

the city, or the county, or the public of the dedication of any street or other ground shown upon the plat. Upon receipt of the plat, City Council shall determine the acceptance or non-acceptance of all dedicated streets, easements, rights-of-way, public parks, and other public lands as shown on the plat. If accepted by the city, action to that effect shall be noted on the Final Plat; if not accepted, the reasons for non-acceptance shall be so stated.

- d. It shall be unlawful to sell or transfer property (lots) within the approved subdivision until after the plat has been recorded with the Register of Deeds Office.
- B. **Subdivision in Phases:** Whenever part of a tract is proposed for platting, and it is intended to subdivide additional parts in the future, or abutting land is in the same ownership, a sketch plan for the entire tract shall be submitted with the plat.

## 9.10: CERTIFICATE OF APPROPRIATENESS

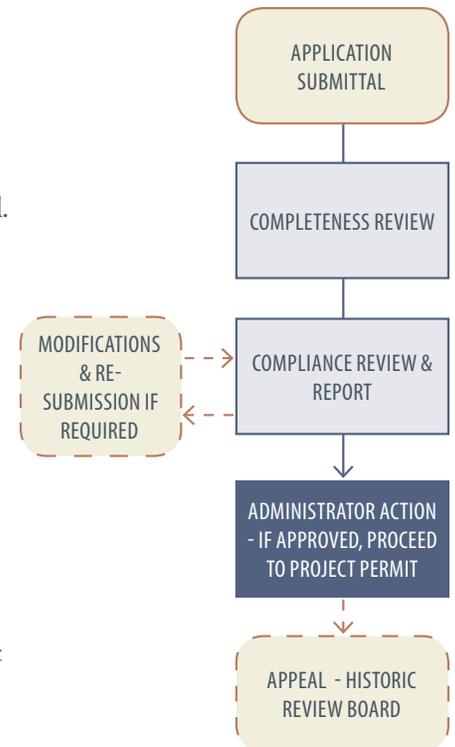
### 9.10.1 APPLICABILITY

A Certificate of Appropriateness shall be required for any construction activity in any historic district, including:

- 1. New structures
  - 2. Modification to, or expansion of, existing structures, including those that apply for the Bailey Bill Special Tax Assessment for Rehabilitated Historic Properties
  - 3. Relocation of any existing structure
- C. Demolition or partial demolition of any structure

### 9.10.2 PROCESS AND APPROVAL

- A. **Process Type:** The review process required to approve Certification of Appropriateness is based on the following project types:
- 1. **Minor:** Administrative review shall apply to applications for Certification of Appropriateness for the following items. The Administrator may submit any applications that are subject to staff approval to the Historic District Review Board (HRB) for approval.
    - a. Changes to a building or property, to include fences, paint color, roof materials, canopies and awnings, site changes, and window replacements on noncontributing structures
    - b. New construction and building modifications to include construction of non-habitable accessory buildings in the Beaufort Preservation Neighborhood
    - c. Modifications to non-contributing structures in the BCN
    - d. Demolitions of non-contributing structures in the BCN
    - e. Demolition or partial demolition of a structure that is listed in the “1997 Beaufort County Historic Sites Survey,” or the most recent historic sites survey, and lies outside the Beaufort Historic District.
    - f. Demolition of noncontributing accessory structures (e.g., sheds, carports, etc.).



Such approval shall follow the procedures for Development Design Review-Minor (Section 9.8.1).

2. **Major:** Discretionary review by the HRB shall apply to all other applications for Certificates of Appropriateness.

3. **Design Exception:** Design Exceptions shall be used to modify any dimensional standards or design requirements, found in Articles 2 and 4, for development projects that have unique characteristics that justify a deviation from the underlying standards. Such deviations are intended to provide flexibility from the underlying standards to permit compatible development patterns which are indicative of the surrounding area and/or use an innovative approach or technique. The process is intended to provide the minimum relief necessary to create a more innovative and context-sensitive development consistent with the City’s adopted plans. This tool is not intended to circumvent the map amendment (rezoning) procedure where that tool would provide a similar modification of standards.

