



# TOWN OF BLUFFTON HISTORIC PRESERVATION COMMISSION

## ELECTRONIC MEETING

Wednesday, July 1, 2020 6:00 p.m.

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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 – June 3, 2020 & June 10, 2020**

**VII. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA\***

**VIII. OLD BUSINESS**

**IX. NEW BUSINESS**

**X. DISCUSSION**

- A. Unified Development Ordinance Amendment:** Discussion and Direction on Text Amendments to the Town of Bluffton Code of Ordinances, Chapter 23 – Unified Development Ordinance, Article 5 – Design Standards, To Evaluate the Potential Regulation of the

Preservation of Contributing Structures in the Old Town Bluffton Historic District. (Staff – Charlotte Moore; Principal Planner)

- B. Unified Development Ordinance Amendment:** Discussion and Direction on Text Amendments to the Town of Bluffton Code of Ordinances, Chapter 23 – Unified Development Ordinance, Article 3 – Application Process, Section 3.25 Designation of Contributing Structure and Article 9 Definitions and Interpretations. (Staff – Charlotte Moore; Principal Planner)

## XI. ADJOURNMENT

**NEXT MEETING DATE– Wednesday, August  
5, 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 [dmclain@townofbluffton.com](mailto:dmclain@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](mailto:adacoordinator@townofbluffton.com) as soon as possible but no later than 48 hours before the scheduled event.

**TOWN OF BLUFFTON HISTORIC PRESERVATION COMMISSION**  
**Electronic Meeting**

**Wednesday, June 3, 2020, Minutes**

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**Present:** Bruce Trimbur - Chair; Will Guenther – Vice Chair; Courtney McNeil;  
Elaine Gallagher Adams; Jesse Solomon

**Absent:** Michael Lovecchio

**Staff:** Heather Colin, Growth Management Director; Kevin Icard, Planning &  
Community Development Manager Victoria Smalls, Community  
Development Coordinator; Katie Peterson, Senior Planner; Charlotte  
Moore, Principal Planner; Darby McLain, Growth Management Coordinator

Richardson LaBruce, Town Attorney

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**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 an additional meeting date as determined by the Commission Members.

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**V. ADOPTION OF THE AGENDA**

Commissioner Solomon made a motion to adopt the Wednesday, June 3, 2020 Historic Preservation Commission Meeting Agenda. Commissioner Guenther seconded the motion, all were in favor and the motion passed.

**VI. ADOPTION OF MINUTES – May 6, 2020**

Commissioner Guenther made a motion to approve the adoption of the June 6, 2020 minutes, Commissioner McNeil seconded the motion. All were in favor and the motion passed.

**VII. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA**

Item B also received one public comment in regards to parking.

Item D under New Business received 13 public comments, all were in favor.

## VIII. OLD BUSINESS

No Old Business

## IX. NEW BUSINESS

- A. Certificate of Appropriateness:** A request by Southern Coastal Homes, on behalf of Scott and Barbara Ready, for approval of a Certificate of Appropriateness to allow the construction of a new single-family residential structure of approximately 1,813 SF located at 32 Tabby Shell Road (Lot 17) in the Old Town Bluffton Historic District, and zoned Neighborhood General-HD. (COFA-03-20-014097)(Staff – Katie Peterson)

Katie Peterson presented the staff report which is incorporated into these minutes.

Commissioner Solomon made a motion to approve the construction of a new single-family residential structure of approximately 1,813 SF located at 32 Tabby Shell Road (Lot 17) (COFA-03-20-014097) as submitted. Commissioner McNeil seconded the motion all were in favor and the motion passed.

- B. Certificate of Appropriateness:** A request by Court Atkins Group, on behalf of Michael Bradley Holdings, for approval of a Certificate of Appropriateness to allow the construction of a new commercial building of approximately 3,200 SF and a Carriage House of approximately 1,200 SF, located at 5738 Guilford Place (Lot 2) in the Stock Farm Development in the Old Town Bluffton Historic District and zoned Neighborhood General – HD. (COFA-03-20-014106)(Staff – Katie Peterson)

Katie Peterson presented the staff report which is incorporated into these minutes.

