

ARTICLE IV. GENERAL PROVISIONS

400 Continuance of nonconforming uses. Nonconforming uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. However, to avoid undue hardship, the lawful use of any building or land at the time of the enactment of this Ordinance may be continued even though such use does not conform with the provisions of this Ordinance except that the nonconforming building or land use shall not be:

400.1 Changed to another nonconforming use.

400.2 Reestablished after discontinuance for one year.

400.3 Repaired, rebuilt, or altered after damage exceeding fifty percent of its replacement cost at the time of destruction. Reconstruction shall begin within six months after damage is incurred.

400.4 Enlarged or altered in a manner which increases its nonconformity.

400.5 Replaced by a nonconforming use of the same type (refers to mobile homes).

Editor's note: At the request of the city, an ordinance adopted Nov. 18, 1999 amended the above § 400(400.5) to read as herein set out.

400.6 Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official. (Ord. of 11-18-99)

401 Reserved. (removed 4-20-06)

401.1 The date on which the nonconforming land use listed must cease shall be set forth on the Certificate of Occupancy for each, and if an extension is granted, the termination date of such extension shall be added to the Certificate of Occupancy.

TABLE INSET:

Nonconformities	In Districts	To Be Discontinued Within	Extension Permitted
Automobile wrecking, junk, scrap or salvage yards	All but Heavy Industrial District	2 years	6 months
Automotive storage and sale lots, outdoor storage yards for lumber, building materials, and contractor's equipment	Residential	2 years	6 months

Fences, hedges and signs impeding vision at intersections	All	180 days	30 days
Off-site signs	All	5 years	1 year
Freestanding mailboxes, newspaper receptacles and other similar structures on private property	Historic Buildings District	90 days	30 days
Fluttering ribbons, banners and flags	All	90 days	30 days

(Ord. of 12-14-2000, § 1)

402 Off-street parking. Off-street automobile storage or parking space shall be provided on each lot on which any of the following uses are hereafter established except in the Core Commercial District. The number of parking spaces provided shall be at least as great as the number specified herein for various uses. When application of said provision results in a fractional space requirement, the next larger requirement shall prevail.

402.1 Site plan submission requirements. As part of the normal site plan requirements of the Zoning Ordinance, parking and landscaping plans shall be provided to the Building and Planning Department for review. These plans shall clearly illustrate the proposed parking layout in relation to the building site, and the location of the required landscaping buffers. Additionally, a proposed planting plan shall detail the location and species of all plants used to fulfill these requirements. The plans need not necessarily be prepared by a registered architect or landscape architect. Information regarding the proposed surfacing of the lot shall also be included.

402.2 Parking space and aisle dimensions. Regular parking spaces intended for the use of standard sized automobiles shall have a minimum dimension of nine feet by eighteen feet for non-angled spaces. Compact car parking stalls shall have a minimum size of seven feet by fifteen feet, and may account for a maximum of ten per cent of the total spaces provided. All compact stalls shall be marked by appropriate signage with a sign face no larger than one hundred square inches.

402.201 Angled parking stalls. When angled parking stalls are chosen, they shall be provided with the dimensions illustrated in the Approved Plant and Parking Space Dimension List maintained by the building and planning department; and shall require the provision of traffic circulation aisle widths specified below according to the degree of angle.

402.2011 Angled stalls, required aisle widths, one-way traffic:

TABLE INSET:

<i>Angle of Stall (degrees)</i>	<i>Required Aisle (feet)</i>
45	13
60	18
80 or 90	22

402.2012 Aisle width, two-way traffic. Twenty-two feet, regardless of angle.

402.202 *Parallel parking.* Parallel parking stalls for standard sized automobiles shall have a minimum size of eight feet by twenty-three feet, and seven feet by nineteen feet for compact autos. All parallel parking stalls shall have a minimum of twelve feet for maneuvering space in one-way traffic and twenty-two feet maneuvering space for two-way traffic.

402.3 *Handicapped parking requirements.* The table below shall govern the minimum number of handicapped spaces that must be provided on the lot. Handicapped stalls shall have a minimum size of twelve feet by eighteen feet, and shall be adjacent to a three-foot-wide handicapped-accessible sidewalk that allows easy access to the building entrance. In the event of a conflict in the number of spaces required under the provisions of the Standard Building Code, as adopted, the stricter regulations shall apply.

