



TOWN OF BLUFFTON HISTORIC PRESERVATION COMMISSION

ELECTRONIC MEETING

Wednesday, May 6, 2020 6:00p.m.

This meeting can be viewed on the Town of Bluffton's Facebook page
<https://www.facebook.com/TownBlufftonSC/>

I. CALL TO ORDER

II. ROLL CALL

III. NOTICE REGARDING ADJOURNMENT

The Historic Preservation Commission will not hear new items after 9:30 p.m. unless authorized by a majority vote of the Commission Members present. Items which have not been heard before 9:30 p.m. may be continued to the next regular meeting or a special meeting date as determined by the Commission Members.

IV. NOTICE REGARDING PUBLIC COMMENTS*

Every member of the public who is recognized to speak shall address the Chairman and in speaking, avoid disrespect to Commission, Staff, or other members of the Meeting. State your name and address when speaking for the record. **COMMENTS ARE LIMITED TO THREE (3) MINUTES.**

V. ADOPTION OF AGENDA

VI. ADOPTION OF MINUTES – March 4, 2020

VII. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA*

VIII. OLD BUSINESS

IX. NEW BUSINESS

A. Election of Historic Preservation Review Committee member

X. DISCUSSION

A. Discussion on Amendments to the Town of Bluffton Code of Ordinances, Chapter 23 – Unified Development Ordinance, Article 5

– Design Standards, General Standards Related to Historic District
Architectural Design

B. Discussion of Historic District Financial Incentives to Promote and
Support the Preservation of Historic Structures

XI. ADJOURNMENT

NEXT MEETING DATE– Wednesday, June 3, 2020

*Public Comments may be submitted electronically via the Town’s website at (<https://bit.ly/TOBPublicComment>) or by emailing your comments to the Growth Management Coordinator at vsmalls@townofbluffton.com. Comments will be accepted up to 2 hours prior to the scheduled meeting start time. All comments will be read aloud for the record and will be provided to the Historic Preservation Committee.

“FOIA Compliance – Public notification of this meeting has been published and posted in compliance with the Freedom of Information Act and the Town of Bluffton policies.”

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the Town of Bluffton will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

EXECUTIVE SESSION - The public body may vote to go into executive session for any item identified for action on the agenda.

Any person requiring further accommodation should contact the Town of Bluffton ADA Coordinator at 843.706.4500 or adacoordinator@townofbluffton.com as soon as possible but no later than 48 hours before the scheduled event.

TOWN OF BLUFFTON HISTORIC PRESERVATION COMMISSION
Theodore D. Washington Municipal Building, 20 Bridge Street
Henry "Emmett" McCracken Jr. Town Council Chambers
Wednesday, March 4, 2020 Minutes

Present: Bruce Trimbur, Chairman; Elaine Gallagher-Adams; Courtney McNeil;
Jesse Solomon; Michael Lovecchio

Absent: Will Guenther, Vice Chairman

Staff: Katie Peterson, Senior Planner; Charlotte Moore, Principal Planner;
Victoria Smalls, Growth Management Coordinator

I. CALL TO ORDER

Chairman Trimbur called the meeting to order at 6:03 p.m.

II. ROLL CALL

III. NOTICE REGARDING ADJOURNMENT

The Historic Preservation Commission will not hear new items after 9:30 p.m. unless authorized by a majority vote of the Commission Members present. Items which have not been heard before 9:30 p.m. may be continued to the next regular meeting or a special meeting date as determined by the Commission Members.

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V. ADOPTION OF AGENDA

Commissioner Adams made a motion to adopt the Wednesday, March 4, 2020 meeting agenda, Commissioner Solomon second the motion all were in favor and the motion passed.

VI. ADOPTION OF MINUTES – February 12, 2020

Commissioner Solomon made a motion to approve the Wednesday, February 12, 2020 minutes with the correction made of Bruce Trimbur being Chair not Vice Chairman. Commissioner Adams second the motion. All were in favor and the motion passed.

VII. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

There were no public comment for items not on the agenda.

VIII. OLD BUSINESS

FOR ACTION

- A. **Certificate of Appropriateness Amendment:** A request by Michael Fekete, to amend a Certificate of Appropriateness to allow the reduction in size with associated architectural modifications to the approved 2-story mixed use building (restaurant/office use) of approximately 4,650 SF located at 1258 May River Road in the Old Town Bluffton Historic District, and zoned Neighborhood General-HD. (COFA-02-19-01831) (Staff – Katie Peterson)

Peterson presented the information to the Commission which is incorporated into these minutes.

Commissioner Adams made a motion to accept that the proposed application does not substantially deviate from the original application. Commissioner Solomon second the motion, all were in favor and the motion passed.

IX. NEW BUSINESS

FOR ACTION

- A. **Certificate of Appropriateness:** A request by James Guscio, on behalf of the owner, Riverside Retreats, LLC, for approval of a Certificate of Appropriateness to allow the construction of a new 2-story single-family residential structure of approximately 2,243 SF located at 36 Tabby Shell Road (Lot 19) in the Tabby Roads development in the Old Town Bluffton Historic District, and zoned Neighborhood General-HD. (COFA-01-20-013886) (Staff – Katie Peterson)

Peterson presented the information to the Commission which is incorporated into these minutes.

Elaine Gallagher Adams recused herself from this item due to being a member of the Tabby Roads HARB.

Commissioner Solomon made a motion to approve the construction of a new 2-story single-family building of approximately 2,243 SF located at 36 Tabby Shell Road in the Tabby Roads development in the Old Town Bluffton Historic District with the following conditions:

1. Per the Applications manual, a letter from the Tabby Roads HARB shall be provided to Town Staff stating that the plans have been reviewed and approved.
2. Per UDO Section 5.3.3.G. of the UDO, additional information must be provided on the canopy coverage for the lot to ensure it meets 75% canopy coverage.
3. Per UDO Section 5.3.7.A.1. additional trees must be planted, or existing trees shown, on the landscape plan to ensure street trees are planted no further than 50 feet apart.
4. Per Section 3.22.2. of the UDO, A Town of Bluffton Tree Removal Permit must be submitted and approved for the removal of any tree 14" (DBH) or greater located on a single-family lot.

Commissioner McNeil second the motion, all were in favor and the motion passed.

X. ADJOURNMENT

Commissioner Adams made a motion to adjourn the March 4, 2020 Historic Preservation Commission meeting, Commissioner Solomon seconded the motion all were in favor and the meeting was adjourned at 6:36 p.m.

HISTORIC PRESERVATION COMMISSION



STAFF REPORT Department of Growth Management

MEETING DATE:	May 6, 2020
PROJECT:	Discussion on Amendments to the Town of Bluffton Code of Ordinances, Chapter 23 – Unified Development Ordinance, Article 5 - Design Standards, General Standards Related to Historic District Architectural Design
PROJECT MANAGER:	Kevin P. Icard, AICP Planning & Community Development Manager

REQUEST: Discussion on amendments to Chapter 23 (Unified Development Ordinance), Article 5 (Design Standards), Sub-section 15 (Old Town Bluffton Historic District) specific to Town Council’s goals as further stated as a Strategic Action Item of the Town’s FY2019-2020 Strategic Action Plan in order to make necessary amendments to better guide the Town’s priorities and to manage growth.

BACKGROUND: Chapter 23 (Unified Development Ordinance), Article 5 (Design Standards), Section 15 (Old Town Bluffton Historic District) regulates new construction, redevelopment and exterior changes to structures within Old Town. The impetus for having both general and architectural standards for these types of activities grew out of the Old Town Master Plan, which identified the need to establish a blueprint for the area in order to maintain its historic and eclectic architectural character and development patterns while still encouraging creativity.

Town Staff reviewed and identified sections of 5.15 that have been continually problematic in their application over the years, and was assisted by the Historic Preservation Commission, Town Council, a consultant, local architects and other interested individuals. The proposed amendments are intended to fix reoccurring issues. Additional amendments are also proposed to fix scrivener’s errors, provide consistency with other sections of the Unified Development Ordinance (UDO), allow additional flexibility in some instances (e.g., more material choices), and reduce minimum lot widths for all permitted building types to not less than 50 feet. These amendments were discussed at a Historic Preservation Workshop on May 1, 2019 and are representative of the comments provided.

The attached matrix (Attachment 1) identifies the suggested amendments and explains why they are proposed.

CONSIDERATIONS: Items for Historic Preservation Commission consideration in this matter, include, but are not limited to, the following:

1. Does Historic Preservation Commission support the proposed UDO Amendments as provided?
2. Are there any additional changes or amendments sought by Historic Preservation Commission?

RECOMMENDATION: To suggest amendments to the Planning Commission for a Public Hearing, followed by a first and second reading by Town Council.

NEXT STEPS:

UDO Text Amendment Procedure	Date
Step 1. Town Council Workshop	March 17, 2020
Step 2. Public Notification of Planning Commission Meeting	April 27, 2020
Step 3. Review by Historic Preservation Commission	May 6, 2020
Step 4. Planning Commission Public Hearing and Recommendation	May 27, 2020
Step 5. Town Council – 1st Reading (Tentative)	June 9, 2020
Step 6. Town Council Meeting – Final Reading and Public Hearing (Tentative)	July 14, 2020

ATTACHMENTS:

1. Matrix of Proposed Amendments to Chapter 23 (Unified Development Ordinance), Article 5 (Design Standards), Sub-section 15 (Old Town Bluffton Historic District).

UDO AMENDMENTS: Article 5, Design Standards		
Sec. 5.15: Old Town Bluffton Historic District		
Section	Why Amendment is Proposed	Amendment
General Standards Related to Various Zoning Districts		
Section 5.15.5 (General Standards)	The phrase "and parking" is added as a site element that could affect residential density, in addition to other elements.	5.15.5 General Standards The existing or proposed building type shall determine the applicable lot standards. Building types shall only be permitted as listed in the applicable District. The maximum allowed density is based on the dimensional characteristics established for each building type in combination with other site characteristics that may limit the amount of land able to accommodate density. These other site characteristics include, but are not limited to, lot configuration, right-of-way, easements, protected natural resources, open space, and topography, <u>and parking</u> .
Section 5.15.5.A (Neighborhood Core-HD)	All references to "Town Architect" are to be amended throughout the UDO to "UDO Administrator" as a Town Architect does not exist. "Transect Zone" is corrected to "District."	As approved by the <u>UDO Administrator or Board/Commission with approval authority in accordance with Article 2 of this Ordinance</u> Town Architect , additional building types may be allowed in the Neighborhood Core <u>District Transect Zone</u> . Building types not specifically listed shall be regulated by the following general requirements:
Section 5.15.5.A (Neighborhood Core-HD)	At the request of Town Council, minimum lot sizes for applicable building types are amended to be no less than 50 feet in width.	Lot Width Main Street Building: 30' <u>50'</u> – 100' Commercial Cottage: 30' <u>50'</u> – 75' Live-work Sideyard: 35' <u>50'</u> – 65' Additional Building Type: 30' <u>50'</u> – 100'
Section 5.15.5.B (Neighborhood Center-HD)	Scrivener's error correction regarding name of district	Neighborhood Core Center Building Type Requirements:
	All references to "Town Architect" are to be amended throughout the UDO to "UDO Administrator" as a Town Architect does not exist. "Transect Zone" is corrected to "District."	As approved by the <u>UDO Administrator or Board/Commission with approval authority in accordance with Article 2 of this Ordinance</u> Town Architect , additional building types may be allowed in the Neighborhood Center <u>District Transect Zone</u> . Building types not specifically listed shall be regulated by the following general requirements:

UDO AMENDMENTS: Article 5, Design Standards																							
Sec. 5.15: Old Town Bluffton Historic District																							
Section	Why Amendment is Proposed	Amendment																					
	At the request of Town Council, minimum lot sizes are amended to be no less than 50 feet in width. Only affected building types shown.	Main Street Building: 40' <u>50'</u> – 80' Commercial Cottage: 30' <u>50'</u> – 60' Live-work Sideyard: 40' <u>50'</u> – 60' Cottage: 30' <u>50'</u> - 60' Village House: 40' <u>50'</u> - 60' Sideyard House: 40' <u>50'</u> - 65' Additional Building Type: 30' <u>50'</u> – 100'																					
Section 5.15.5.C (Neighborhood General-HD)	All references to "Town Architect" are to be amended throughout the UDO to "UDO Administrator" as a Town Architect does not exist. "Transect Zone" is corrected to "District."	As approved by the <u>UDO Administrator or Board/Commission with approval authority in accordance with Article 2 of this Ordinance</u> Town Architect , additional building types may be allowed in the Neighborhood General District Transect Zone . Building types not specifically listed shall be regulated by the following general requirements:																					
	Use of building should be more flexible; it is proposed that mandatory mixed-use not be required and that two additional building types be permitted in the district. The amended language relates to the addition of the two new building types.	<ol style="list-style-type: none"> Mandatory Residential, Commercial and Mixed Use: The Neighborhood General zone shall be primarily residential in nature. All commercial development within this zone must maintain a predominantly residential character, as determined by the UDO Administrator. A waiver of the mandatory residential <u>character</u> component may be granted by the UDO Administrator for commercial properties with direct frontage on SC Highway 46 or Bruin Road. <u>These commercial properties may have retail shopfronts or have awning/marquees or colonnades/arcades and be at grade, in accordance with this Ordinance.</u> 																					
	Live-Work Sideyard and Commercial Cottage building types are proposed to be added as additional building types. Would allow commercial uses to be in building types other than residential. Development standards included.	<table border="1"> <thead> <tr> <th></th> <th>Front Build-to</th> <th>Lot Width</th> <th>Front-age</th> <th>Rear SB</th> <th>Side SB</th> <th>Height</th> </tr> </thead> <tbody> <tr> <td><u>Live-Work Sideyard</u></td> <td><u>10'-20'</u></td> <td><u>50'-100'</u></td> <td><u>N/A</u></td> <td><u>25'</u></td> <td><u>10'</u></td> <td><u>1-2.5</u></td> </tr> <tr> <td><u>Commercial Cottage</u></td> <td><u>10'-20'</u></td> <td><u>50'-100'</u></td> <td><u>N/A</u></td> <td><u>25'</u></td> <td><u>10'</u></td> <td><u>1-1.5</u></td> </tr> </tbody> </table>		Front Build-to	Lot Width	Front-age	Rear SB	Side SB	Height	<u>Live-Work Sideyard</u>	<u>10'-20'</u>	<u>50'-100'</u>	<u>N/A</u>	<u>25'</u>	<u>10'</u>	<u>1-2.5</u>	<u>Commercial Cottage</u>	<u>10'-20'</u>	<u>50'-100'</u>	<u>N/A</u>	<u>25'</u>	<u>10'</u>	<u>1-1.5</u>
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UDO AMENDMENTS: Article 5, Design Standards		
Sec. 5.15: Old Town Bluffton Historic District		
Section	Why Amendment is Proposed	Amendment
	At the request of Town Council, minimum lot sizes are amended to be no less than 50 feet in width. Only affected building types shown.	Cottage: 40' <u>50'</u> - 60' Sideyard House: 40' <u>50'</u> - 65' Additional Building Type: 40' <u>50'</u> – 100'
Section 5.15.5.D (Neighborhood Conservation-HD)	All references to "Town Architect" are to be amended throughout the UDO to "UDO Administrator" as a Town Architect does not exist. "Transect Zone" is corrected to "District."	As approved by the <u>UDO Administrator or Board/Commission with approval authority in accordance with Article 2 of this Ordinance</u> Town Architect , additional building types may be allowed in the Neighborhood Conservation District <u>Transect Zone</u> . Building types not specifically listed shall be regulated by the following general requirements:
	At the request of Town Council, minimum lot sizes are amended to be no less than 50 feet in width. Only affected building types shown.	Cottage: 40' <u>50'</u> - 60' Additional Building Type: 40' <u>50'</u> - 100'
Section 5.15.5.E (Riverfront Edge-HD)	All references to "Town Architect" are to be amended throughout the UDO to "UDO Administrator" as a Town Architect does not exist. "Transect Zone" is corrected to "District."	As approved by the <u>UDO Administrator or Board/Commission with approval authority in accordance with Article 2 of this Ordinance</u> Town Architect , additional building types may be allowed in the Riverfront Edge District <u>Transect Zone</u> . Building types not specifically listed shall be regulated by the following general requirements:
General Standards		
Section 5.15.5.F.1.e (Building Height-Half Story)	There are two definitions of "Half Story"; one in this section, and the other within Article 9. This definition will be consistent with the one provided in Article 9.	e. <u>A space under a sloping roof that has the line of intersection of the roof and the exterior wall supporting the roof not more than 3 feet above the floor level, and in which space the possible floor area with head room of 5 feet or more occupies between 30 and 70 percent of the total floor area of the story directly beneath. A half story is a finished living floor which is contained wholly or predominantly within the roof of a structure and is subject to the regulations of the local building code. If the possible floor area with head room of 5 feet or more occupies more than 70 percent of the total floor area of the story directly beneath, then that space shall be considered a full story.</u>
Section 5.15.5.F.4 (Building Composition-Chimneys)	It is recommended that "chimneys" be added as there is a relationship between building proportion, building features and the size of a chimney	a. Overall building proportions and individual building features shall have a proportional relationship with one another. For example, features such as porches, <u>chimneys</u> , cornices, windows and doors must be proportional to other features of the building as well as the overall building form.

UDO AMENDMENTS: Article 5, Design Standards		
Sec. 5.15: Old Town Bluffton Historic District		
Section	Why Amendment is Proposed	Amendment
Section 5.15.5.F.10 (Turning Radii)	Proposed to be removed in its entirety to avoid duplication with the review of the Fire Marshal. Replace this sub-section with "Service Yards" (below).	10. Corner Radii and Clear Zones. Corner curb radii shall be between 9 feet and 15 feet. Fairly tight turning radii shorten pedestrian crossings and inhibit reckless drivers from turning corners at high speeds. To allow for emergency vehicles (e.g. fire trucks) to turn corners, a 25 foot radius Clear Zone shall be established free of all vertical obstructions such as telephone poles, sign poles, fire hydrants, electrical boxes, or newspaper boxes, etc.
Section 5.15.5.F.10 (Service Yards)	Standards for Service Yards are proposed for improved screening.	<p><u>10. Service Yards. Service yards may be built to conceal trashcans, air condition equipment, pool equipment, above ground propane tanks, lawn equipment, and other service related items. Service yards shall be located in side or rear yards, away from all public vantages, and screened from neighboring properties.</u></p> <p><u>a. Materials used in building service yards shall be visibly compatible with the materials used in the primary structure and accessory structure(s).</u></p> <p><u>b. The service yard may be enclosed by louvers, lattice, vertical board or board-on-board panels, or such other styles typical of earlier styling.</u></p> <p><u>c. The height of the service yard enclosure shall be sufficient to screen equipment from public vantages; however, may not exceed six (6') feet in height.</u></p> <p><u>d. Window air-conditioning units shall not be placed on the primary façade of the primary structure or of any accessory structure.</u></p> <p><u>e. Roof mounted equipment, if required, shall be low-profile and located at the side or rear elevations so as to not be visible from the street.</u></p> <p><u>f. Utility meters shall be screened from public view.</u></p>
Architectural Standards		
Section 5.15.6.E.1 (Awnings and Marquees)	Proposed to be amended to include: 1) Neighborhood Center HD zoning district; 2) to not require marquees and awnings to be erected forward of the Build-to-Zone because of problems related to zero lot line requirements.	<p>c. Length = 25% to 100% of Building Frontage (F) for commercial and mixed-use buildings within the Neighborhood Core-HD, Neighborhood Center-HD and Neighborhood General-HD zoning districts only).</p> <p>e. Marquees and Awnings shall may occur forward of the Build-to-Zone.</p>
Section 5.15.6.E.2 (Balconies)	An increased porch depth is more consistent and compatible with existing historic structures, but discretion is also recommended to allow the HPC to review proportionality on an individual building basis.	<p>a. Depth = 2 4 ft. minimum, <u>or a depth that is proportionate to the height and width of the building</u>, for upper floor balconies.</p>

UDO AMENDMENTS: Article 5, Design Standards		
Sec. 5.15: Old Town Bluffton Historic District		
Section	Why Amendment is Proposed	Amendment
Section 5.15.6.E.2 (Balconies)	The amendment indicates that, if a balcony is proposed, it shall extend no less than 25% of the Building Frontage.	c. Length = <u>No less than 25%</u> to 100% of Building Frontage. (for all building type in all zones, except single family residences).
Section 5.15.6.E.5.d (Porches)		d. Overhang = 2 ft. minimum. e. d. Porches may have multi-story verandas and/or balconies above. f. e. Front porches may occur forward of the Build-to-Zone, but shall not extend into the right-of-way. g. f. Porches may be screened; however, if screened, all architectural expression (columns, railings, pickets, etc.) must occur on the outside of the screen (facing the street or public space).
Section 5.15.6.E.8 (Chimneys)	Amendment proposed to re-title the section to include roof appurtenances and penetrations, including standards related to each to ensure that they are as inconspicuous as possible. Both HPC and PC recommended that kitchen vents and other service elements be included.	<p>8. Chimneys, <u>Roof Appurtenances, and Roof Penetrations</u></p> <p>a. Chimneys are a central element for a structure, and have long provided opportunities for decorative detailing.</p> <p>b. Exterior chimneys shall be finished in brick, tabby, or stucco.</p> <p>c. Chimney caps provide the opportunity for a wide variety of details.</p> <p>d. In keeping with masonry building technology, metal spark arrestors, exposed metal flues, or pre-fabricated chimney caps are not permitted.</p> <p><u>e. Roof penetrations for service elements, including but not limited to hood vents, sewer vents, and air vents, shall be located so that they either are not visible from the street or are concealed within an architectural feature. Where this is not possible, they shall be painted to match the color of the roof.</u></p>
Section 5.15.6.F (Architectural Elements)	A variety of amendments are proposed based on input received from the HPC and PC.	<p>2. General Requirements: The following shall be located in rear yards/<u>elevations</u>, or <u>in</u> sideyards/<u>elevations</u> not facing side streets, <u>with approved screening</u>:</p> <p>a. Window and Wall Air Conditioners;</p> <p>b. Electric Utility Meters;</p> <p>c. Air Conditioning Compressors;</p> <p>d. Irrigation and pool pumps; and,</p> <p>e. Non-Residential <u>and Residential</u> Waste Receptacles;</p> <p><u>f. Systems Equipment; and,</u></p> <p><u>g. Roof Penetrations and Wall Penetrations.</u></p>

UDO AMENDMENTS: Article 5, Design Standards		
Sec. 5.15: Old Town Bluffton Historic District		
Section	Why Amendment is Proposed	Amendment
Section 5.15.6.F. 4. (Prohibited Materials)	Both HPC and PC recommended greater flexibility in appropriate building material choices, including allowing plain wire meshing as it is often used to create “living” fences with vegetation and certain wood composite material. Electric fences are proposed to not be permitted.	<p>4. The following are prohibited:</p> <p>a. Undersized shutters (the shutter or shutters must be sized so as to equal the width that would be required to cover the window opening.);</p> <p>b. Shutters made of plastic, vinyl, aluminum, polystyrene, and metal, <u>or any material not permitted by Section 5.15.6.M of this Ordinance;</u></p> <p>i. Fences made of chain link, barbed wire, vinyl, plain wire mesh, or coated chain link;</p> <p><u>j. Fencing that has an electrical charge or is connected to source of electrical current and which is designed or placed that a person or animal coming into contact with the conductive element of the fence receives an electrical shock;</u></p> <p><u>jk. Fake-grained materials, except for any approved wood composite material permitted by Section 5.15 of this Ordinance; and</u></p> <p>lk. Internally lit/neon signs.</p>
Section 5.15.6.G (Building Walls)	The amendments in this section include: 1) correcting minor grammatical errors; and, 2) allowing tabby as a permissible construction and finish material.	<p>G. Building Walls</p> <p>1. General Requirements (required for all buildings):</p> <p>a. Exposed foundation walls (below the first floor elevation) shall be: Brick done in bond patterns that match historic patterns in the district; Painted brick; Tabby stucco (mixed shell size only); and or Stucco over block or concrete (sand-finished or steel trowel only).</p> <p>b. All Chimneys shall be made of brick, ; stucco, <u>tabby</u> and natural or manufactured stone.</p> <p>3. Permitted Finish Materials:</p> <p>a. Wood (termite resistant, 50-year siding product).</p> <p>b. Cement fiber siding (50-year siding product).</p> <p>c. Concrete masonry units with stucco <u>tabby</u> (C.B.S.).</p>