Commissioner Guenther made a motion to approve the construction of a new commercial building of approximately 3,200 SF and a Carriage House of approximately 1,200 SF, located at 5738 Guilford Place (Lot 2) COFA-03-20-014106) with the following conditions:

1. Per Section 3.22.2. of the UDO, a Town of Bluffton tree removal permit is required for the removal of any trees over 8" in DBH.
2. Per Section 3.2.1.C. of the UDO, a grading plan showing the proposed fill is required.
3. Per the Applications Manual, a letter of approval from the Stock Farm ARB is required.
4. Per Section 3.19 of the UDO, a Site Feature – HD permit is required for any proposed signage at this location.

5. Per Section 5.15.6.H.1.a. of the UDO, columns on the second story porch shall be reconfigured or added to be no further apart than they are tall.
6. Per Section 5.15.6.K. of the UDO, additional information on the metal gate in the fence must be provided to ensure it meets the material standards.
7. It was determined that the full-length side colonnade was an appropriate alternative to the required arcade, colonnade, marquee, porch or awning along the primary frontage per UDO Section 5.15.6.C.2.
8. Per Section 5.15.8.F. of the UDO, the Carriage House must be reduced to have a footprint of no more than 800 SF, with a maximum square footage of 1,200 SF.

Commissioner Solomon second the motion, there was discussion on the motion.

Commissioner Guenther made a motion to amend the existing motion to add the following condition:

9. The applicant shall review the façade fronting May River Road, specifically the sign location, to add depth and create a more prominent frontage to be reviewed by HPRC.

Commissioner Gallagher-Adams seconded to amend the motion all were in favor and the motion passed.

Commissioner McNeil seconded the amended motion, there was no discussion, all were in favor and the motion passed.

**C. Certificate of Appropriateness:** A request by Manuel Studio, LLC, on behalf of Matthew Cunningham, for approval of a Certificate of Appropriateness to allow the construction of a new 2-story single-family residential structure of approximately 3,260 SF and the renovation and addition to the existing 1,152 SF Carriage House, located at 51 Colcock Street Unit B in the Old Town Bluffton Historic District, and zoned as Riverfront Edge-HD. (COFA-03-20-014120)(Staff – Katie Peterson)

Katie Peterson presented the staff report which is incorporated into these minutes.

Commissioner Solomon made a motion to approve the construction of a new 2-story single-family residential structure of approximately 3,260 SF and the renovation and addition to the existing 1,152 SF Carriage House, located at 51 Colcock Street Unit B (COFA-03-20-014120) with the following conditions:

1. Per Section 5.15.6.G., additional information on the brick must be provided to ensure it is salvaged masonry brick or locally-produced.

2. The HPC determined the porch post placement being further apart than they are tall was appropriate for this style of building.
3. It was determined that cable railings were appropriate alternative to those materials listed in UDO Section 5.15.6.H.2.d.
4. Note: No disturbance, including but not limited to under-brushing, or tree removal, may take place within the 100' OCRM Setback line unless specifically permitted in Section 5.5 of the Unified Development Ordinance.
5. Per Section 5.3.4.A of the UDO, the miscanthus sinensis must be revised to a noninvasive plant.

Commissioner Adams seconded the motion all were in favor and the motion passed.

**D. Certificate of Appropriateness (Demolition):** A request by Jamie H. Guscio, on behalf of Jamie H. and Lori A. Guscio, for approval of a Certificate of Appropriateness to allow the demolition of an existing one-story single-family structure of approximately 900 SF at 75 Bridge Street in the Old Town Bluffton Historic District, zoned Neighborhood Conservation-HD. (COFA-04-19-013053)(Staff – Charlotte Moore)

Charlotte Moore presented the staff report which is incorporated into these minutes.

Growth Management Coordinator Darby McLain read into the record the 13 comments that were provided to the HPC members. These comments have been incorporated into the minutes.

The Applicant's attorney Roberts Vaux, provided an overview of the intent and presented as to why the Applicant has requested the demolition, including meeting all of the criteria set-forth in the Unified Development Ordinance for the demolition of a contributing structure.

Commissioner Adams made a motion to approve the request for demolition with the following conditions:

1. The building must be documented with drawings and photographs to be donated to the Bluffton Historic Society\*;
2. The building must be deconstructed, not demolished; and,
3. The historic fabric of the building may be set aside for re-use as salvageable materials.

\*Per Unified Development Ordinance (UDO) Section 3.18.5.A.2., prior to demolition (which includes deconstruction), the structure must be documented in accordance with the standards of the Historic American Building Survey (HABS) and the Historic American Engineering Record. The documentation must be

submitted to the UDO Administrator for review and approval. The HABS documentation process is attached. Commissioner Guenther seconded the motion all were in favor and the motion passed.