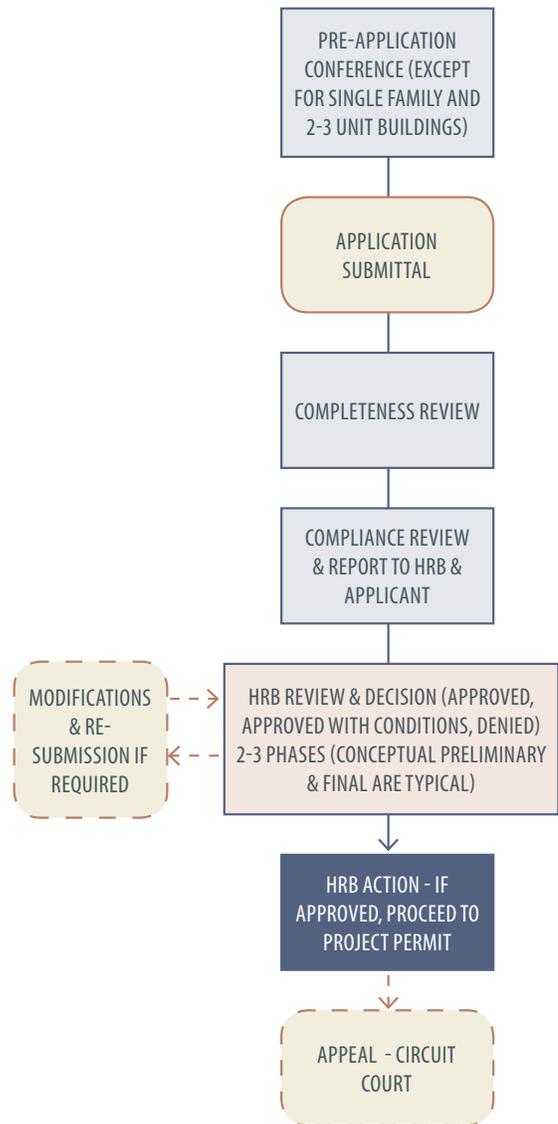
a. **Applicability:** The HRB shall have the authority to authorize a variance of up to 35 percent from any numerical standard set forth in Article 2 (Maps and Districts) —except for Section 2.6, Height and Section 2.7.4, Air Installation Compatibility Use Zone (AICUZ) overlay district standards — and Article 4 (Building Design and Infill Standards).

b. **Review Criteria:** The HRB may approve an application for a Design Exception where it reasonably determines that there will be no significant negative impact upon residents of surrounding property, or upon the general public. The board shall consider the following criteria in its review:

- i. **Compatibility:** The proposed exception is appropriate for its location. It is compatible with the character of surrounding properties and the development permitted by the zoning of the surrounding properties, and will not reduce property values of surrounding properties.
- ii. **No Adverse Impact:** The design of the proposed exception minimizes adverse effects including visual impacts of the proposed use on surrounding properties; furthermore, the proposed exception does not create a nuisance for surrounding properties .
- iii. **Consistency with Adopted Plans:** The proposed development is in general conformity with the City’s Comprehensive Plan, Civic Master Plan and other plans officially adopted by the City

B. **Guidance Standards, Maintenance of Consistent Policies:** In order to provide guidance and insight into desirable goals and objectives for the Beaufort Historic District, the documents described in this section are hereby adopted for use by the HRB in the exercise of its authority granted under Section 10.7 of this Code.

1. The “Beaufort Preservation Manual,” August 1979, and the “Beaufort Preservation Manual, Supplement,” August 1990, shall be utilized by the HRB for review of projects located within the Beaufort Preservation Neighborhood.