TABLE INSET:

<i>Total Spaces in Lot</i>	<i>Required Handicapped Spaces</i>
Up to 25	1
26 to 50	2
51 to 75	3
75 to 100	4
101 to 150	5
151 to 200	6
Over 200	4% of total

402.301 *Handicapped signage requirements.* Handicapped stalls shall each display one handicapped parking sign (international symbol of access) and the parking surface shall be identified with the handicapped parking symbol and suitable pavement striping. Handicapped stalls shall be situated as close to building entrances as is feasible.

402.4 *General parking requirements.* All parking lots containing six or more spaces shall be composed of a dust-free surface, such as asphalt paving, concrete, pea-gravel, or slag. Grass turf in the form of commercially produced sod shall be allowed for parking lots containing between six and ten spaces (inclusive); but must be properly maintained by the property owner and replaced when necessary to repair damage from vehicular or pedestrian traffic. The first ten feet of any access driveway, measured from the edge of pavement of the street, shall be surfaced in a manner consistent with the surfacing material of the street that the driveway accesses. Coquina and/or dirt lots shall not be permitted. The property owner is encouraged to utilize porous pavers bricks or asphalt where feasible to allow surface water runoff to infiltrate the earth without leaving the lot.

402.401 *Delineation of parking stalls.* For all parking lots, regardless of the number of spaces and the manner in which they are surfaced, each individual stall shall have its dimensions clearly marked with white or yellow traffic paint if the lot is

surfaced with concrete or asphalt; and with four inch by four inch by twelve foot or larger landscape timbers firmly anchored to the parking surface for lots surfaced in any other acceptable manner. A four inch by four inch by eight foot timber shall be installed across the front of such stalls to act as a wheel stop.

402.402 Protection of landscaping. Stalls shall be arranged in such a manner as to not allow any part of an automobile to overhang across any required buffer strip if such overhang can endanger the required landscaping, (i.e. bumper overhangs knocking over shrubs). To accomplish this, the property owner shall be required to protect landscape buffers and islands with concrete border curbing, or in the case of parking lots that are not surfaced with asphalt or concrete, large landscape timbers, or railroad ties.

402.403 Provision for backing-room. Individual parking stalls located in parking pods that do not have through-access shall not be allowed to abut a property line of landscaping buffer in such a manner that there is no room for backing an automobile out of the stall. Parking stall layout shall include a turn-around area of a minimum dimension as wide as the corresponding aisle and ten feet deep to prevent this.

402.5 Landscaping requirements. Off-street parking areas containing six or more parking spaces shall be required to reserve a five-foot-wide buffer strip along the exterior lot lines surrounding all automobile circulation and parking areas. The exception to this is when a commercially zoned property does not abut any residentially used or zoned parcels. In this case, the property owner shall be exempt from having to provide the buffer along the rear yard property line if the rear yard is used only for merchandise delivery and employee parking. Any customer parking that is located in the rear yard negates this exception. Within this buffer, trees and shrubs shall be planted of a height and density to be determined by the Approved Plant and Parking Space Dimension List.

402.501 Trees in buffer areas. Regardless of varieties used, an approved tree must be planted at least every thirty feet, with some species requiring smaller spacing, as determined by the Approved Plant and Parking Space Dimension List. A maximum of fifty per cent of the required trees may be of the ornamental variety, as determined by the plant list, with the remainder being shade trees. In addition, no more than ten per cent of required trees may be represented by any pine species.

402.502 Shrubs in buffer areas. The area between the required trees shall be planted with a dense strip of bushes or other shrubbery that provides maximum opacity, while not inducing overcrowding of planted material. Existing shrubs and trees that are on the approved plant list and meet the minimum size requirements may be counted toward fulfilling this requirement. Trees and shrubs may be planted in a staggered pattern within the required buffers, as opposed to a straight row, to provide for a more visually appealing buffer.

402.503 Owner's maintenance of planted materials. All plants used for landscaping shall be indigenous to this climate and shall be properly maintained in a healthy, controlled manner by the property owner. Any required planting material that dies

or is allowed to lapse into a state of unhealthiness shall be replaced by the property owner during the species' growing season.

402.504 Alternate designs allowed. The Planning Commission may, at its discretion, approve an alternate buffer design incorporating visually appealing fencing or earthen berms. The Building and Planning Department may, at its discretion, approve alternate species not included on the approved plant list if the property owner submits a letter from a registered landscape architect, horticulturist, botanist, or plant nursery operator stating that the growing conditions in the City favor the healthy growth and maintenance of that species. The Building Department may also require landscaping to be installed in locations left empty from the parking layout, such as corner islands associated with angled parking layouts, etc., at its discretion.