**X. DISCUSSION**

**XI. ADJOURNMENT**

Commissioner Adams made a motion to adjourn The June 3, 2020 Historic Preservation Commission meeting, Vice Chairman Guenther seconded the motion and the meeting adjourned at 8:48pm.

DRAFT

**TOWN OF BLUFFTON HISTORIC PRESERVATION COMMISSION**  
**Electronic Meeting**

**Wednesday, June 10, 2020, Minutes**

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**Present:** Bruce Trimbur - Chair; Will Guenther – Vice Chair; Courtney McNeil;  
Elaine Gallagher Adams; Jesse Solomon; Michael Lovecchio

**Staff:** Heather Colin, Growth Management Director; Katie Peterson, Senior  
Planner; Charlotte Moore, Principal Planner; Darby McLain, Growth  
Management Coordinator; Richardson LaBruce, Town Attorney

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**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 an additional meeting date as determined by the Commission Members.

**IV. NOTICE REGARDING PUBLIC COMMENTS**

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**V. ADOPTION OF THE AGENDA**

Commissioner Adams made a motion to adopt the Wednesday, June 10, 2020 Historic Preservation Commission Meeting Agenda. Commissioner Guenther seconded the motion, all were in favor and the motion passed.

**VI. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA**

This agenda had a total of 16 public comments, 2 of which were in favor of the project(s) and 14 of the comments were opposed.

**VII. OLD BUSINESS**

No Old Business

**VIII. NEW BUSINESS**

## IX. DISCUSSION

- A. **Discussion on 71 Calhoun Street, Building 1:** A request by Court Atkins, Inc., on behalf of Cunningham, LLC, for review of a Certificate of Appropriateness-HD to allow the construction of a new two and a half-story mixed-use structure of approximately 8,000 SF, identified as Building 1 and located at 71 Calhoun Street in the Old Town Bluffton Historic District, and zoned Neighborhood Center-HD. (COFA-10-19-013647)(Staff – Katie Peterson)

Staff- Katie Peterson introduced the item.

The applicant, James Atkins, introduced the project and explained what changes were made since initial submittal. They are summarized in bullet form below.

- More of a residential feel.
- Property has been staked.
- Property is 1-acre as opposed to small acreage of nearby properties.
- Context of development considered. Went back through the UDO. The Site Plan discussed.
- The applicant Agreed to move the dumpsters internally-will investigate this. Landscape Plan show.
- Parking-redesigned the entire plan to meet the ordinances. Added 20+ spaces.
- Showed photos to show context of project.
  - Property north of Green-the building will be away from Green Street.
  - Showed photo from Heyward of how building 3 would appear.
  - Some of the nearby smaller buildings constructed under old ordinance.
  - Went through plans/elevations. Explained what changes were—reduced floor-to-floor height; building appears to have been raised; brick piers proposed Street Views Shown.
  - Pulled mass away from Green Street to respond to building next to it.
  - Mass is broken up with a balcony.
  - Removed the triangular glass on side of building. Most work done on Building 3.
  - The mass has been moved to the west, as far from Heyward House as possible.
- Showed plan presented at pre-application meeting.
- Showed plan presented to the HPRC (Jan 13, 2020).
- Showed plan presented to HPRC (May 4, 2020).
- Showed how the revisions to plan since last meeting.
- Building 1 Elevations: Showed what items were revised and floor plan. Showed how HVAC units would be screened.
- Showed photographs of how building would look.

This was a discussion item; no action was taken.

- B. Discussion on 71 Calhoun Street, Building 2:** A request by Court Atkins, Inc., on behalf of Cunningham, LLC, for review of a Certificate of Appropriateness to allow the construction of a new two and a half-story mixed-use structure of approximately 8,000 SF, identified as Building 2 and located at 71 Calhoun Street in the Old Town Bluffton Historic District, and zoned Neighborhood Center-HD. (COFA-12-19-013784)(Staff – Katie Peterson)

Building 2: Showed changes that were made from previous plan.

This was a discussion item; no action was taken.