2. The “Northwest Quadrant Design Principles,” May 1999 shall be utilized by the HRB for the review of projects located within the Beaufort Conservation Neighborhood.
  3. The Secretary of Interior’s “Standards for Rehabilitation” shall be utilized for review of all projects that modify a contributing structure.
  4. The Building Design Standards, in Article 4 of this code, shall be utilized for review of all new construction.
  5. The Historic District Infill Design Guidelines, in Section 4.7 of this Code, shall be utilized for review of all new construction.
  6. Any special area policies adopted by the HRB
- C. **Approval of Certificate of Appropriateness:** In reviewing an application, the HRB shall conduct a public meeting and consider, among other things, the historic, architectural and aesthetic features of such structure, the nature and character of the surrounding area, the use of such structure and its importance to the city, the character and appropriateness of design, scale of buildings, arrangement, texture, materials and color of the structure in question, and the relation of such elements to similar features of structures in the immediate surroundings. The HRB shall not consider the interior arrangement or interior design unless the interior arrangement or design affect the exterior appearance, nor shall it make requirements except for the purpose of preventing developments that are not in harmony with the prevailing character of the Beaufort Historic District, or that are obviously incongruous with this character.
- D. **Demolitions**
1. In all applications involving the demolition of a contributing primary structure or contributing accessory structure, provisions shall be made for a public hearing as set forth in Section 9.1.5. Demolition of non-contributing structures are approved by the Administrator.
  2. In any case involving the demolition or partial demolition of a structure, before granting approval or requiring a postponement, the HRB may call on the Administrator to provide them with a report on the state of repair and structural stability of the structure under consideration.
  3. Upon receiving an application for demolition or partial demolition of a structure that is listed in the “1997 Beaufort County Historic Sites Survey” and lies within the limits of the city but outside the Beaufort Historic District, the Administrator, within 30 days of receiving the application, shall either approve it, or find that the preservation and protection of historic places and the public interest will be best served by postponing the demolition for a designated period — this shall not exceed 60 days from the receipt of the application, and notify the applicant of such postponement. The application will be announced to the public in accordance with the notification standards set forth in Section 9.1.3. Within the period of postponement of demolition or alteration of any building, the Administrator shall take steps to ascertain what may be done to preserve the building, including consultation with private civic groups, interested private citizens and other public boards or agencies, including investigation of the potential use of the power of eminent domain when the preservation of a given building is clearly in the interest of the general welfare of the community and of certain historic and architectural significance.
- E. **Denial of Certificate of Appropriateness:** The HRB may refuse any application that, in the opinion of the HRB, does not comply with the standards and guidelines listed in Section 9.10.2.B and thus would be detrimental to the interests of the city. In case of disapproval, the HRB shall state the reasons therefore in a written statement to the applicant, and may give verbal advice to the applicant and make recommendations in regard to appropriateness of design, arrangement, texture, material, color, etc. of the property involved.
- Among other grounds for considering a design inappropriate and requiring disapproval and resubmission are the following defects:
1. Arresting and spectacular effects
  2. Violent contrasts of materials or colors and intense or lurid colors

3. A multiplicity or incongruity of details resulting in a restless and disturbing appearance
  4. The absence of unity and coherence in composition, that is not in consonance with the dignity and character of the present structure, in the case of repair
  5. Construction of, remodeling, or enlargement of an existing building in a manner not consistent with the prevailing character of the neighborhood
- F. **Issuance of Certificate of Appropriateness:** When a Certificate of Appropriateness and Building Permit have been issued, the Administrator shall, from time to time, inspect the alteration or construction approved by such certificate and may report such inspection to the HRB listing all work inspected and reporting any work that is not in accordance with such certificate, or that violates any ordinances of the city.
- G. **Resubmittal:** After disapproval of an application, the applicant may make modifications to the plans and resubmit. The applicant may not resubmit the same proposal, without modifying it based on HRB comments, for 12 months from the date of the original submission. Reconsideration of an application for demolition that has been denied by the HRB may not be heard until 12 months from the date of the original public hearing, unless a major change has occurred in the property condition that is attributable natural causes.
- H. **Appeal - Minor:** Appeals of the decisions of the Administrator shall be heard by the HRB. The application for appeal shall be made within 30 days of the decision.
- I. **Appeal - Major:** Any party aggrieved by the decisions of the HRB may appeal to the circuit court within 30 days of the decision.

## 9.11: HISTORIC DESIGNATION

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### 9.11.1 STANDARDS FOR LOCAL HISTORIC DISTRICT DESIGNATION

- A. A structure, group of structures, site or district may be designated for historic preservation if it demonstrates at least one of the following:
1. Historic, Cultural Importance
    - a. It has significant character, interest, or value as part of the development, or heritage of the community.
    - b. It is the site of a historic event with a significant effect upon society.
    - c. It exemplifies the cultural, political, economic, social, or historic heritage of the community.
  2. Architectural or Engineering Importance
    - a. It portrays the environment in an era of history characterized by a distinctive architectural style.
    - b. It embodies those distinguishing characteristics of an architectural type or engineering specimen.
    - c. It is the work of a designer whose individual work has significantly influenced the development of Beaufort.
    - d. It contains elements of design, detail, materials, or craftsmanship that represent significant innovation.
  3. Geographical Importance
    - a. By being part of or related to a square, park, or other distinctive area, it should be developed or preserved according to a plan based on a historic, cultural, or architectural motif.
    - b. Owing to its unique location or singular physical characteristic, it represents an established and familiar feature of the neighborhood, community or city.
  4. Archeological Importance
    - a. It has yielded, or may be likely to yield, information important in prehistory or history.
- B. An area may be designated as a Beaufort Conservation Neighborhood (BCN) if it meets one or more of the