ARB shall be disqualified from participating in the discussion, decision or proceedings of the ARB in connection therewith.
- f. Motions. Motions may be made by any member other than the Chairperson. A motion to approve any matter before the ARB shall require a majority vote of the members present. Tie votes shall constitute a failure of the motion.

6) Appeals procedures. In accordance with S.C. Code 1976. § 6-29-900 et seq., any person having a substantial interest in a decision of the board may appeal to the circuit court for Georgetown County, by filing with the clerk of court a written petition setting forth plainly, fully and distinctly why the decision is contrary to law. The appeal must be filed within 30 days after the affected party receives actual notice of the board's decision.

7) Planning session. The ARB may be convened as a committee of the whole in the same manner as prescribed for calling a special meeting for the purpose of holding a planning session, provided that no official business shall be conducted, and no quorum shall be required.

#### **12-4 APPLICATION PROCEDURE.**

(A) Every proposal submitted for ARB consideration shall be in the application form required by the ARB. Any additional information may be required at the discretion of the ARB.

(B) All applications shall be accompanied by the filing fees established by the ARB from time to time.

#### **12-5 PRE-DESIGN CONFERENCE.**

The applicant is required to attend a pre-design conference with the zoning administrator prior to submitting an application to the ARB. The purpose of this review is to acquaint the applicant with the design standards applicable to his/her property.

#### **12-6 ARB MEETING.**

ARB meeting and consideration requires submission of all requirements as outlined in application requirements.

#### **12-7 APPLICATION REQUIREMENTS**

(A) The application must show in detail the proposed exterior of new construction, and must provide all information requested on the application form.

(B) Schematic design drawings. The applicant is required to submit schematic design drawings showing the following information for new development:

- 1) The name(s) of engineers, architects and the like;
- 2) The boundaries and dimensions of the proposed site or lot;
- 3) Locations and dimensions of the principal and any accessory buildings with distances from property boundaries indicated;
- 4) Location of all setbacks, easements and rights-of-way, both existing and proposed;
- 5) Boundaries of flood hazard areas.

(C) Photographs. Photographs shall include a general view of the street showing the building site and adjacent properties (street scales and buildings).

(D) Building plans. Building plans shall depict the arrangement of all floor plans, roof plans, building elevations and building sections. Second floor plan shall show the relationship between the second floor and first floor. The use of three-dimensional models are encouraged. All drawings are encouraged.

(E) Materials specification. Materials specification shall show samples, brochures, colors and/or photographs of all exterior materials, finishes and fixtures.

(F) Typical construction details. Typical construction details shall show footprints, general configurations and typical wall sections.

#### **12-8 ARB PROCEDURES FOR APPROVAL.**

(A) ARB action. The ARB shall review the application, and shall decide whether the proposed new construction complies with the design guidelines and standards as set forth herein. In acting upon the application, the board shall either issue their approval, including such conditions as it deems appropriate in conformance with the standards herein, or deny the application. Failure by the ARB to respond in any



way to an application within 45 days after submission thereof shall be deemed approval of such application. Actions shall be taken by majority vote of those board members in attendance.

- 1) The applicant shall have the right to be heard before the board, and to make such presentation as he/she deems appropriate to explain the application and answer questions posed by the board members.
- 2) The board may request the submission of additional or clarifying information and materials, and may postpone action on an application to a special meeting or the next regularly scheduled meeting to consider this input.
- 3) Similarly, the board may postpone action on an application to a special meeting or the next regularly scheduled meeting in order to provide notice to affected property owners, or to call a public hearing on the application.
- 4) The approval shall be signed by the Chairperson of the board, and a copy shall be delivered to the town's zoning administrator. Any approval shall expire 12 months from and after its issuance if the development as planned has not been commenced or adhered to, whereupon the application must be re-submitted subject to the ordinances and architectural review standards in effect at the time of the re-submission; provided, however, that for good cause shown said approval may be extended by the ARB for up to two additional periods not to exceed 12 months each.
- 5) Denials shall include a statement in the record of the reason(s) therefore and the zoning administrator shall so inform the applicant in writing.

(B) Exceptions to specific standards. The town recognizes that from time to time, these architectural review standards may present difficulties to property owners who wish to build a new home. Accordingly, the ARB may, but is not required to, grant an exception to a specific standard set forth in the manual if it expressly finds:

- 1) The proposed construction will adhere to the traditional "Pawleys Island" design;
- 2) The proposed construction will not adversely affect other structures in the vicinity, or diminish the character of the town;
- 3) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography; and
- 4) The application of the architectural review standards on this particular piece of property would create an unnecessary hardship for the applicant.

#### **12-9 ARCHITECTURAL REVIEW DESIGN GUIDELINES.**

Pawleys Island is a coastal community that is committed to maintaining and preserving its historic character. In reviewing proposals, the ARB shall use as a guide the Town of Pawleys Island Architectural Design Guidelines manual (the "manual") as adopted by the Council and as may, from time to time, be amended upon recommendation of the ARB and approval of the Planning Commission and the Council.

#### **12-10 ENFORCEMENT.**

Violations of this ordinance are violations of the town's zoning ordinance, and may be punished as set forth therein. The town's codes enforcement officer(s) and other town officials, directly empowered by written notice of the zoning administrator, are hereby designated as enforcement officers for the purpose of enforcing the terms of this ordinance, and shall have the power to issue citations for the violation of this ordinance, in accordance with the provisions of the Town of Pawleys Island Unified Development Ordinance.

This Ordinance shall take effect on July 1, 2021.

Adoption of the foregoing Ordinance moved by Ashley Carter and seconded by Rochy Holliday and after discussion and call to vote thereon, the vote was as follows:

Those in favor: Brian Henry, Sarah Zimmerman, Ashley Carter, Rochy Holliday, Guerry Green.

Those opposed:

None

Date of first reading: May 17, 2021

Date of second reading: June 14, 2021

APPROVED

  
BRIAN HENRY, MAYOR

DATE:

6-22-21

ATTEST:

  
PRESTON JANCO, TOWN CLERK

DATE:

6-22-2021