- C. Discussion on 71 Calhoun Street, Building 3:** A request by Court Atkins, Inc., on behalf of Cunningham, LLC, for review of a Certificate of Appropriateness to allow the construction of a new two and a half-story mixed-use structure of approximately 8,000 SF, identified as Building 3 and located at 71 Calhoun Street in the Old Town Bluffton Historic District, and zoned Neighborhood Center-HD. (COFA-12-19-013785)(Staff – Katie Peterson)

Building 3: Showed revisions. Scale and massing have been reduced. Showed floor plan and photos of how the building might appear on Bridge.

#### **The applicant asked if there were any questions (7:08)**

Guenther: Asked about the building at Bridge/Calhoun as a comparison.

Trimbur: Concerned about linear length of the building; Atkins discussed how it would be broken up.

Gallagher: Wanted to get a feel where commercial would. Atkins: One restaurant proposed in Building 2. All second floor is residential. Cunningham: 1 and 3 and three 1200 sf spaces; it's about incubating businesses—focus on women and minorities. There were some murals on the building. Guenther asked if mural would be away from the Heyward House.

Gallagher: Asked if ground level would have outdoor seating to create vibrancy. The concept plan was provided to show where interior seating would be. Would like to see Building 2 look more commercial. Doesn't want a "contrived" Bluffton. Believes there is room for some contemporary elements. Atkins said they could look at some additional contemporary details.

Gallagher feels like there is flatness on Calhoun. Relates to Trimbur's concerns. Atkins showed that there would be a colonnade. Gallagher and Trimbur still concerned. Trimbur suggested a 3-D rendering would be helpful to show this façade. Atkins agreed and will provide them. Showed a side view of the building to show how porch extends from building. Says there should be some continuity. Cunningham says that UDO forces building to be pushed to the street.

Guenther says project heading in the right direction.

Gallagher: Vegetation at sidewalk is also very important. Would help to have a silhouette of buildings across the street to help understand context. Atkins agreed and said they are similar in scale and height based on a "lot perspective."

Trimbur: 3D renderings will be very important. Asked for possible paint colors and texturing. Guenther added that project may be similar with Montessori ridgeline. Says that a larger building at the intersection is appropriate with massing stepping down away from it. Gallagher added that there is no precedence on Bridge Street for commercial doesn't exist.

McNeil had no additional comments.

Solomon had no additional comments.

Lovecchio had no additional comments.

Peterson says the HPC does have the authority to adjust the front build-to line. Must still meet side and rear setbacks, which could be adjusted through the variance process. Gave the UDO section where the provision is located.

Trimbur asked Richardson if there was anything else the HPC needed to do. Richardson said the next step would be for the applicant to submit more detailed plans to the HPC. Day of meeting has not yet been determined; could be a special meeting.

Nester: Asked about the front setback—could require a lot of architectural work. Didn't hear of building one being moved back was acceptable to members. Trimbur asked Gallagher about her thoughts—she would if it added a bit more outdoor space. Trimbur said it would help reduce the linear look along Calhoun Street. Atkins said a few feet with additional landscaping would be "well." Could spend additional time on Building 1 as was done with Building 3. Will provide color input. Trimbur says it would help to not look like development was one project. Cunningham says he trying to "go final next." Asked for anything specifically other than Building 1. Guenther agreed with Trimbur and Gallagher. Mentioned the street view looking towards river—the rendering didn't show the break. Cunningham agreed.

Atkins said the "eclectic" elements would be looked at.

Trimbur asked if everyone was okay. Katie mentioned needed justification for moving building back and that side and rear yard encroachments would be variances.

Atkins is happy with the direction and comments have made the project better.

Trimbur asked about things being done it buildings and requested if they could be "bullet-pointed" at the HPC meeting. Cunningham said he would. Mentioned website. Trimbur asked Richardson if it would be possible—he said it was acceptable.

Cunningham mentioned murals. Artist may be able to provide something.

**X. ADJOURNMENT**

Commissioner Adams made a motion to adjourn The June 10, 2020 Historic Preservation Commission meeting, Commissioner McNeil seconded the motion and the meeting adjourned at 7:54pm.