UDO AMENDMENTS: Article 5, Design Standards		
Sec. 5.15: Old Town Bluffton Historic District		
Section	Why Amendment is Proposed	Amendment
<p>Section 5.15.6.G (Columns, Arches, Piers, Railings, Balustrades)</p>	<p>Amendments are proposed to: 1) correct grammatical issues; 2) provide a measurement for spacing of columns; 3) allow tabby as a finish material; and 4) provide additional requirements for the column bases, trim and beams located above columns.</p>	<p>H. Columns, Arches, Piers, Railings, Balustrades</p> <p>1. General Requirements: a. Column spacing: Columns and porch posts shall be spaced no farther apart than they are tall <u>as measured from the centerlines of the columns ("o.c.")</u>. Piers shall be place <u>placed</u> directly below the columns or posts which they support. Column Proportions shall be consistent with those found in the American Vignola: A Guide to the Making of Classical Architecture, by William Ware. of Classical Architecture, by William Ware.</p> <p>2. Permitted Finish Materials:</p> <p>a. Columns: Wood (termite resistant), painted or natural, Cast Iron, Concrete with smooth finish, Brick, Stone, <u>or Tabby</u>.</p> <p>b. Arches, Lintels, and Sills: Concrete Masonry Units with Stucco (C.B.S.), Reinforced Concrete with Stucco, Brick, Stone, <u>or Tabby</u>.</p> <p>c. Piers: Concrete Masonry Units with Stucco (C.B.S.), Reinforced Concrete with Stucco, Brick, Stone.</p> <p>d. Railings & Balusters: Wood (termite resistant), painted or natural Wrought Iron.</p> <p>3. Permitted Configurations:</p> <p>a. Columns: Square, 6" minimum, with or without capitals and bases; Round, 6" minimum outer diameter, with or without capitals and bases; Classical orders.</p> <p>b. Arches: Semi-circular & Segmental.</p> <p>c. Piers: 8" minimum dimension.</p> <p>d. Porches: Top Rail: 2-3/4". Minimum diameter; Balusters: 4" o.c. spacing minimum, 5" o.c. spacing maximum.</p> <p><u>e. The beam above the column to be the same circumference as the neck of the column.</u></p> <p><u>f. Column base or trim are not permitted to overhang the porch or stoop.</u></p>

UDO AMENDMENTS: Article 5, Design Standards		
Sec. 5.15: Old Town Bluffton Historic District		
Section	Why Amendment is Proposed	Amendment
<p>Section 5.15.6.I (Windows and Doors)</p>	<p>The HPC and PC recommend more flexibility for window and door materials, especially with the improvement of wood composite materials. They believe that wood composite could be permissible in Old Town Bluffton if 1) the structure is not contributing; and, 2) the UDO Administrator determines the composite material is of high quality and will not conflict with the character of the Historic District.</p>	<p>I. Windows and Doors</p> <p>1. General Requirements:</p> <p>a. The primary entrance to all buildings shall be located on the exterior wall facing the frontage street.</p> <p>b. Window openings shall be oriented vertically.</p> <p>c. Masonry Construction: A header and sill is required for all windows that are not located in a shopfront.</p> <p><u>d. The following accessories are permitted: Shutters, Wooden Window Boxes, Muntins and Mullions, Fabric or Metal Awnings (no backlighting; no glossy-finish fabrics). Snap-in muntins or mullions, and muntins between the glass are not recommended. Windows with true divided lite or simulated divided lite are encouraged.</u></p> <p>e. Dormer windows are encouraged.</p> <p>2. Permitted Finish Materials:</p> <p>a. Windows & Shopfronts: Wood, Aluminum, Copper, Steel, Vinyl, Clad Wood.</p> <p>b. Doors: Wood, or Metal or <u>Metal-Clad. Except in the case of a Contributing Structure, the UDO Administrator may approve of the use of Wood Composite material for doors provided the UDO Administrator determines that the door will be consistent with the character of the Historic District and the materials used are of equal or better quality than traditional building materials.</u></p> <p><u>3. Permitted Configurations:</u></p> <p>a. Windows: Rectangular, Square, Transom, Sidelite. <u>Transoms must be aligned with the window or door located directly below them.</u></p> <p>b. Window Operations: Single- and Double-Hung, Casement, Industrial, <u>Tilt</u>, Fixed Frame (36 square feet max. <u>and permitted within retail storefront only</u>).</p> <p>c. Door Operations: Casement, French.</p>
<p>Section 5.15.6.J (Roofs and Gutters)</p>	<p>More flexibility is proposed relating to roofs and gutters, including allowing rain chains. Design is also addressed.</p>	<p>J. Roof and Gutters</p> <p>1. General Requirements:</p> <p>a. Permitted Roof Types: gabled, hipped, & shed. Flat roofs shall be concealed on all sides with parapets. Applied mansard roofs are not permitted.</p> <p>b. Downspouts are to match gutters in material and finish. <u>Rain chains may be used.</u></p> <p>2. Permitted Finish Materials:</p> <p>a. Metal: Galvanized, Copper, Aluminum, Zinc-Alum.</p> <p>b. Shingles: Metal or Asphalt “dimensional” type, Slate, Composite Slate.</p> <p>c. Gutters: Copper, Galvanized Steel, Aluminum (14-18 gauge).</p> <p>d. Use recycled-content, 30- or 40-year roofing material.</p> <p><u>e. Design: Appropriate leaderheads, collector boxes, or scupper boxes are encouraged.</u></p>

UDO AMENDMENTS: Article 5, Design Standards		
Sec. 5.15: Old Town Bluffton Historic District		
Section	Why Amendment is Proposed	Amendment
<p>Section 5.15.6.K (Garden Walls, Fences and Hedges)</p>	<p>This Report recommends that tabby be clearly identified as an acceptable finish material and configuration within subsections 3(c), 3(e) and 4(f) of Section 5.15.6.K. The Planning Commission has also requested the inclusion of a requirement that garden fences meet “contextual standards” or “professional standards.” Additionally, the current iteration of the UDO expressly permits spacing for wrought iron fencing of up to 6”, which spacing, under certain conditions, could be in violation of the International Building Code (“IBC.”) This Report recommends appropriate revisions to Section 5.15.6.K. as follows:</p>	<p>K. Garden Walls, Fences, and Hedges</p> <p>1. General Guidelines: Fences, garden walls, or hedges are recommended along all un-built rights-of-way which abut streets and rear lanes as shown in the diagram below. Fences, garden walls, or hedges are encouraged along Side Yards (behind the front plane of the primary structure), and Rear Yards. Fences, garden walls and hedges shall be minimum 25% opaque, <u>and shall meet appropriate contextual standards or professional standards.</u> When fences, garden walls, or hedges occur, they must follow the below requirements:</p> <p>2. Height:</p> <p>a. Front Yard (in front of the primary structure): minimum height of 24 inches, maximum height of 42 inches. Pillars and posts shall extend farther.</p> <p>b. Rear Yards and Side Yards (behind the front plane of the primary structure): minimum height of 36 inches, maximum height 6 feet.</p> <p>3. Permitted Finish Materials:</p> <p>a. Wood (termite resistant).</p> <p>b. Wrought Iron <u>or Tube Steel.</u></p> <p>c. Brick (A cap protects the tops of all brick elements exposed to the weather such as garden walls and freestanding piers. Caps are generally comprised of brick, but may also be comprised of stone, cast stone, terra cotta, <u>tabby</u>, concrete, <u>metal</u>, or slate. The edges of caps shall be rectangular or more ornate. Caps shall project past the edge of the brick element below a minimum of 1/2in.).</p> <p>d. Stone.</p> <p>e. Concrete Masonry Units with <u>Stucco or Tabby</u> Stucco (C.B.S. – if primary structure is masonry).</p> <p>f. Reinforced Concrete with Stucco (if primary structure is masonry).</p> <p>g. Wood posts with “Hog wire” infill and a board rail on top.</p>
		<p>4. Permitted Configurations:</p> <p>a. Wood: Picket fences with corner posts and rail fences.</p> <p>b. Wrought Tube Steel or Iron: Vertical, 5/8” minimum dimension, 4” to 6” spacing <u>or spacing that complies with the applicable building code.</u></p> <p>c. Brick.</p> <p>d. Stone.</p> <p>e. Stucco: with texture and color to match building walls.</p> <p>f. <u>Tabby Stucco: with texture and color to match building walls.</u></p>

UDO AMENDMENTS: Article 5, Design Standards		
Sec. 5.15: Old Town Bluffton Historic District		
Section	Why Amendment is Proposed	Amendment
Section 5.15.6.M (Shutters)	Residents and developers alike contend that Section 5.15.6.M of the UDO, which regulates shutter and shutter dog design, is too limiting and does not allow for other historically accurate or otherwise acceptable designs and materials. To address these issues, this Report proposes the following revision to Section 5.15.6.M.1:	<p>d. Shutters may be louvered, paneled, board and batten, or plank construction used with shutter dog of typical<u>the standard "S" design, hook, rat-tail hooks, generally less decorative iron butterfly, or other style shutter dog typical of the Old Town Bluffton Historic District's period of significance.</u></p> <p>e. Shutters shall be constructed of a durable wood. <u>Except in the case of a Contributing Structure, the UDO Administrator may approve of the use of Wood Composite material for shutters provided the UDO Administrator determines that the shutters will be consistent with the character of the Historic District and the materials used are of equal or better quality than traditional building materials.</u></p>
Section 5.15.6.N (Corners and Water Table Corners)	Minimal changes are recommended to Section 5.15.6.N of the UDO. In particular, the Consultant and Staff focused on the requirements of subsection (7), which governs the water table. This Report recommends that Section 5.15.6.N.7 be amended so as to better differentiate between the requirements for drip boards and for skirt boards.	<p>7. Water Table <u>Trim</u>:</p> <p>a. Water table<u>Drip boards should shall</u> be <u>a minimum 2x 5/4</u> stock with a bevel (any exposed flashing must be copper or match color of water table trim);</p> <p>b. Water table trim should shall extend beyond any skirt trim; and c. Skirt boards shall be <u>a minimum 5/4 stock and</u> furred out to sit just beyond <u>the</u> face of <u>the</u> foundation wall (after finish foundation material is applied, i.e. brick, stucco).</p>
Section 5.15.6.O (Skirting & Underpinning)	Based on the Consultant's recommendations, this Report proposes that the Town amend Section 5.15.6.O of the UDO by including additional restrictions on skirting and underpinning in subsection (1). The additional language proposed to be added is as follows:	<p>1. The following are permitted materials for skirting and underpinning: Brick lattice, vertical or horizontal pattern wood lattice or fencing referred to as "pigboard" and louvered vents. <u>Underpinning must be a minimum of 1" behind face of pier. Skirting must lay on top of pier. When using stucco or tabby allow for the material to be behind the skirting. Foundational vents of a similar configuration are permitted and should be aligned with window and door openings.</u></p>
Section 5.15.6.P (Cornice, Soffit, and Frieze)	A minor amendment is required to subsection (9) of Section 5.15.6.P to clarify certain blocking requirements. The proposed amendment is as follows:	<p>9. When exposed rafters are used, it is important that <u>either vented or un</u>vented blocking be provided between the rafters. Continuous venting in enclosed soffits with aluminum vents is permitted on new construction, but it is recommended that it be less than 3" wide and is disguised in the soffit to the extent feasible.</p>
Building Types		
Section 5.15.8.B (Commercial Cottage)	An amendment to allow the Commercial Cottage building type within the Neighborhood General-HD zoning district. This reflects the amendment to Sec. 5.15.5.	<p>Core •</p> <p>Center •</p> <p>General •</p>

UDO AMENDMENTS: Article 5, Design Standards		
Sec. 5.15: Old Town Bluffton Historic District		
Section	Why Amendment is Proposed	Amendment
Section 5.15.8.C (Live-Work Sideyard)	An amendment to allow the Live-Work Sideyard building type within the Neighborhood General-HD zoning district. This reflects the amendment to Sec. 5.15.5. Also, an amendment to include a note that porches are permitted on the building frontage.	Core • Center • General • Under "Notes;" add the following note: " <u>May have porch on the front.</u> "
Section 5.15.8.D (Duplex / Triplex)	Amendments are recommended to improve clarity within the notes section.	Notes: Each <u>Unit</u> must have own separate <u>street façade entrance, forward (street) Facing entrance.</u> Units shall be arranged with fronts parallel to the <u>primary street</u> on which the Unit is located. Units shall all be constructed simultaneously and be of the same architectural character. Units may be rentals or condominiums. <u>Regardless of the ownership of the individual units, each building shall share a single lot.</u> Units share one single lot. One carriage house is allowed per <u>Unit Lot.</u> Triplex may be 3 full stories if raised up on a full height basement. Each unit is typically 15' - 30' wide.
Section 5.15.8.F (Carriage House)	Carriage Houses are permitted to be detached or attached by the UDO. For consistency, an amendment to remove the word "Detached" is proposed.	General: Detached Accessory Structure.
Section 5.15.8.F (Carriage House)	A reduction of the minimum carriage house size from 250 square feet to 200 square feet is proposed for consistency with applicable building codes and a various sections of the UDO	Size Range: 250 <u>200</u> - 1,200 sq. ft. (per unit)
Section 5.15.8.M (River House)	Two of the photos showing the River House building type are not good examples of a River House and are proposed to be replaced by two photographs proposed during the review process.	Photos to be Provided

HISTORIC PRESERVATION COMMISSION



STAFF REPORT Growth Management Department

MEETING DATE:	May 6, 2020
PROJECT:	Discussion and Direction on the Town of Bluffton Historic District Financial Incentives to Promote and Support the Preservation of Historic Structures
PROJECT MANAGER:	Kevin Icard, Planning and Community Development Manager

BACKGROUND/DISCUSSION:

In the FY2019-2020 Strategic Action Plan, Town Council seeks to offer incentives to help support historic preservation, specifically rehabilitation of "historic" structures, through mechanisms such as tax incentives and/or façade improvement programs.

