
§5-2-23.6 Design Review Board

§5-2-23.6.01 Establishment and Composition; Qualifications; Vacancies; Removal; Compensation

1. Establishment and Composition

The Design Review Board shall consist of five (5) members and one alternate to be appointed by the City Council, and shall be appointed by the City Council for terms that coincide with the Council Member they were appointed by or thereafter until their successors are appointed.

2. Qualifications of Members

No member of the Design Review Board shall hold any other public position or office in the government of the City of Landrum. Members shall be appointed from among registered voters and property owners within the Town of Landrum in a position to represent the public interest.

3. Vacancies

Vacancies in the Design Review Board membership shall be filled by appointment by the City Council for the unexpired term of the member affected within not more than forty-five (45) days after such vacancy occurs. It shall be the duty of the Chairman of the Design Review Board to notify the Chairman of the City Council within ten (10) days after any vacancy shall occur among members of the Design Review Board.

4. Removal

Members of the Design Review Board may be removed from office for cause by the affirmative votes of a majority vote of the City Council upon written charges and public hearing, if the member of the Design Review Board so affected requests such public hearing. Members of the Design Review Board may be removed by the City Council at any time for failure to attend three (3) consecutive meetings or for failure to attend thirty (30%) percent or more of the meetings within a twelve (12) month period or for any other good cause related to performance of duties. Upon request of the member proposed for removal, the City Council shall hold a hearing on the removal before it becomes effective.

5. Compensation

Members shall serve without pay but may be reimbursed for pre-approved expenses incurred while representing the Board.

§5-2-23.6.02 Proceedings

1. Officers and Voting

The Design Review Board shall select a Chairman and Vice-Chairman during the first scheduled meeting on or after January 1st, from among its members and may create

and fill such other offices as it may determine. All regular members of the Board shall be entitled to vote in matters before the Design Review Board.

2. Rules of Procedure

The Design Review Board shall adopt rules of procedure necessary to its governance and the conduct of its affairs, in keeping with the applicable provisions of South Carolina Law. Such rules of procedure shall be available in a written form to persons appearing before the Design Review Board and to the public.

3. Meetings

Meetings shall be held at the call of the Chairman and at such other times as the Design Review Board may determine, except that no regularly scheduled meeting shall be held in the month of December. The meetings take place on the second Thursday of every month. Meetings that are not regularly scheduled shall not be held without at least seven (7) days notice to each member.

4. Designation of a Secretary

The Design Review Board shall designate one of its members to serve as Secretary to the Design Review Board or may elect to utilize a designated staff person from the City of Landrum.

5. Quorum

A majority of the members of the Board shall constitute a quorum. In the event that only two regular board members are present, the alternate member can serve as a voting member in order to constitute a quorum. The board alternate can serve as a voting member only when they are needed to constitute a quorum. A quorum shall be present before any business is conducted other than rescheduling the meeting.

6. Minutes, Public Records

The Design Review Board shall keep minutes of its proceedings, showing the vote of each member (including the Chairman or Vice-Chairman), or if absent, indicating such fact. The Design Review Board shall keep records of its examinations and other official actions, all of which shall be a public record and filed immediately in the office of the Board.

§5-2-23.6.03 Powers and Duties

1. Administrative Review

The Design Review Board shall have the following duties and responsibilities:

- Review and approve the building schematic design of all individual buildings in approved plans in design overlay districts;
- Review and approve all signs in design overlay districts;
- Grant or deny certificates of appropriateness;
- Give advice to property owners concerning the treatment of the historical and visual characteristics of their properties;
- Conduct public hearings on applications for certificates of appropriateness, where the Board deems that a hearing is necessary;

The Commission is empowered to establish guidelines for approval of minor modifications, and to delegate to the Zoning Administrator the authority to approve minor modifications. However, no request for approval of a minor modification may be denied without action of the entire Commission. Where there is a conflict between the terms and/or requirements contained in this section and another section contained in Appendix B, as amended or any other ordinance, code, or regulation of the City of Landrum, South Carolina, the more strict shall apply.

2. Site Plan Review Process

Site plans must be approved by the Design Review Board following a public workshop conducted by the applicant and board. The applicant shall submit a general statement of the development intent to the Zoning Administrator. The Zoning Administrator will review and make comments on the site and building schematic design. Once the Zoning Administrator deems the submission to be complete in information provided and in compliance with all provisions of this ordinance, the site and building schematic design shall be forwarded to the Design Review Board for their review and building schematic design approval. The Design Review Board shall have 60 days from the date of their first review to approve or deny the building schematic design. If they deny the buildings schematic design, they should state their reasons for denial in writing and permit the applicant to resubmit the development for further review. Once the Design Review Board deems the site and building construction documents to be complete in information provided and in compliance with all provisions of this ordinance, it will be approved and the proper Permit will be issued.

3. Certificate of Appropriateness

No exterior portion of a building or other structure within a design overlay district (including masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features); and no above-ground utility structure shall be erected, altered, restored, moved or demolished until the Design Review Board has issued a certificate of appropriateness. The City shall issue no building permit for constructing, altering, moving, or demolishing structures until the Commission has issued a certificate of appropriateness. A certificate may contain reasonable conditions necessary to carry out the purpose. A certificate of appropriateness shall be required whether or not a building permit is required. Any building permit or other permit not issued in conformity with this section shall be invalid.

An application for a certificate of appropriateness shall be obtained from and, when completed, filed with the Zoning Administrator. If applications are filed seven calendar days prior to a regular meeting of the Board, the Board shall consider the application at that meeting. Otherwise, consideration shall be deferred until the following meeting.

Upon receipt of an application, the Zoning Administrator shall notify the Commission at least four calendar days before its regularly scheduled meeting.

Prior to issuance or denial of a certificate of appropriateness, the Board shall take action as may reasonably be required to inform the owners of any property likely to be materially affected by the application, and shall give the applicant and other owners an opportunity to be heard.

If the Design Review Board fails to take final action on any application within 40 days of the filing of the complete application, the application shall be deemed approved.

If the Board determines that a certificate of appropriateness shall not be issued, a new application affecting the same property may be submitted only if substantial change is made in the proposed action.

4. Changes Not Prohibited

Nothing in this section shall prevent the ordinary maintenance of any exterior architectural feature of a building within the design overlay district which does not involve a substantial change in design, material, or outer appearance of the building; further, nothing shall prevent the owner of a property from correcting an unsafe condition, so long as the building inspector certifies in writing to the Commission that this repair is required. Nothing in this article shall be construed to prevent the immediate emergency maintenance or restoration of existing above-ground utility structures.

5. Voting

The affirmative votes of a majority of members of the Design Review Board present shall be necessary to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance.

6. Open Meeting Requirement

All meetings of the Design Review Board shall be open to the public and shall meet all of the requirements of the procedures set forth in these regulations and rules of procedure adopted by the Design Review Board. Such rules of procedures may be amended by the board membership. Any rules of procedure adopted by the board shall be kept on file at the offices of the Planning Director and shall be made available to the public at any meeting or hearing.

§5-2-23.6.04 Appeals of Decisions of the Design Review Board

Any person or persons, jointly or severally aggrieved by any decision of the Design Review Board, may appeal any decision of the Board to the circuit court in and for the County of Spartanburg by filing with the clerk of court a petition in writing setting forth plainly, fully and distinctly wherein such decision is contrary to law. Such appeal shall be filed within thirty days after the decision of the Board is rendered. On all appeals, applications and other materials brought before the Design Review Board, said Board shall inform or cause to be informed in writing all the parties involved of its decision and the reasons therein within ten (10) days of the date of the court hearing.