DRAFT

# HISTORIC PRESERVATION COMMISSION



## STAFF REPORT Department of Growth Management

<b>MEETING DATE:</b>	July 1, 2020
<b>PROJECT:</b>	Discussion on Text Amendments to the Town of Bluffton Code of Ordinances, Chapter 23 – Unified Development Ordinance, Article 3 – Application Process, Article 4 – Zoning Districts, and Article 9 – Definitions and Interpretations to amend the definition of “contributing structure,” add the inventory of contributing resources to the UDO, and change “historic structures” references to “contributing structures.”
<b>PROJECT MANAGER:</b>	Charlotte L. Moore, AICP Principal Planner

**REQUEST:** Discussion on Text Amendments to the Town of Bluffton Code of Ordinances, Chapter 23 – Unified Development Ordinance (UDO), Article 3 – Application Process, Article 4 – Zoning Districts, and Article 9 – Definitions and Interpretations to amend the definition of “contributing structure,” add the inventory of contributing resources to the UDO, and change “historic structures” references to “contributing structures.”

**BACKGROUND:** In the FY2018-2019 Strategic Action Plan, Town Council included an initiative to address “unsafe, uninhabited structures.” Presently, the Official Construction Code regulates all such buildings throughout town, including historic “contributing” structures located within Old Town Bluffton Historic District.

As defined by the UDO, a contributing structure is “Any property, structure, or architectural resource which was designated as “contributing” in the Bluffton Historic District’s 1996 nomination to the National Register of Historic Places, or in the in the most recent Bluffton Historic Resource Survey, or any other structure designated as a Contributing Structure as provided for in Section 3.25. The complete demolition of a “Contributing Structure” or removal of a “Contributing Structure” from the Bluffton Historic Resource Survey shall cause the structure to no longer be considered “contributing.”

In an effort to prevent contributing structures from falling into disrepair, a “Proactive Preservation and Maintenance of Contributing Structures” ordinance is proposed to allow early intervention by the Town (also on the July 1 HPC agenda). As part of that initiative, it was acknowledged that a revision to the contributing structures definition was necessary to provide more exact language regarding the characteristics of a contributing structure

and to include a reference to the contributing resource inventory proposed to be added to the UDO.

The current definition of “contributing structure” references the 1996 National Register survey, the most recent historic resources survey and stand-alone contributing structures not part of a survey. A reference to multiple sources is unnecessarily complicated and confusing. Therefore, the inventory list is proposed to be included in the UDO as Section 9.7 (Town of Bluffton Contributing Resources). The term “contributing resource” is proposed for the list as two coves (Heyward and Huger) were included as part of the 1996 National Register of Historic Places listing. Resources can include structures, buildings, sites, objects and landscapes.

All of the resources shown on the inventory in Attachment 1 have been previously listed in 1996 (National Register) or in 2001 or 2008 (local historic resources surveys). Contributing resources may be listed nationally, locally or both. All structures that contribute to the National Register have been designated as local contributing structures; however, not all local contributing structures are nationally contributing. Local contributing structures, all of which are presently in Old Town Bluffton Historic District, must comply with the design requirements of UDO Sec. 5.15 (Old Town Bluffton Historic District) and receive a Certificate of Appropriateness (COFA) for any modifications to the exterior appearance, including alterations and additions. Additionally, a COFA is required to relocate or demolish a contributing structure as specified in UDO Sec. 3.18 (Certificate of Appropriateness – Historic District).

To ensure that the resource inventory is accurate and up-to-date, a historic resource survey was undertaken in 2019 to resurvey the Old Town Historic District and to survey the Buck Island-Simmons ville and Goethe corridors. This survey, which has not yet been adopted by Town Council, does not identify any new contributing structures for Old Town Historic District that have not been identified on previous surveys. If a structure is proposed to be added to the inventory, compliance with UDO Sec. 3.25 (Designation of Contributing Structure) would be required.

Related to this, and as identified in the FY2018-2019 Strategic Action Plan, a special tax assessment for contributing structures known as the “Bailey Bill” is being pursued by Town staff. This 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. All structures appearing on the contributing resource list would be eligible to apply for the special assessment if adopted in the future.

See Attachment 1 for proposed ordinance.

**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:**

<b>UDO Text Amendment Procedure</b>	<b>Date</b>
<b>Step 1. Discussion by Historic Preservation Commission</b>	July 1, 2020
<b>Step 2. Town Council Workshop</b>	July 14, 2020
<b>Step 3. Planning Commission Public Hearing and Recommendation</b>	July 22, 2020
<b>Step 5. Town Council – 1st Reading (Tentative)</b>	August 11, 2020
<b>Step 6. Town Council Meeting – Final Reading and Public Hearing (Tentative)</b>	September 8, 2020

**ATTACHMENTS:**

1. Proposed Ordinance

## **CONTRIBUTING STRUCTURES**

### **Strategic Plan Action Item 4**

The following sections of the Unified Development Ordinance are proposed to be amended:

#### **Article 9: Definitions and Interpretation**

##### **Sec. 9.2 (Contributing Structure)**

To use consistent terms throughout the UDO, the term “Historic Structure” is proposed to be eliminated and replaced with “Contributing Structure” where appropriate. The term “historic structure” appears six times in the UDO. A revised definition of Contributing Structure identifies general characteristics, distinguishes the Town’s two historic districts and provides a cross-reference to the list of contributing structures proposed to be placed into the UDO.