402.505 Access between adjacent lots. One access drive of twenty feet in width shall be allowed to connect adjacent parcels every one hundred linear feet, if both property owners so desire. This drive may cut through the required side or rear yard perimeter buffer. A notarized letter of agreement signed by both property owners in question shall be provided to the Building Department before an access drive may be allowed between adjacent parcels.

402.506 Parking lots abutting residentially used or zoned parcels. Wherever a parking lot abuts a residentially used or zoned property, the required buffer strip shall be ten feet in width along the property line separating them. The property owner shall then have the option of doubling the amount of planted material provided in the buffer strip by staggering the distribution of the plants, or installing a fence or wall constructed of suitable materials (to be determined by the Zoning Administrator) in addition to the normal amount of landscaping materials for a five-foot buffer strip.

402.507 Interior landscape islands. For parking areas containing twenty-five or more spaces the property owner shall reserve at least fifteen per cent of the total lot area minus the square footage of the building(s) footprint for internal landscape islands in addition to any other buffering requirements. These islands are to be at least fifty square feet in size and arranged in such a manner as to break up broad expanses of paving and provide directional guidance for both vehicular and pedestrian traffic flows. No individual island may be less than five feet in width. At least seventy-five per cent of the required landscape islands must be located in that section of the parking lot that contains the majority of customer parking. The property owner is encouraged to landscape in areas immediately surrounding the principal building itself. To allow for this, a maximum of fifteen per cent of the required square footage of internal landscape islands may be accounted for with exterior building landscape treatments. These islands shall be planted in a manner similar to the required perimeter buffer strips. Grouping of trees is encouraged in the islands for visual appeal and variety.

402.508 Landscaping in sight triangles. No landscaping that obscures vision may be placed in any required sight triangle. The property owner is encouraged to plant low-growing (never exceeding heights of three or more feet) ground cover as recommended in the approved plant list within the sight triangles to provide a visually appealing treatment of the entrances to the parcel. Trees whose lowest

branches and canopy exceed ten feet in height may also be used in the sight triangle.

402.6 Timing of installation of required improvements. Parking lots, with their attendant landscaping, must be completed before the issuance of a Certificate of Occupancy (CO), or in the case of a building remodeling or addition which does not require a CO, as a condition of the issuance of a building permit or business license. However, under certain circumstances such as unavailability of contractors, poor weather, or seasonal limitations to planting, the property owner may obtain a conditional Certificate of Occupancy or business license, contingent upon the completion of the parking and landscaping improvements detailed on the approved site plan within a specified time frame to be decided by the Building Department, but not to exceed six months from the date of issuance. Failure to install the necessary parking and landscaping by the specified date shall be considered a misdemeanor, and shall be punishable by a fine of up to two hundred dollars and/or thirty days in prison for each offense, with each day of noncompliance being considered a separate offense. Under cases of special hardship, the Building Department may, at its discretion, grant one extension of up to thirty days to the specified completion date, upon written request of the property owner.

402.7 Nonconforming parcels. Any use governed under these provisions that locates in an existing building on a parcel that was nonconforming as of 12-15-94 [S.C. Code of Laws], with respect to any parking and/or landscaping provision shall be exempt from the landscaping provisions herein; except those uses which are required to provide ten per cent more parking spaces than were required of, or provided by, the previous occupant of the structure. For parcels that do not meet the minimum size requirements of the Zoning Ordinance, the Building Department may, at its discretion, grant up to a twenty-five-per cent variance on the number of parking spaces required, or any landscaping provision herein. If that does not provide sufficient relief, the property owner may submit a formal application to the Board of Zoning Appeals for further relief. No expansion of an existing business that is nonconforming with respect to these parking and landscaping standards may occur unless the property owner agrees to bring the use into full compliance. The exception to this rule exempts commercial developments of two or more businesses located in a common building and utilizing shared parking on one parcel of land (such as strip shopping centers, malls, etc.). Any new use or combination of uses which cause the total number of parking spaces required under these provisions to exceed one hundred and ten per cent of the total number of existing spaces on the nonconforming parcel shall require the property owner to bring the entire parcel into compliance with all parking and landscaping provisions herein.

402.8 Uses.

402.800 Adult day care centers, mini adult day care centers, family adult day care centers: One space per employee plus one space for each five adults enrolled. A pickup zone shall be provided with one unloading space per twelve adults. Unloading and loading of adults from vehicles shall be permitted in the driveway, approved parking area, or directly in front of the facility.