The Strategic Action Plan establishes a vision for the Town of Bluffton based on six strategic areas where Town efforts will be most focused: Fiscal Sustainability, Economic Growth, Town Organization, Community Quality of Life, Infrastructure, the May River & Surrounding Rivers and Watersheds, and Affordable and/or Workforce Housing. Each Strategic Action Plan focus area is supported by objectives or guiding principles. To achieve these principles, supporting initiatives are identified to create a work program for the upcoming year. This initiative most closely aligns with the Economic Growth focus area and the following principles:

Principle 3: Focus on strategic economic development pursuits that will increase local jobs, generate additional revenue and create demand for supporting businesses in target industries; and,

Principle 4: Develop and implement a collaborative economic gardening strategy with local businesses.

Incentives may encourage owners of historic structures to rehabilitate their properties which, in turn, helps to preserve the Town's older buildings, heritage and culture; support tourism, which supports the local economy; and, increase property values. Rehabilitation, according to Section 12-120 of the South Carolina Code of Regulations, is "the process of returning a building or buildings to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the building(s) that are significant to its historic, architectural and cultural values."

As shown in the attached matrix (see Attachment 1), there are a variety of local, state and federal grants and tax incentives available to support historic rehabilitation efforts, each with varying eligibility criteria. One particularly promising incentive is

a State of South Carolina special property tax assessment commonly known as the “Bailey Bill.” (See Attachment 2).

Bailey Bill Background

Enacted by the South Carolina General Assembly in 1990 and amended in 2011, the Bailey Bill allows local governments the option of offering special property tax assessments—a tax abatement—for rehabilitated historic properties and low-and-moderate income rental properties. The special assessment permits a property owner to lock-in the taxable assessed value of the property based on its fair market value prior to rehabilitation. Taxes are not paid on the increased value of the property until the special assessment period ends, which could be up to 20 years. The length of the assessment is determined by the local government.

The Municipal Association of South Carolina (MASC) provides the below chart to show examples of potential savings for both residential and commercial properties.

Examples of Potential Savings Resulting from the Bailey Bill (Over a 20 Year Period)		
	Residential	Commercial
Increased Value Due to Renovations	\$50,000	\$150,000
Assessment Ratio	4%	6%
Avoided Annual Assessment	\$2,000	\$9,000
Combined City/County Millage Rate	0.200	0.200
Avoided Annual Tax Payment	\$400	\$1,800
Avoided Annual Tax Payment 20 Years	\$8,000	\$36,000

This tax abatement can be a catalyst for property owners to undertake rehabilitation projects. Should the owner decide to sell the property during the abatement period, the tax abatement would be transferable to the new owner.

Bailey Bill Minimum Requirements

Per Section 5-21-140 of the South Carolina Code of Laws, as amended, municipalities have the same power and authority as counties (Section 4-9-195) to grant a special property tax assessment for rehabilitated historic properties. Ideally, both a municipality and the county in which it is located would offer the incentive, as the city of Beaufort and Beaufort County does, to allow for greater tax savings. To offer this incentive, the Town of Bluffton must first adopt a special tax assessment ordinance (i.e., the Bailey Bill).

Once adopted, and after voluntary application by the property owner, the assessment would be available for qualifying properties upon approved preliminary and final certifications by the Town. The preliminary review allows the Town to confirm that the structure is on the Town’s contributing structure list and to approve the proposed rehabilitation activities. Final certification allows the Town to review completed work and ensure that it is consistent with the preliminary approval. Once established that

a property qualifies and prior to any improvements, the Applicant will be required to apply for a Certificate of Appropriateness – Historic District for approval by the Historic Preservation Commission.

Chapter 12 (South Carolina Department of Archives and History) of the South Carolina Code of Regulations, Sections 12-120 thru 12-125 (Rehabilitation of Designated Historic Buildings) outlines the minimum standards and process for the Bailey Bill as shown in Attachment 2. The main components include:

- Establishing a preliminary and final certification process for eligible properties (Sec. 12-121, Local Governing Body Certification), including designating the responsible agency or department to perform duties, as well as notifying the County Assessor's office of the special tax assessment and of any certified properties; and,
- Establishing a system for designation of qualifying properties (Sec. 12-122, Designation of Property as Historic), which, at minimum, requires: 1) being designated on the National Register of Historic Places; 2) being designated as contributing to an individual property or historic district listed on the National Register of Historic Places; or, 3) being 50 or more years older and meeting the local criteria for designation as a contributing structure; and,
- Rehabilitation work must comply the minimum standards (Sec. 12-125 Standards for Rehabilitation) and process (Sec. 12-124 Review of Rehabilitation Work) established by the State.

Numerous communities in South Carolina have adopted this special assessment program, including but not limited to City of Beaufort, Beaufort County (only for the areas of Daufuskie Island and the City of Beaufort), Columbia, Richland County, Camden, Hartsville, Darlington County and Greenville County.

Steps in the Process to Adopt a Local Bailey Bill

The Bailey Bill was previously discussed at a Town Council workshop in May 2018. Prior to adoption of a local Bailey Bill ordinance, related additional steps in the process were identified as needing to occur before the ordinance could be adopted. They include:

1. Make Necessary Corrections to the Unified Development Ordinance

The first step is to correct inconsistent terminology in the Unified Development Ordinance (UDO) relating to "historic structures" and "contributing structures," as well as updating the definition of contributing structures. To be eligible for the Bailey Bill, a property would have to be classified by the Town as a contributing structure.

The current definition references contributing structures from the 1996 National Register of Historic Places nomination, the "most recent Bluffton Historic Resource Survey" or any other structure that is designated as provided by in UDO Section 3.25 (Designation of Contributing Structure).

For easy reference, there should be one list. This list, an inventory of all contributing resources within the Town, is proposed as part of a separate process to update the Unified Development Ordinance. A revised definition of contributing structures and the list of all such structures will be reviewed at a future Town Council workshop tentatively scheduled for July 14.

2. Prepare an Updated Historic Resources Survey for the Town of Bluffton

Related to the UDO amendments, Town Staff also recommended that the Town's historic resources survey be updated to determine if additional structures may qualify for contributing structure status. This resulted in the *Town of Bluffton Historic Resources Update*, which was undertaken in 2019. This initiative is tentatively scheduled for a Town Council workshop on July 14th for review and subsequent adoption by Resolution.

3. Hold a Workshop with Bluffton Town Council to Develop the Special Property Tax Assessment (i.e. Bailey Bill) Ordinance

Prior to developing an ordinance, the following questions will need to be answered:

a. *What is the Length of the Assessment Period?*

Based on research of other South Carolina communities, the assessment period is usually 10 or 20 years. During this period, the qualifying property is assessed at the pre-rehabilitation fair market value. The City of Beaufort and Greenville County both have a 10-year period, while the City of Columbia and Richland County have a 20-year period.

Staff would recommend being consistent with the City of Beaufort and establish a period of 10 years.

b. *What Minimum Investment is Required by the Property Owner?*

As with the length of the assessment discussed above, the minimum investment by a property owner varies. The City of Beaufort requires a minimum investment of more than 75%.

Staff would recommend being consistent with the City of Beaufort and establish a minimum investment of 75% of the assessed tax value of a building.

Example: If a property's structure is valued at \$100,000, a property owner that is willing to invest \$75,000 (75% of the value of the building) in improvements would qualify for the 10 year assessment period. The property owner would continue to pay taxes on the \$100,000 value and not would have been the reassessed value at the completion of the project.

c. *Which Structures Would Qualify?*

Section 12-122 identifies three (3) categories of property that may qualify as "historic": 1) any property listed individually on the National Register of Historic Places; 2) any property that contributes to an individual property

or historic district listed on the National Register of Historic Places; or, 3) any property 50 or more years old that meets the local government's criteria for designation.

An inventory of all contributing resources within the Town is proposed as part of a separate process to update the Unified Development Ordinance. The list of all contributing structures, both national and/or local, will be reviewed at a future Town Council workshop tentatively scheduled for July 14th meeting.

d. ***Which Rehabilitation Efforts Qualify? Should There Be a Cap or Limit on Qualifying Expenses for Some Activities?***

Per Section 12-120 of the Act, one (1) or more of the following activities would qualify:

- Improvements located on or within the contributed structure;
- Improvements outside but directly attached to the contributing structure, which are necessary to make the building fully usable (but not the new construction of rentable/habitable floor space);
- Architectural and engineering services attributable to the design of the improvements; and,
- Costs necessary to maintain the historic character or integrity of the building.

e. ***Who Would be Responsible for Oversight of the Ordinance?***

Per §12-121 of the Act, Town Council is required to designate an agency or department to perform preliminary and final certifications of qualifying properties. Typically, this would be a historic board of review, such as the Town's Historic Preservation Commission.

Staff would recommend that the Historic Preservation Commission review the preliminary and final certifications for qualifying properties.

4. **Draft the Special Property Tax Assessment Ordinance**

Based on feedback from the Historic Preservation Commission (who was scheduled to have a workshop on this item on its May 6 agenda) and Town Council, staff will draft an ordinance that is similar to the City of Beaufort's Ordinance (see Attachment 3) to adopt a special property tax assessment for rehabilitated historic structures.

5. **Work with Beaufort County to Expand Tax Savings**

Town staff is in the process of working with Beaufort County staff to identify the necessary steps to pursue the special assessment ordinance for county property taxes. In 2014, the County approved such an ordinance for the City of Beaufort after review by and support from the County's Finance Committee.

Other Preservation Incentives and Grants

While the Bailey Bill has been the most sought incentive, Attachment 1 lists grants and incentives presently available and that could be utilized. If Town Council wish to

wants to consider any of the incentives not yet in place, Staff could bring these forward in the future in the form of ordinances or resolutions.

NEXT STEPS:

Bailey Bill

1. Continue to reach out to Beaufort County staff to identify next steps to pursue a special assessment for County property taxes
2. Create an Ordinance modeled on the City of Beaufort's Ordinance.
3. Adopt the proposed amendments to the Unified Development Ordinance, updating and clarifying what is a contributing structure in the definition section and updating the contributing structure list based on the updated historic resource survey (Tentative July 14th Town Council workshop).
4. Present the Ordinance for a first reading to Town Council with other UDO Amendments listed above.
5. Work with Beaufort County staff to have a corresponding Ordinance adopted by Beaufort County Council.
6. Once adopted by Beaufort County Council, present a second and final reading to Town Council for approval (TBD).

Town of Bluffton Incentives

1. Some of the incentives presented can be implemented with little to no funding obligations (Technical Assistance, & Education).
2. Direct staff to Explore fees associated with improvements to any structure in the local historic district.
3. Explore the necessary requirements to implement various grants, revolving loans or other economic incentives to provide financial assistance for improvements to any structure in the local historic district.