- 402.801 *Auction house.* One space per two patrons seats.
- 402.802 *Automatic teller machine.* When separated from the parent bank (not on the same parcel), two spaces per machine. When machine is located on the same parcel as the parent bank, one space per machine.
- 402.803 *Automobile repair garage.* One space for each employee on the largest shift, plus two spaces for each repair bay or service space. If automobile parts are sold as an ancillary retail use within the same building, one space for each two hundred and fifty square feet of such use shall be provided in addition.
- 402.804 *Banks and financial institutions.* Three waiting spaces per drive-in service unit plus one space per employee on the largest shift, plus one space per four hundred square feet of gross floor area.
- 402.805 *Beauty parlors, barber shops, tanning salons.* One space per employee, plus one space per customer service chair or bed.
- 402.806 *Bingo.* One space per three customers, based on the maximum service capacity.
- 402.807 *Car wash, full service.* One space per each employee on largest shift; plus one space for drying; and stacking room for two cars per washing bay. A washing bay is not considered a space.
- 402.808 *Churches.* One space for every four seats in main sanctuary.
- 402.809 *Convenience stores.* One space per each one hundred square feet of retail floor area.
- 402.810 *Day care centers, mini care centers, and family day care homes.* One space per employee plus one space per six children. A pickup zone shall be provided with one unloading space per twelve children. Unloading and loading of children from vehicles shall be permitted in the driveway, approved parking area, or directly in front of the facility.
- 402.811 *Dry cleaning operation.* One space for each employee on the largest shift, plus three customer spaces.
- 402.812 *Dwellings:*
- 402.8121 *Single-family and mobile homes:* Two spaces.
- 402.8122 *Multi-family:* Two spaces per unit.
- 402.8123 *Group dwellings:* One space per guest room.
- 402.8124 *Duplex Dwellings:* Four spaces.
- 402.813 *Eating and drinking establishments.* One space for each employee, plus one space for each three customers based on the maximum capacity of the facility as determined by the Fire Department.

402.814 *Eleemosynary institutions, clubs, charity halls, lodges.* One space for every three persons based on the maximum seating capacity as determined by the Fire Department.

402.815 *Equipment rental.* One space per two hundred square feet of gross floor area.

402.816 *Funeral homes.* One space for each four seats in the chapel or parlor.

402.817 *Gasoline service stations and similar establishments without associated convenience marts.* Four spaces for each bay or similar facility, plus one space for each employee.

402.818 *Grocery or supermarket.* One space per one hundred square feet of retail and service floor area, plus one space for each five hundred square feet of gross storage area.

402.819 *Health club or gymnasium.* One space for each four persons to maximum capacity plus one per employee on largest shift.

402.820 *Hospitals and nursing homes.* One space for each two staff or visiting doctors, plus one space for each two employees and one space for each four beds, computed on the largest number of employees on duty at any period of time.

402.821 *Hotels and motels.* One space for each four employees plus one space for each guest room.

402.822 *Indoor recreation facility, including but not limited to, arcades, bowling alleys, miniature golf, swimming pools, dance halls, billiard parlors, skating rinks, racquet and handball courts when not part of a health club, etc.* One space per two hundred fifty square feet of gross area; or one space for every three patrons to the maximum capacity of the facility as determined by the Fire Department, whichever is greater.

402.823 *Industry.* One space for each three employees, computed on the largest number of persons on the premises at any period during the day or night.

402.824 *Junkyards.* One space per ten thousand square feet of gross land area.

402.825 *Laundromat.* One space per each two washing machines, plus one space for facility manager.

402.826 *Libraries or museums.* One space per two hundred and fifty square feet of gross floor area, plus one space per employee.

402.827 *Marinas:*

402.8271 *Wet slip marinas.* One space for each five slips utilized for long-term dockage. If a boat landing is provided, ten per cent of the total required spaces shall be large enough to accommodate cars or trucks with boat trailers attached. Typical dimensions for such stalls are ten feet wide and thirty-five feet long.

402.8272 *Dry slip marinas.* One space for each five berths.

402.828 *Mini-warehouses.* One space per ten storage cubicles, plus one space per employee, plus one space for twenty-five cubicles, to be located at the warehouse office.

402.829 *Offices:*

402.8291 *Medical.* One space for each three hundred square feet of floor area.

402.8292 *Other.* One space for each four hundred square feet of floor space.

402.830 *Oil change/lubricating shop.* One space per employee on the largest shift, plus two spaces per service bay. A service bay itself is not construed to be a space.

402.831 *Places of public assembly.* One space for each five seats in the principal assembly room or area.

402.832 *Recreation and amusement areas without seating capacity.* One space for each five customers, computed on a maximum service capacity.

402.833 *Retail businesses, shopping centers, and similar uses.*

402.8331 *Retail, single tenant uses.* Number of stalls is based on size of retail floor area:

402.8331.1 Retail floor area less than 1,000 square feet:

Minimum required. One stall plus one stall for each 200 square feet of retail floor area or fraction thereof.

Maximum allowed. One stall for each 100 square feet of floor area.

402.8331.2 Retail floor area between 1,000 and 5,000 square feet:

Minimum required. Three stalls plus one for each 250 square feet of retail floor area.

Maximum allowed. Three stalls plus one for each 200 square feet of retail floor area.

402.8331.3 Retail floor area between 5,000 and 50,000 square feet:

Minimum required. Eight stalls plus one stall for each 300 square feet of retail floor area.

Maximum allowed. Eight stalls plus one stall for each 250 square feet of retail floor area.

402.8331.4 Retail floor area over 50,000 square feet:

Minimum required. Thirty-three stalls plus one stall for each 350 square feet of retail floor area.

Maximum allowed. Thirty-three stalls plus one stall for each 300 square feet of retail floor area.

402.8332. *Mini shopping centers:*

Minimum required. One stall for each 300 square feet of retail floor area.
Maximum required. One stall for each 250 square feet of retail floor area.

402.8333. Regional shopping centers:

Minimum required. Eight stalls plus one for each 350 square feet of retail floor area.

Maximum allowed. Eight stalls plus one for each 300 square feet of retail floor area.

402.834 Schools. One space for each faculty member, plus one space for each three nonbussed pupils, except in junior high and elementary schools, where the ratio for pupils shall be one space for each twenty students. For colleges, the required spaces shall be one for each employee on the largest shift, plus one space for each two students during the largest attendance period of the day.

402.835 Sexually oriented business. One space per three patrons based on the maximum capacity, which shall be determined by the Fire Department and/or Zoning Administrator.

402.836 Taxi stand. One space per employee on largest shift, plus one space per taxi.

402.837 Tennis courts. Three spaces per court.

402.838 Vehicle sales and/or service. One space per two hundred square feet of gross retail floor area, plus one space per employee on the largest shift.

402.839 Warehouse. One space per four thousand square feet of gross floor area, plus one space per two employees on the largest shift.

402.840 Wholesale business. One space for each three employees based on a maximum seasonal employment.

402.841 Special development: Theme parks, unusual land uses and uses not covered herein will be determined by the Zoning Administrator.

402.842 Parking on other property. If required off-street parking space cannot be reasonably provided on the same lot on which the principal use is conducted, the Zoning Administrator may permit such space to be provided on other off-street property, provided such space lies within four hundred feet of the main entrance of such principal use. Such vehicle parking space shall be associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.

402.843 Extension of parking space into a residential district. Required parking space may extend up to one hundred twenty feet into a residential zoning district, provided that:

402.8431 The parking space adjoins a commercial or industrial district;

402.8432 Has its only exit to or fronts upon the same street as the property in the commercial or industrial district from which it provides the required parking space; and

402.8433 Is separated from abutting properties in the residential district by a buffer strip.

403 *Off-street loading and unloading space.* On every lot on which a business, trade, or industrial use is hereafter established, except in the Core Commercial and Intermediate Commercial Districts, space with access to a public street or alley shall be provided as indicated below for the loading and unloading of vehicles off of the public street or alley.

403.1 *Retail business:* One space of at least twelve by twenty-five feet for each three thousand square feet of floor area or part thereof.

403.2 *Wholesale and industrial:* One space of at least twelve by fifty feet for each ten thousand square feet of floor area or part thereof.

403.3 *Bus and truck terminal:* Sufficient space to accommodate the maximum number of buses or trucks that will be stored or loading or unloading at the terminal at any one time.

404 *Vision clearance.* In all zoning districts established by this Ordinance, except the Core Commercial District and Intermediate Commercial District, no fence, wall, shrubbery, sign, sign structure, building or other obstruction to vision between the height of three feet and ten feet above finished street grade shall be located within the triangular area created by connecting points located on the property line a distance of ten feet and forty feet, respectively, from the corner of all intersections, including driveway intersections, as illustrated below:

405 *Ingress and egress.* A plan for adequate and safe ingress and egress for all land uses shall be required.