ATTACHMENTS:

1. Potential Grants and Incentives
2. SC Code of Regulations – Rehabilitation of Historic Buildings (Bailey Bill Authorization)
3. Examples of Bailey Bill Ordinances (City of Beaufort, Darlington & Richland counties)

Various Grants & Tax Incentives for Redevelopment in the Old Town Bluffton Historic District

Grant/Tax Incentive	Eligibility	Criteria
FEDERAL		
20% Federal Historic Rehabilitation Tax Credit	Income producing Historic Building, Mixed-Use Historic Building (partial credit)	Federal income tax credit equal to 20% of rehabilitation costs. In general, each dollar of tax credit earned reduces the amount of federal income taxes owed by one dollar.
Federal Income Tax Incentives for Easement Donations	Owner Occupied Historic Residence, Income producing Historic Building, & Mixed-Use Historic Building	Rehabilitation work is not required for this incentive. The incentive is based on the charitable contribution of a partial interest in a historic property (i.e. easement) to a government or nonprofit organization. When donors donate partial interests — or easements — on historic buildings, they pledge to preserve significant historic features and agree to obtain.
10% Federal Rehabilitation Tax Credit	Available for the rehabilitation of buildings placed in service before 1936 that are not individually listed in the National Register or contributing buildings in a National Register historic district	The 10% federal income tax credit only applies to buildings rehabilitated for non-residential uses. To qualify for the credit rehabilitation costs must exceed the adjusted basis of the building (purchase price minus land value).
Federal Income Tax Credit for Low Income Housing	Income tax credit for acquisition, construction, or rehabilitation of low-income housing	Many developers have used the Low-Income Housing Tax Credit in conjunction with the 20% Federal Historic Rehabilitation Tax Credit to rehabilitate historic buildings to provide rental units for low income residents.

Various Grants & Tax Incentives for Redevelopment in the Old Town Bluffton Historic District

Grant/Tax Incentive	Eligibility	Criteria
STATE		
10% State Historic Rehabilitation Tax Credit	Income producing Historic Building, Mixed-Use Historic Building (partial credit)	Owners of historic buildings in South Carolina who meet the requirements for the 20% Federal Historic Rehabilitation Tax Credit may also qualify for a state income tax credit. Taxpayers do not have to go through a separate State Historic Preservation Office (SHPO) application process. Successfully completing the federal application process qualifies them for the state credit.
25% State Historic Rehabilitation Tax Credit	Owner Occupied Historic Residence, Mixed-Use Historic Building (partial credit)	South Carolina State income tax credit equal to 25% of allowable rehabilitation expenses. In general, each dollar of tax credit earned reduces the amount of state income taxes owed by one dollar. (Allowable expenses include exterior rehabilitation work; repair of historic structural systems, improving energy efficiency; repairs and installation of heating, air-conditioning, plumbing, and electrical systems; restoration of historic plaster; and architectural and engineering fees.)
Property Rehabilitation Incentives	Abandoned Buildings Revitalization Credit & SC Textile Revitalization Credit	Either the Textile Revitalization Credit OR the Abandoned Buildings Revitalization Credit may be combined with historic rehabilitation credits. If a project is pursuing the historic rehabilitation tax credits (both federal and state), the project must follow the review and approval process required for those credits.
Various Grants	Through the SC State Library, Grant Research Assistance	Various grants are available through the website for projects ranging from; Humanities, Arts Commission, Parks, Recreation & Tourism, MASC and various other institutions.

Various Grants & Tax Incentives for Redevelopment in the Old Town Bluffton Historic District

Grant/Tax Incentive	Eligibility	Criteria
LOCAL – Potential Options for Future Consideration		
Local Property Tax Abatement commonly referred to as the “Bailey Bill”	Owner Occupied Historic Residence, Income producing Historic Building, & Mixed-Use Historic Building	The property is assessed on the pre-rehabilitation fair market value for the length of the special assessment (up to 20 years; length set by the local government).
Loans (Pay Down)	Owner Occupied Historic Residence, Income producing Historic Building, & Mixed-Use Historic Building	TBD – Could create a program with an initial amount of money that people to apply to use and pay back annually.
Incremental Matching Funds	Owner Occupied Historic Residence, Income producing Historic Building, & Mixed-Use Historic Building	TBD – Could create fund that allows you to use when you have matching funds available for a project.
Grants	Based on locally created eligibility, the Town could apply it to National Structures, Local Contributing, Any structure in the Historic District, or potentially any structure in Town.	TBD – Could provide a ranking criterion that people could apply for (point system) and award money. Another option is to have a first-come first serve grant.
Economic Development Incentives	Based on locally created eligibility, the Town could apply it to National Structures, Local Contributing, Any structure in the Historic District, or potentially any structure in Town.	TBD – With the assistance of the Don Ryan Center, could create a program that connects potential investors to homeowners for funding of projects.
Revolving General Funds	Based on locally created eligibility, the Town could apply it to National Structures, Local Contributing, Any structure in the Historic District, or potentially any structure in Town.	TBD – Create a line item in the annual budget for available funds.
Technical Assistance	Owner Occupied Historic Residence, Income producing Historic Building, & Mixed-Use Historic Building	TBD – Hold workshops where property owners could attend meeting put on by preservation groups that can give insight on proposed projects.
Building Code Leniency	Owner Occupied Historic Residence, Income producing Historic Building, & Mixed-Use Historic Building	TBD – reduce or waive building permit fees associated with improvements.

Various Grants & Tax Incentives for Redevelopment in the Old Town Bluffton Historic District

Grant/Tax Incentive	Eligibility	Criteria
Façade Improvement Grants (possible matching)	Owner Occupied Historic Residence, Income producing Historic Building, & Mixed-Use Historic Building	TBD – Provide a grant that is intended to assistance with minor improvements to a façade to bring a historical structure back to its original design. (Ex. Removing 'newer' siding from a building)
Education	Owner Occupied Historic Residence, Income producing Historic Building, & Mixed-Use Historic Building	TBD – Provide public workshops where people can come to understand the importance of maintain and/or improving their historical structure
Low Interest Sprinkler Loans	Owner Occupied Historic Residence, Income producing Historic Building, & Mixed-Use Historic Building	TBD – Provide a set-down loan for retrofitting buildings with sprinkler systems, that could potentially lower insurance rates.

REHABILITATION OF DESIGNATED HISTORIC BUILDINGS

(Statutory Authority: 1976 Code § 4-9-195(D))

12–120. Definitions.

A. “Act” means the legislation authorizing the governing bodies of counties and municipalities to grant special property tax assessments to “rehabilitated historic properties” and “low and moderate income properties.”

B. “Administrative Review Committee” means a committee of the State Board of Review that shall include three or more members with two or more members representing the fields of architecture, architectural history, or related fields as appropriate.

C. “Department” means the South Carolina Department of Archives and History.

D. “Expenditures for rehabilitation” means the actual costs of rehabilitation relating to one or more of the following:

1. Improvements located on or within the historic building as designated;
2. Improvements outside of but directly attached to the historic building which are necessary to make the building fully useable (such as vertical circulation) but shall not include new construction of rentable/habitable floor space;
3. Architectural and engineering services attributable to the design of the improvements; or
4. Costs necessary to maintain the historic character or integrity of the building.

E. “Historic Property” means tangible real property that has been granted historic designation by the local governing body. Historic Property may include more than one historic building, including a historically-related complex, such as a house and barn or courthouse and jail. Historic Property may also include non-historic buildings or structures that are not eligible for the special property tax assessment.

F. “Local Governing Body” means county or municipal governments with jurisdiction over rehabilitated historic properties or low and moderate income rental properties seeking the special property tax assessments authorized by the Act.

G. “National Register of Historic Places” means the list of districts, sites, buildings, structures, and objects significant in South Carolina history, architecture, archaeology, engineering, and culture, that is maintained by the Secretary of the United States Department of the Interior under authority of the National Historic Preservation Act.

H. “Rehabilitation” means the process of returning a building or buildings to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the building(s) that are significant to its historic, architectural and cultural values.

HISTORY: Added by State Register Volume 17, Issue No. 3, eff Mar 26, 1993. Amended by State Register Volume 35, Issue No. 5, eff May 27, 2011.

12–121. Local Governing Body Certification.

A. General. The local governing body shall establish a system for preliminary and final certification of properties that are eligible under the Act. The local governing body may designate, in its discretion, an agency or department to perform its duties under the Act. The local governing body shall notify the county assessor, auditor, and treasurer that it has established the special property tax assessments and of any properties certified for the special property tax assessments.

B. Scope. The special property tax assessment of rehabilitated historic property shall apply to the building or structure that is rehabilitated, the real property on which the building is located, and additional real property surrounding the building or structure that has been determined significant to

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the historic character of the building by the local governing body. The special assessment shall not apply to rehabilitation expenses on buildings or structures that are not historic.

HISTORY: Added by State Register Volume 17, Issue No. 3, eff Mar 26, 1993. Amended by State Register Volume 35, Issue No. 5, eff May 27, 2011.

12–122. Designation of Property as Historic.

A. General. The local governing body shall establish a system for designation of historic properties in cases where such a system is not already in place.

B. Eligible Properties. The following categories of property may be designated historic by the local governing body:

1. Properties listed individually in the National Register of Historic Places;
2. Properties that contribute to an individual property or historic district listed in the National Register of Historic Places; or
3. Properties fifty or more years old that meet the local governing body's criteria for designation (see R.12–123).

C. Moved buildings.

1. General. The Department discourages the moving of historic buildings from their original sites.

2. If a building already designated historic by the local governing body is to be moved as part of rehabilitation work for which certification is sought, the owner must document that the building retains the characteristics that made it eligible for historic designation on the former site. The local governing body shall verify that the historic building retains those qualities on its new site.

3. If a building not yet designated historic is to be moved as part of rehabilitation work for which certification is sought, the local governing body shall determine whether the building meets its criteria for designation on its new site.

4. If a building listed in the National Register of Historic Places is to be moved as part of rehabilitation work for which certification is sought, the owner must follow the specific federal procedures that enable the building to remain listed. The owner should contact the Department early in the planning process if moving is a necessary step in their project.

D. Removal of Historic Designation.

1. The local governing body may remove the historic designation if the property no longer possesses the qualities that made it eligible for designation.

2. In the case that a property had been designated historic based on its listing in the National Register of Historic Places and the property is removed from the National Register, one of the following must occur:

- a. The property must be designated historic based on the local criteria; or
- b. The property loses the historic designation as of the date of removal from the National Register of Historic Places.

3. The date of the removal of historic designation shall be the basis for the date of the end of the special property tax assessment.

E. Technical Assistance. The Department shall provide technical assistance and advice, upon request, to the local governing body in carrying out the responsibilities under the Act.

HISTORY: Added by State Register Volume 17, Issue No. 3, eff Mar 26, 1993. Amended by State Register Volume 35, Issue No. 5, eff May 27, 2011.

12–123. Criteria for Designation.

A. General. The local governing body shall establish criteria for designation of historic properties.

B. Categories of Significance. Categories of significance for the criteria may include but are not limited to the following:

1. Architecture;
2. Culture;

3. Engineering; or
4. History.

C. Sample Criteria and Technical Assistance. The Department shall provide sample criteria, technical assistance, and advice, upon request, to the local governing body in carrying out the responsibilities under the Act.

HISTORY: Added by State Register Volume 17, Issue No. 3, eff Mar 26, 1993. Amended by State Register Volume 35, Issue No. 5, eff May 27, 2011.

12–124. Review of Rehabilitation Work.

A. General. The owner of any property seeking approval of rehabilitation work pursuant to the certification process of a local government (see R.12–121) shall comply with the procedures described in this regulation.

1. The owner shall submit a completed Rehabilitated Historic Property Application with supporting documentation to the Reviewing Authority (as defined in the Act). Owners who undertake any rehabilitation work without prior approval from the Reviewing Authority do so at their own risk and may disqualify all rehabilitation work from eligibility under the Act.

- a. In cases where the ordinance requires owners to apply for preliminary certification before any project work begins, the application must be provided to the Reviewing Authority prior to beginning any project work.

- b. In cases where the ordinance does not require owners to apply for preliminary certification before any project work begins, owners are strongly encouraged to submit the application prior to undertaking any rehabilitation work.

- c. In cases where the owner proposes changes in the proposed work prior to final approval of rehabilitation work, owners are strongly encouraged to submit the changes prior to undertaking such rehabilitation work.

- d. In cases where the owner proposes additional work after final approval of rehabilitation work but before the end of the special assessment period, owners are strongly encouraged to submit the additional work prior to undertaking such rehabilitation work.