406 *Flood protection.* Any structure proposed to be located within a flood hazard area as indicated on the Flood Insurance Rate Map shall meet the requirements of the City of Georgetown Flood Damage Prevention Ordinance.

407. *Board of Architectural Review* In order to achieve the purpose of the Historic District and in accordance with Section 6-29-870 of the Code of Laws of South Carolina, 1976, as amended, a Board of Architectural Review is hereby created. 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.

407.1 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, 1976, 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.

407.2 Powers and duties of the Board of Architectural Review. The Board of Architectural Review shall have the following powers and duties:

(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 in the Historic Buildings District, 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) the Board may conduct first review and evaluation of all proposed nominations for the National Register of Historic Places for properties that are within its jurisdiction, prior to consideration by the State Board of Review. The Board may send their recommendations to the State Historic Preservation Office for consideration at the meeting of the State Board of Review. The State Board of Review has final review authority to nominate properties directly to the National Register. This section shall not apply to gravestones, monuments or memorials located on church or synagogue property.

(7) 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.

407.3 Criteria for Historic Designation. The Board shall review the local inventory and 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.

407.31 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.

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

407.33 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.

Editor's note: An ordinance adopted August 17, 2000 added a new § 407.3 as set out above, deleting the former § 407.3, which pertained to decisions of the Board of Architectural View, and added a new § 407.4 as set out below, thereby renumbering former §§ 407.4 and 407.5 as §§ 407.5 and 407.6.

407.4 Decisions of the Board of Architectural Review. 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. Any Board member who has a personal or financial interest, either directly or indirectly, in any property which is the subject of, or affected by, a decision of the Board shall be disqualified from participating in the decision of the Board concerning the property.

407.5 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.

407.51 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.

407.52 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.

407.6 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.

(Ord. of 8-17-2000, §§ 1--4; Ord. of 1-16-2003; Ord. of 9-16-04)

408 Amusement machines. No more than six amusement machines of any class as defined herein may be located and/or operated upon any premises within the City, except in the General Commercial and Intermediate Commercial zoning districts. Of the maximum number of machines allowed, no more than three may be Class III machines as defined in this Ordinance [article].

409 Reserved.

410 Reserved.

411 Bed and breakfast inns. Bed and breakfast inns are subject to the following requirements:

411.1 Bed and breakfast inns in any district may have a total of one sign (other than approved directional signs) whose size may not exceed ten square feet, and whose design must be approved in advance by the Board of Architectural Review if the structure is located within the Historic Buildings District.

411.2 Parking areas (excluding driveways and handicapped stalls) for bed and breakfast inns shall not be surfaced with any impervious material such as concrete or asphalt. All required parking must be accommodated entirely on-site and must meet the design criteria under Section 402 of this Ordinance. Stacking of parking spaces shall not be allowed.

411.3 Bed and breakfast inn operators may serve one morning meal to each registered guest, but may not serve an afternoon or evening meal, except the operator may offer an "English Tea Service" as defined herein, under the following circumstances:

411.31 English tea services may be offered on no more than three days in any week.

411.32 English tea services may be offered no more than twice on any given day.

411.33 English tea services may be offered to registered guests of the inn, or to visitors who make advanced registration. No walk in traffic shall be allowed.

411.4 Bed and breakfast inns shall be subject to all of the parking and landscaping provisions of Section 402.5 of this Ordinance.

411.5 Bed and breakfast inns are conditionally allowed in the R-1, R-2, R-3, R-4, NC, and CC Zoning Districts. A complete site plan must be submitted to the Zoning Administrator. Such plan shall detail the building location, parking layout, landscaping/buffer requirements, if applicable, and proposed number of rental units.

412 *Access to vessels containing gambling devices prohibited.* No property, real or personal, within the corporate limits of the City of Georgetown may be used either directly or indirectly to embark or disembark passengers on a vessel containing gambling devices. The term gambling device means any device which, when operated, may deliver as the result of application of an element of chance, any money or property, or by the operation of which a person may become entitled to receive, as the result of the application of an element of chance, any money or property. No vessel containing gambling devices is allowed within 1,000 feet of a public park, school, church or any residential use located within a residential zoning district.
(Ord. of 1-17-2002)