2. The approval of rehabilitation work is based on the Standards for Rehabilitation (see R.12–125). The final approval of rehabilitation work by the Reviewing Authority is based on the completed work.

B. Rehabilitated Historic Property Application.

1. The Department shall provide a Rehabilitated Historic Property Application for owners to use when applying for the special assessment. In cases where the Department is not the Reviewing Authority, then the local governing body may develop an application that requests the same information as the application provided by the Department.

2. Part A —Preliminary Approval of Rehabilitation Work form, shall be used by the owner to describe the historic significance of the building, and to request preliminary approval of proposed rehabilitation work.

3. Part B —Final Approval of Rehabilitation Work form, shall be used by the owner to request final approval of completed rehabilitation work when the Reviewing Authority has already issued preliminary approval of rehabilitation work.

4. Parts A and B shall be used by the owner to request final approval of completed rehabilitation work when the Reviewing Authority has not issued preliminary approval of rehabilitation work.

5. Continuation/Amendment form shall be used by the owner to describe changes in the proposed work prior to final approval of rehabilitation work or to describe additional work after final approval of rehabilitation work but before the end of the special assessment period.

C. Review Process.

1. General. The Reviewing Authority shall review the application and determine if the rehabilitation work is consistent with the Standards for Rehabilitation. Rehabilitation work that is consistent with the Standards for Rehabilitation shall be approved. The Reviewing Authority shall notify the owner of this determination in writing. If the rehabilitation work is not consistent with the

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Standards for Rehabilitation, the Reviewing Authority shall deny the rehabilitation work and, where possible, advise the owner of necessary revisions. An authorized representative of the Reviewing Authority may inspect Historic Properties during the review process. The owner may appeal the determination by the Reviewing Authority that a rehabilitation project is not consistent with the Standards for Rehabilitation, see R.12-124D. In cases where the Department is the Reviewing Authority, the Department shall notify the local governing body of review decisions.

2. The Reviewing Authority shall consider the description of the rehabilitation work provided in the Part A - Preliminary Approval of Rehabilitation Work form and any attachments as the basis for the approval or denial of the rehabilitation work. In cases of discrepancy, the description in the application shall prevail over any/all attachments. After a project has received preliminary approval of rehabilitation work, the owner is responsible for reporting any proposed substantive changes in the work described in the application to the Reviewing Authority by written statement to ensure continued consistency with the Standards for Rehabilitation. Such changes should be described on a Continuation/Amendment form as provided by the Reviewing Authority. The Reviewing Authority shall determine if the proposed changes are consistent with the Standards for Rehabilitation and notify the owner in writing. Owners who undertake any rehabilitation work without prior approval from the Reviewing Authority do so at their own risk and may disqualify all rehabilitation work from eligibility under the Act.

3. The Reviewing Authority shall consider the documentation of the completed rehabilitation work for the approval or denial of the completed rehabilitation work. Approval of Part B constitutes final approval of the rehabilitation work by the Reviewing Authority.

4. An authorized representative of the Reviewing Authority may inspect completed projects during the special assessment period to determine if the work is consistent with the Standards for Rehabilitation.

D. Administrative Review and Appeal. An owner may appeal a denial decision by the Reviewing Authority by requesting it in writing within thirty (30) days of the date of that decision.

1. The owner may appeal a decision of the board of architectural review by following the process provided by state law (S.C. Code of Laws, Sections 6-29-890 through 6-29-940).

2. The owner may request an administrative review of a decision by the Department in writing within thirty (30) days of the date of that decision.

3. The Administrative Review Committee shall hear the request, based on the application, information in the files of the Department, and additional information (if any) provided. In considering the request, the Administrative Review Committee shall take into account alleged errors in professional judgment or alleged prejudicial procedural errors by Department officials. The decision of the Administrative Review Committee may:

- a. Reverse the decision of the Department;
- b. Affirm the decision of the Department; or
- c. Resubmit the matter to the Department for further consideration.

4. The decision of the Administrative Review Committee shall be the final administrative decision.

E. Additional Work.

1. Additional work on the property, other than ordinary maintenance and/or repair with matching materials, done after the final approval of rehabilitation work by the Reviewing Authority and before the expiration of the special property tax assessment shall be brought to the attention of the Reviewing Authority. Owners who undertake any rehabilitation work without prior approval from the Reviewing Authority do so at their own risk and may disqualify all rehabilitation work from eligibility under the Act.

2. The owner shall provide complete information describing the additional work on a Continuation/Amendment form and any necessary attachments. The Reviewing Authority shall determine if the overall project remains consistent with the Standards for Rehabilitation. The Reviewing Authority shall notify the owner of this determination in writing.

3. If the overall project including the proposed additional work, is not consistent with the Standards for Rehabilitation, the owner shall be notified in writing that the Reviewing Authority

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intends to rescind its approval of the project. The owner may then withdraw the request and revise the work in consultation with the Reviewing Authority. The rescission shall be effective thirty days after the date of the letter from the Reviewing Authority, unless the owner has withdrawn the proposal.

4. The Reviewing Authority shall notify the local governing body in writing of the decision to rescind approval of the rehabilitation work.

5. The effective date of the rescission by the Reviewing Authority shall be the basis for the end date of the special property tax assessment.

HISTORY: Added by State Register Volume 17, Issue No. 3, eff Mar 26, 1993. Amended by State Register Volume 35, Issue No. 5, eff May 27, 2011.

12–125. Standards for Rehabilitation.

A. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

B. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

C. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

D. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

E. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

F. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

G. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

H. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

I. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

J. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

HISTORY: Added by State Register Volume 17, Issue No. 3, eff Mar 26, 1993. Amended by State Register Volume 35, Issue No. 5, eff May 27, 2011.

ARTICLE 2

QUALITY STANDARDS AND PRACTICES FOR THE MICROFILMING OF PUBLIC RECORDS

(Statutory Authority: Title 30, Chapter 1, Public Records Act)

12–200. Introduction.

The South Carolina Department of Archives and History (hereinafter called the Department) has the responsibility under the Public Records Act (Code of Laws of South Carolina, 1976. Section 30-1-10

CITY OF BEAUFORT, SC

**"SPECIAL PROPERTY TAX ASSESSMENTS FOR
REHABILITATED HISTORIC PROPERTIES"**

CHAPTER 1. - SPECIAL PROPERTY TAX ASSESSMENTS FOR REHABILITATED HISTORIC PROPERTIES

Sec. 10-1001. - Special tax assessment created.

A special tax assessment is created for eligible rehabilitated historic properties for ten (10) years equal to the appraised value of the property at the time of preliminary certification.

(Ord. No. O-23-14, 9-23-14)

Sec. 10-1002. - Purpose.

It is the purpose of this division to:

- (a) Encourage the restoration of historic properties;
- (b) Promote community development and redevelopment;
- (c) Encourage sound community planning; and
- (d) Promote the general health, safety, and welfare of the community.

(Ord. No. O-23-14, 9-23-14)

Sec. 10-1003. - Eligible properties.

- (a) *Certification*. In order to be eligible for the special tax assessment, historic properties must receive preliminary and final certification.
 - (1) To receive preliminary certification a property must meet the following conditions:
 - a. The property has received historic designation.
 - b. The proposed rehabilitation work receives approval from the historic district review board (HRB); or
 - c. Be a project that commences on or after the date of the adoption of this ordinance. Preliminary certification must be received prior to beginning work.
 - (2) To receive final certification, a property must have met the following conditions:
 - a. The property has received preliminary certification.
 - b. The minimum expenditures for rehabilitation were incurred and paid.
 - c. The completed rehabilitation receives approval from the director of planning and development services as being consistent with the plans approved by HRB as part of preliminary certification.
- (b) *Historic designation*. As used in this section, "historic designation" means:
 - (1) the structure is at least fifty 50 years old and is located in the historic district;
 - (2) The structure is located outside the historic district and is listed on the National Register of Historic Places; or
 - (3) The structure is listed on the "1997 Beaufort County Above Ground Historic Sites Survey," and has been designated as "historic" according to Section 3.21 of the Unified Development Ordinance and its successors.

(Ord. No. O-23-14, 9-23-14)

Sec. 10-1004. - Eligible rehabilitation.

- (a) *Standards for rehabilitation work.* To be eligible for the special tax assessment, historic rehabilitations must be appropriate for the historic building and the historic district. This is achieved through adherence to the standards set out in Section 3.20.C of the Unified Development Ordinance and its successors.
- (b) *Work to be reviewed.* The following work will be reviewed according to the standards set forth above:
 - (1) Repairs to the exterior of the designated building.
 - (2) Alterations to the exterior of the designated building.
 - (3) New construction on the property on which the building is located.
 - (4) Alterations to interior primary public spaces.
 - (5) Any remaining work where the expenditures for such work are being used to satisfy the minimum expenditures for rehabilitation.
- (c) *Minimum expenditures for rehabilitation* means the owner rehabilitates the building, with expenditures for rehabilitation exceeding seventy-five (75) percent of the fair market value of the building. Fair market value means the appraised value as certified to the HRB by a real estate appraiser licensed by the State of South Carolina, the sales price as delineated in a bona fide contract of sale within twelve (12) months of the time it is submitted, or the most recent appraised value published by the Beaufort County tax assessor.
- (d) *Expenditures for rehabilitation* means the actual cost of rehabilitation relating to one or more of the following:
 - (1) Improvements located on or within the historic building as designated.
 - (2) Improvements outside of but directly attached to the historic building which are necessary to make the building fully useable (such as vertical circulation) but shall not include rentable/habitable floor space attributable to new construction.
 - (3) Architectural and engineering services attributable to the design of the improvements.
 - (4) Costs necessary to maintain the historic character or integrity of the building.
- (e) *Scope.* The special tax assessment may apply to the following:
 - (1) Structure(s) rehabilitated.
 - (2) Real property on which the building is located.
- (f) *Time limits.* To be eligible for the special tax assessment, rehabilitation must be completed within two (2) years of the preliminary certification date. If the project is not complete after two (2) years, but the minimum expenditures for rehabilitation have been incurred, the property continues to receive the special assessment until the project is completed or until the end of the special assessment period, whichever shall first occur.

(Ord. No. O-23-14, 9-23-14)

Sec. 10-1005. - Process.

- (a) *Fee required.* A fee as set out in the city's fee schedule shall be required for final certification for each application.
- (b) *Plan required.* Owners of property seeking approval of rehabilitation work must submit an HRB application with supporting documentation and application fee prior to beginning work.

- (c) *Preliminary certification.* Upon receipt of the completed application, the proposal shall be placed on the next available agenda of the HRB to determine if the project is consistent with the standards for rehabilitation in subsection 10-1004(a). After the HRB makes its determination, the owner shall be notified in writing. Upon receipt of this determination the owner may:
- (1) If the application is approved, begin rehabilitation;
 - (2) If the application is not approved, may revise such application in accordance with comments provided by the HRB;
- (d) *Substantive changes.* Once preliminary certification is granted to an application, substantive changes must be approved by the HRB. Unapproved substantive changes are conducted at the risk of the property owner and may disqualify the project from eligibility. Additional expenditures will not qualify the project for an extension on the special assessment.
- (e) *Final certification.* Upon completion of the project, the project must receive final certification in order to be eligible for the special assessment the director of planning and development services will inspect completed projects to determine if the work is consistent with the approval granted by the HRB pursuant to section 10-1004(a). Final certification will be granted when the completed work meets the standards and verification is made that expenditures have been made in accordance with section 10-004(c) above. Upon receiving final certification, the property will be assessed for the remainder of the special assessment period on the fair market value of the property at the time the preliminary certification was made or the final certification was made, whichever occurred earlier.
- (f) *Additional work.* For the remainder of the special assessment period after final certification, the property owner shall notify the HRB of any additional work, other than ordinary maintenance. The HRB will review the work at a regularly scheduled hearing and determine whether the overall project is consistent with the standards for rehabilitation. If the additional work is found to be inconsistent the property owner may withdraw his request and cancel or revise the proposed additional work.
- (g) *Decertification.* When the property has received final certification and has been assessed as rehabilitated historic property, it remains so certified and must be granted the special assessment until the property becomes disqualified by any one of the following:
- (1) Written notice from the owner to the HRB and the Beaufort County auditor requesting removal of the preferential assessment; or
 - (2) Rescission of the approval of rehabilitation by the HRB because of alterations or renovation by the owner or the owner's estate which causes the property to no longer possess the qualities and features which made it eligible for final certification.
- Notification of any change affecting eligibility must be given immediately to the Beaufort County assessor, auditor, and treasurer.
- (h) *Notification.* The city shall, upon final certification of a property, notify the Beaufort County assessor, auditor and treasurer that such property has been duly certified and is eligible for the special tax assessment.
- (i) *Date effective.* If an application for preliminary or final certification is filed by May 1 or the preliminary or final certification is approved by August 1, the special assessment authorized herein is effective for that year. Otherwise, it is effective beginning with the following year. The special assessment only begins in the current or future tax years as provided for in this section. In no instance may the special assessment be applied retroactively.
- (j) *Application.* Once the HRB has granted the special property tax assessments authorized herein, the owner of the property shall make application to the Beaufort County auditor for the special assessment provided for herein.

(Ord. No. O-23-14, 9-23-14)

DARLINGTON COUNTY, SC

**"SPECIAL PROPERTY TAX ASSESSMENT PROGRAM FOR
REHABILITATED HISTORIC PROPERTIES"**

ARTICLE VI. - SPECIAL PROPERTY TAX ASSESSMENT PROGRAM FOR REHABILITATED HISTORIC PROPERTIES

Sec. 58-121. - Authority.

Pursuant to S.C. Code 1976, §§ 5-21-140 and 4-9-195, as amended (collectively, the "Bailey Bill"), Darlington County is enacting and establishing its special property tax assessment program for rehabilitated historic properties (the "Bailey Bill Program").

(Ord. No. [19-19](#), § 1, 11-4-19)

Sec. 58-122. - Definitions.

As used in this article, unless the context shall otherwise require, capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Bailey Bill.

(Ord. No. [19-19](#), § 2, 11-4-19)

Sec. 58-123. - Creation of special tax assessment; term.

- (a) *Special tax assessment created.* A special tax assessment is hereby created wherein real property that has complied with all provisions of the Bailey Bill Program shall receive a property tax assessment for such real property and any improvements thereon that is based upon the fair market value of such property during the year that preliminary certification of the historic rehabilitation of such property is granted (the "Special Assessment"). Only work that is performed after the Preliminary Certification is granted shall be considered for purposes of determining the Special Assessment.
- (b) *Term.* The "Assessment Term" means a period of up to 20 years. The Assessment Term is contingent upon the Expense Percentage (as defined below) of each qualifying property. "Expense Percentage" means the percentage determined by dividing the rehabilitation expenses occurring after the Preliminary Certification by the fair market value of the qualifying property as provided in the Preliminary Certification. If the Expense Percentage equals:
- (1) 20-29 percent—the Assessment Term shall be five years;
 - (2) 30-39 percent—the Assessment Term shall be ten years;
 - (3) 40-49 percent—the Assessment Term shall be 15 years; and
 - (4) 50 percent over greater—the Assessment Term shall be 20 years.

Any Special Assessment granted pursuant to the provisions of this Bailey Bill Program shall remain the assessment applicable to such historic property for the purposes of ad valorem taxes for the applicable Assessment Term. If an application for Preliminary Certification is filed by May 1 of any year, or Preliminary Certification is granted by August 1 of any year, the first year of the Assessment Term shall be the year in which such application was filed or Preliminary Certification was granted, as applicable. Otherwise, the first year of the Assessment Term shall be the year following the year in which such application was filed, or Preliminary Certification was granted, as applicable.

(Ord. No. [19-19](#), § 3, 11-4-19)

Sec. 58-124. - Eligibility.

- (a) *Eligible properties*. In order to be eligible to receive the Special Assessment, a property must be granted a historic designation by county council based upon one or more of the following reasons ("Eligible Properties"):
- (1) The property is at least 50 years old; and
 - (2) It also qualifies under the following:
 - a. The property is listed on the National Register of Historic Places;
 - b. The property has been designated as a historic property by county council; or
 - c. The property is located within an area that has been designated as a historic district by county council.
- (b) *Historic designation*. Each property included within the descriptions provided for in section 58-124(a) is hereby granted a "Historic Designation" for the purposes of the Bailey Bill and the Bailey Bill Program (a "Historic Property").

(Ord. No. [19-19](#), § 4, 11-4-19)

Sec. 58-125. - Eligible rehabilitation.

- (a) In order to be eligible to receive the Special Assessment, a property must undergo a historic rehabilitation (a "Historic Rehabilitation") that adheres to the Secretary of the Interior's Standards for Rehabilitation, together with the county design.
- (b) *Rehabilitation work to be evaluated based upon the rehabilitation standards*. The following elements of any Historic Rehabilitation shall be reviewed according to the Rehabilitation Standards:
- (1) Repairs to the exterior of the designated building;
 - (2) Alterations to the exterior of the designated building;
 - (3) New construction on the property on which the building is located; and
 - (4) For public or commercial buildings, interior alterations for primary public spaces.
- (c) *Expenditures for rehabilitation*. Qualified expenditures for any Historic Rehabilitation include the actual costs of rehabilitation related to one or more of the following:
- (1) Improvements located on or within the historic building as designated;
 - (2) Improvements outside of and directly attached to the historic building which are necessary to make the building fully usable; such improvements shall not include rentable/habitable floor space attributable to new construction;
 - (3) Architectural and engineering services attributable to the design of the improvements; and
 - (4) Costs necessary to maintain the historic character or integrity of the building.
- (d) The costs of architectural or engineering services shall be limited to a maximum of 20 percent of the total qualified rehabilitation costs. To the extent that the architectural or engineering costs exceed 20 percent of the qualified rehabilitation costs of a Historic Property, such additional costs shall not be includable when determining the Expense Percentage or the Minimum Expenditure (as defined below).

(Ord. No. [19-19](#), § 5, 11-4-19)

Sec. 58-126. - Minimum expenditures; fair market value.

In order to be eligible to receive the Special Assessment, the total expenditures that an owner of a Historic Property must incur applicable to a Historic Rehabilitation shall equal or exceed 20 percent of the fair market value of the Historic Property at the time in which Preliminary Certification is granted (the "Minimum Expenditure"). Fair market value shall be based upon the (i) appraised value of the Historic Property as certified by a licensed real estate appraiser and as submitted as part of an application for Preliminary Certification; (ii) the sales price of the Historic Property delineated in a bona fide, arms-length real estate transaction taking place within 12 months of the time that an application for Preliminary Certification is submitted; or (iii) the most recent appraised value determined by the Darlington County Assessor.

(Ord. No. [19-19](#), § 6, 11-4-19)

Sec. 58-127. - Reviewing authority designation; jurisdiction.

The County's Historical Commission (the "CHC"), as the board of the county with jurisdiction over historic properties pursuant to S.C. Code 1976, § 6-29-870, as amended, is hereby designated as the "Reviewing Authority," as such term is used in the Bailey Bill, for the purposes of the Bailey Bill Program. The jurisdiction of the CHC is hereby expanded, but only for the purposes of the duties prescribed to the CHC pursuant to the Bailey Bill Program, to include jurisdiction of the Eligible Properties.

(Ord. No. [19-19](#), § 7, 11-4-19)

Sec. 58-128. - Approval process.

- (a) *Application.* In order to be eligible to receive the Special Assessment, a Historic Property proposing a Historic Rehabilitation must receive Preliminary Certification by the county council using the application and review process provided for in this section. Any owner of a Historic Property may apply to Darlington County for Preliminary Certification of a proposed Historic Rehabilitation by submitting an Application for Preliminary Certification to the Darlington County Historical Commission. In order to receive consideration, all applications must be complete and must include the following fees and other information:
- (1) A completed application;
 - (2) Any application fees that may be required;
 - (3) A plan detailing the proposed Historic Rehabilitation detailing the scope of work that is to be performed and demonstrating compliance with the Rehabilitation Standards;
 - (4) Sufficient evidence of the current fair market value of the Historic Property; and
 - (5) The total amount that the owner anticipates will be expended on the Historic Rehabilitation.
- (b) *CHC review.* Provided the finished application (as to all form and content) has been filed with the Historical Commission at least seven calendar days before the regularly scheduled meeting of the CHC, the CHC shall review the submitted application at its next regular meeting; otherwise, consideration shall be deferred until the next occurring meeting of the CHC. Any applicant may be present at any such meeting to offer further explanation regarding the proposed Historic Rehabilitation and answer any questions of the CHC. The CHC shall affirm that the Minimum Expenditure is expected to be met and that the property meets the standard for a Historic Property. The CHC shall review each application and proposed Historic Rehabilitation to ensure that the proposed scope of work complies with the Rehabilitation Standards. If all criteria are met, the CHC may recommend to county council that the Historic Rehabilitation be approved. If the CHC declines to recommend approval to county council, the CHC shall provide the applicant with specific reasons for its denial and the applicant may re-apply under the terms of this section.
- (c) *Certificate of appropriateness.* In no instance shall a recommendation to county council for the approval of a Historic Rehabilitation be construed as a grant of a Certificate of Appropriateness by

the CHC; however, applicants are encouraged to submit applications for Preliminary Certification and applications for a Certificate of Appropriateness for any Historic Rehabilitation at the same time and the CHC is hereby authorized to defer the consideration of either application for no more than one regularly scheduled meeting in order to permit both applications to be considered in conjunction.

- (d) *County council preliminary certification.* Upon an application receiving a recommendation of approval by the CHC, the application shall be considered at the next regularly scheduled meeting of county council, provided that enough time remains to include such an Application on the upcoming meeting agenda. County council may, by ordinance, approve the application and proposed Historic Rehabilitation and, in such event, shall make specific findings of the following facts regarding the following:
- (1) The property constitutes an eligible property;
 - (2) The Minimum Expenditures are expected to be met; and
 - (3) The fair market value of the Historic Property that is to be used to calculate the special assessment and the expense percentage.
- (e) *Substantive changes.* If at any time during the application process or after Preliminary Certification is granted, the scope of work considered or approved thereunder is substantively changed in any way, the applicant must promptly notify the County Historical Commission who shall decide as to whether such a change requires the prior approval of the county council. If such approval is necessary, such a change may be brought directly before the county council at its next available regularly scheduled meeting for consideration. Unapproved substantive changes are conducted at the risk of the property owner and may disqualify the property from eligibility for the Special Assessment.
- (f) *Assessment for two years during work.* Once a proposed Historic Rehabilitation has received Preliminary Certification, the Historic Property shall receive the Special Assessment for an initial period of two years during which the proposed Historic Rehabilitation is undertaken. Any such period shall apply towards the applicable Assessment Term in Section 58-123(b) herein. If, after the expiration of two years, the Historic Rehabilitation is not complete, but the Minimum Expenditure has been met, the Special Assessment shall continue for such time as it is necessary to complete the Historic Rehabilitation. If after the expiration of two years, the Minimum Expenditures have not been met, the county council may, at its discretion, disqualify the property from eligibility for the Special Assessment and any monies not collected due to the special assessment must be returned to the county and other affected taxing districts, as applicable.

(Ord. No. [19-19](#), § 8, 11-4-19)

Sec. 58-129 - Rehabilitation monitoring; final certification.

- (a) *Monitoring.* During the period which the Historic Rehabilitation is underway, staff of Darlington County Development Services may inspect the work in progress to ensure that the Historic Standards are met. Inspections of any exterior work may be made at any time and inspections of any interior work may be made upon 24-hours notice. The refusal of an applicant to permit inspection shall serve as grounds for the disqualification of the property from eligibility for the Special Assessment. If such an inspection shows substantive deviations from the approved scope of work or a failure to comply with the Historic Standards, the county council may disqualify the property from eligibility for the Special Assessment.
- (b) *Final Certification.* Upon completion of the Historic Rehabilitation, the applicant must notify Development Services and request that the property be granted Final Certification. The Development Services Department shall inspect the Historic Property to ensure compliance with the approved scope of work and the Historic Standards. If compliance is found, the Development Services staff shall grant Final Certification and shall provide the property owner with enough documentation of such Final Certification.

(Ord. No. [19-19](#), § 9, 11-4-19)

Sec. 58-130. - Notification of the Darlington County Tax Assessor.

Upon receipt of Final Certification, it shall be the responsibility of the property owner to provide such Final Certification to the Darlington County Assessor in order to secure the Special Assessment.

(Ord. No. [19-19](#), § 10, 11-4-19)

Sec. 58-131. - Jurisdiction of municipalities.

Any historical property located inside the municipality of the county must be approved by the appropriate jurisdiction. Upon approval, the county will match the special tax assessment.

(Ord. No. [19-19](#), § 11, 11-4-19)

Sec. 58-132. - Additional work; decertification.

- (a) For the remainder of the applicable assessment period, the property owner shall notify Development Services of any additional exterior work undertaken on the Historic Property, other than ordinary maintenance. Development Services staff will present the proposed work to the CHC at its next regularly scheduled meeting who will review the work and determine whether the overall project is consistent with the standards for rehabilitation. If the additional work is found to be inconsistent, the property owner shall withdraw his request and cancel or revise the proposed additional work.
- (b) Once the Historic Property has received Final Certification, it shall remain so certified and must be granted the Special Assessment until the property becomes disqualified by any one of the following:
 - (1) The expiration of the applicable Assessment Term;
 - (2) Written notice from the property owner to the County Historical Commission and the Darlington County Auditor requesting removal of the Special Assessment;
 - (3) Removal of the historic designation by county council; or
 - (4) Rescission of the approval of the Historic Rehabilitation by the CHC because of alterations or renovation by the owner or the owner's estate which causes the property to no longer possess the qualities and features which made it eligible for Final Certification.
- (c) Notification of any change affecting eligibility must be given immediately to the Darlington County Assessor, Auditor, and Treasurer.

(Ord. No. [19-19](#), § 12, 11-4-19)

RICHLAND COUNTY, SC

"REHABILITATED HISTORIC PROPERTIES"

ARTICLE V. REHABILITATED HISTORIC PROPERTIES

ATTACHMENT 3

Sec. 23-60. Special tax assessment created.

A special tax assessment is created for eligible rehabilitated historic properties for a period of twenty (20) years equal to the assessed value of the property at the time of preliminary certification.

(Ord. No. 047-08HR, § II, 9-9-08; Ord. No. 019-13HR, § 1, 5-7-13)

Sec. 23-61. Purpose.

It is the purpose of this Article to:

- (1) Encourage the rehabilitation of historic properties;
- (2) Promote community development and redevelopment;
- (3) Encourage sound community planning; and
- (4) Promote the general health, safety, and welfare of the community.

(Ord. No. 047-08HR, § II, 9-9-08)

Sec. 23-62. Eligible Properties.

(a) *Certification*. In order to be eligible for the special tax assessment, historic properties must receive preliminary and final certification.

(1) *Preliminary certification*. To receive preliminary certification a property must meet the following conditions:

a. The property meets the requirements for historic designation as established in this section.

b. The proposed rehabilitation work receives a recommendation of approval from the appropriate architectural reviewing authority (hereinafter "reviewing authority") and is consistent with the rehabilitation standards as set forth in this article. The reviewing authority shall review all improvements associated with the rehabilitation and make a recommendation to the county regarding the project's eligibility. For the purpose of this article, the reviewing authority shall be defined as follows:

1. In any municipality that has an architectural review board, the municipal board shall serve as the reviewing authority.

2. In the unincorporated areas of the county, and within any municipality that does not have an architectural review board, the South Carolina Department of Archives and History shall serve as the reviewing authority.

c. Be a project that commenced by or after August 17, 2004 to the date of the adoption of this ordinance and work was permitted to have begun prior to receiving preliminary certification, or

d. Be a project that commences on or after the date of the adoption of this ordinance.

(2) *Final certification*. To be eligible for final certification, a property must have met the following conditions:

a. The property has received preliminary certification.

b. The minimum expenditures for rehabilitation as set forth in this article have been incurred and paid.

c. The completed rehabilitation receives a recommendation for approval from the reviewing authority as being consistent with the plans approved by the reviewing authority during preliminary certification.

d. All application fees have been paid in full by the applicant.

e. The property has met all other requirements of this article.

(b) *Historic designation*. In order to be eligible for the special tax assessment, the property must meet one of the following criteria:

(1) The property must be listed on the National Register of Historic Places either individually or as a contributing property in a district, or

(2) The property is designated as a historic property by the county council based upon criteria established by the county council and the property is at least fifty (50) years old.

(c) *Historic property criteria*. In order to be eligible for the special tax assessment, the property must meet one (1) of the following criteria:

(1) Any property included in one (1) of the categories below is considered a historic property:

a. Listed on the National Register of Historic Places,

b. Determined eligible for the National Register by the South Carolina Department of Archives and History,

c. A contributing property in a National Register Historic District,

d. Listed in the Richland County Bicentennial Committee Historic Homes and Buildings Landmark

e. City of Columbia Historic Landmark.

(2) All other properties must demonstrate:

a. Association with events that have made a significant contribution to the broad patterns of our history, or

b. Association with the lives of significant persons in our past, or

c. Embodiment of distinctive characteristics of a type, period, or method of construction; or representation of the work of a master; or possession of high artistic values.

Property owners seeking eligibility under this section must file an application with Richland County to receive a historic property determination.

(Ord. No. 047-08HR, § II, 9-9-08; Ord. No. 019-13HR, §§ II, III, 5-7-13)

Sec. 23-63. Eligible rehabilitation.

(a) *Standards for rehabilitation.* To be eligible for the special tax assessment, historic rehabilitations must be conducted according to the following standards:

(1) The historic character of a property shall be retained and preserved. The removal of historic materials or alterations or of features and spaces that characterize each property shall be avoided.

(2) Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development shall not be undertaken.

(3) Most properties change over time. Those changes that have acquired historic significance in their own right shall be retained and preserved.

(4) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property should be preserved.

(5) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement or of a distinctive feature, the new should match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.

(6) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the most gentle means possible.

(7) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the historic property and its environment.

(8) New additions and adjacent new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(b) *Work to be reviewed.* The following work will be reviewed according to the standards set forth above:

(1) Repairs to the exterior of the designated building.

(2) Alterations to the exterior of the designated building.

(3) New construction on the property on which the building is located, including site work.

(4) Alterations to interior primary public spaces, as defined by the reviewing authority.

(5) Any remaining work where the expenditures for such work are being used to satisfy the minimum expenditures for rehabilitation, including, but not limited to, alterations made to mechanical, plumbing and electrical systems.

(c) *Minimum expenditures for rehabilitation.* To be eligible for the special property tax assessment, the owner or the owner's estate must meet the minimum expenditures for rehabilitation:

(1) The minimum investment shall be twenty percent (20%) of the fair market value of the building which is to be rehabilitated.

(2) Fair market value means the appraised value as certified to the county by a real estate appraiser licensed by the State of South Carolina, the sales price as delineated in a bona fide contract of sale within twelve months of the time it is submitted, or the most recent appraised value published by the Richland County Tax Assessor.

(d) *Expenditures for rehabilitation* means the actual cost of rehabilitation relating to one or more of the following:

- (1) Improvements located on or within the historic building as designated.
 - (2) Improvements outside of but directly attached to the historic building which are necessary to make the building fully useable (such as vertical circulation) but shall not include rentable/habitable floorspace attributable to new construction.
 - (3) Architectural and engineering services attributable to the design of the improvements.
 - (4) Costs necessary to maintain the historic character or integrity of the building.
- (e) *Scope.* The special tax assessment may apply to the following:
- (1) Structure(s) rehabilitated;
 - (2) Real property on which the building is located.
- (f) *Time limits.* If the project is not complete after two (2) years, but the minimum expenditures for rehabilitation have been incurred, the property continues to receive the special assessment until the project is completed.

(Ord. No. 047-08HR, § II, 9-9-08; Ord. No. 019-13HR, §§ IV, V, 5-7-13)

Sec. 23-64. Process.

(a) *Fee required.* There is a fee required for the review of rehabilitation work during the final certification process. Final certification of the property will not be given until the fee has been paid in full by the applicant. Fees shall be made payable to Richland County. The amount of the fee shall be as follows:

- (1) For owner-occupied, non-income producing properties, the fee shall be one hundred and fifty dollars (\$150.00).
- (2) For income-producing or non-owner occupied properties, the fee shall be three hundred dollars (\$300.00).

(b) *Plan required.* Owners of property seeking approval of rehabilitation work must submit a completed rehabilitation of historic property application with supporting documentation to the county administrator or his designee prior to beginning work. Rehabilitation work conducted prior to approval of the application is done so at the risk of the property owner.

(c) *Preliminary certification.* Upon receipt of the completed application, the county administrator or his designee shall submit the plan to the reviewing authority for a recommendation as to whether the project is consistent with the standards for rehabilitation. Upon receipt of the reviewing authority's recommendation, the county administrator or his designee shall notify the owner in writing. Upon receipt of this determination, the property owner may:

- (1) If the application is approved, begin rehabilitation;
- (2) If the application is not approved, he/she may revise such application in accordance with comments provided by reviewing authority.

(d) *Substantive changes.* Once preliminary certification is granted to an application, substantive changes must be approved in writing by the county administrator or his designee. Any substantive changes made to the property during rehabilitation that are not approved by county administrator or his designee, upon review and recommendation of the reviewing authority, are conducted at the risk of the property owner and may disqualify the project from eligibility during the final certification process.

(e) *Final certification.* Upon completion of the project, the property must receive final certification in order to be eligible for the special assessment. The reviewing authority shall inspect completed projects to determine if the work is consistent with the approval recommended by the reviewing authority and granted by the county during preliminary certification. The review process for final certification shall be established by the reviewing authority and may include a physical inspection of the property. The reviewing authority shall notify the applicant in writing of its recommendation. If the applicant wishes to appeal the reviewing authority's recommendation, the appeal must follow the reviewing authority's appeals process. The county administrator or his designee may grant final certification only if the following conditions have been met:

- (1) The completed work meets the standards for rehabilitation as established in this article;
- (2) Verification is made that the minimum expenditures have been have been incurred in accordance with the provisions of this article; and
- (3) Any fee(s) shall be paid in full.

Upon receiving final certification, the property will be assessed for the remainder of the special assessment period on the fair market value of the property at the time the preliminary certification was made or the final certification was made, whichever occurred earlier.

(f) *Additional work.* For the remainder of the special assessment period after final certification, the

property owner shall notify the county administrator or his designee of any additional work, other than ordinary maintenance, prior to the work beginning. The reviewing authority shall review the work and make a recommendation to the county administrator or his designee whether the overall project is consistent with the standards for rehabilitation. The county administrator or his designee shall notify the property owner in writing if the overall project is consistent with the standards for rehabilitation. If the additional work is found to be inconsistent by the reviewing authority, the county administrator or his designee shall notify the owner in writing within thirty (30) days of its decision to rescind approval. The property owner may withdraw his/her request and cancel or revise the proposed additional work.

(g) *Notification.* Upon final certification of a rehabilitated historic property, the Richland County Assessor, Auditor, and Treasurer shall be notified by the county administrator or his designee that such property has been duly certified and is eligible for the special tax assessment.

(h) *Application.* Once the final certification has been granted, the owner of the property shall make application to the Richland County Auditor for the special assessment provided for herein. The special assessment shall remain in effect for the length of the special assessment period, unless the property shall become decertified under the provisions of this section.

(i) *Date effective.* If an application for preliminary or final certification is filed by May first or the preliminary or final certification is approved by August first, the special assessment authorized herein is effective for that year. Otherwise, it is effective beginning with the following year. The special assessment only begins in the current or future tax years as provided for in this section. The special assessment period shall not exceed twenty (20) years in length, and in no instance may the special assessment be applied retroactively.

(j) *Previously certified properties.* A property certified to receive the special property tax assessment under the existing law continues to receive the special assessment in effect at the time certification was made.

(k) *Decertification.* Once the property has received final certification and assessed as rehabilitated historic property, it remains so certified and must be granted the special assessment until the property becomes disqualified by any one of the following:

(1) Written notice from the owner to the Richland County Auditor requesting removal of the special assessment;

(2) Removal of the historic designation by the county council, based upon noncompliance of the criteria established in Section 26-62(c); or

(3) Rescission of the approval of rehabilitation by the county, at the recommendation of the reviewing authority, because of alterations or renovation by the owner or the owner's estate which causes the property to no longer possess the qualities and features which made it eligible for final certification. Notification of any change affecting eligibility must be given immediately to the Richland County Assessor, Auditor, and Treasurer.

(Ord. No. 047-08HR, § II, 9-9-08; Ord. No. 019-13HR, §§ VI, VII, 5-7-13)
IV, 7-6-10; Ord. No. 073-14HR, § I, 12-9-14)