**Historic Structure:** Any structure that is:(a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior (see note at end); or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (see note at end) a. By an approved state program as determined by the Secretary of the Interior, or b. Directly by the Secretary of the Interior in states without approved programs.

**Contributing Structure:** Any property, structure, or architectural resource which was designated as “contributing” in the Bluffton Historic District’s 1996 nomination to the National Register of Historic Places, or in the in the most recent Bluffton Historic Resource Survey, or any other structure designated as a Contributing Structure as provided for in Section 3.25. The complete demolition of a “Contributing Structure” or removal of a “Contributing Structure” from the Bluffton Historic Resource Survey shall cause the structure to no longer be considered “contributing.”

**Contributing Structure:** Any structure that adds to the historic, architectural or archeological associations, qualities or values relating to the documented significance of the property, and that possesses historical integrity through location, design, setting, materials, workmanship, feeling and association or may yield important information about the property. A contributing structure may be listed individually, separate from a historic district; or, it may be listed with other contributing resources that, as a collection, contribute to a local and/or national historic district’s sense of time, place and historic development. Old Town Bluffton Historic District is a local historic district; Bluffton Historic District, listed on the National Register of Historic Places, is a national historic district. Some contributing structures may be listed locally and nationally. All contributing structures are listed in Sec. 9.7, *Contributing Resources*.

**Article 9: Definitions and Interpretation**

**Sec. 9.7 (Contributing Resources)**

Table 9.7 lists all contributing resources within the Town of Bluffton. Certain actions relating to contributing resources will require approval of a Certificate of Appropriateness as specified in Sec. 3.18 of this Ordinance.

*[Note: Table 9.7 is proposed to be provided in the UDO following the above paragraph. Town Staff is re-confirming the structure inventory, including addresses and survey site numbers—no additional structures are proposed to be added.]*

**Article 3: Application Process**

**Sec. 3.18.1 (Certificate of Appropriateness, Historic District, Intent)**

The proposed amendments change “historic structures” to “contributing structures.”

3.18.1 Intent

This Section is intended to provide procedures and standards to facilitate the review of Certificate of Appropriateness Applications within the Old Town Bluffton Historic District (HD) designated zoning districts and for all other historic structures Contributing Structures throughout the Town of Bluffton. Review of Certificate of Appropriateness Applications HD shall consider the following objectives:

- A. Maintenance of the educational, cultural and general welfare of the public through the preservation, protection and enhancement of the old, historic, and/ or architecturally significant structures and areas in the Old Town Bluffton Historic District;
- B. Maintenance of historic structures Contributing Structures as visible reminders of the history and cultural heritage of the Town of Bluffton as well as the Lowcountry region in accordance with the standards set forth in the Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings; and
- C. Ensure that proposed activities foster the development of quality and innovative designs that respect and complement the eclectic character of the Old Town Bluffton Historic District.

**Article 3: Application Process**

**Sec. 3.18.2 (Certificate of Appropriateness, Applicability)**

This amendment makes clear that any contributing or non-contributing structure within an “HD” or Historic District zoning district must receive a Certificate of Appropriateness (COFA) when certain activities are proposed. The amendment also proposes to remove the requirement that any structure that is at least 50 years old and not within an HD district must also receive a COFA. Age alone does not make a structure contributing.

### 3.18.2 Applicability

Except for the removal or replacement of an existing manufactured home, no Contributing Structure or other structure located within a HD designated zoning district or constructed 50 or more years ago within the limits of the Town, may be erected, renovated, demolished, relocated or removed, in whole or in part, nor may the exterior architectural character of such structure be altered until a Certificate of Appropriateness HD has been issued for the project. The Historic Preservation Commission shall review applications for a Certificate of Appropriateness HD for any activity which:

- A. Increases the area of the structure or building footprint;
- B. Results in the cutting away of any exterior walls, partition or portion thereof;
- C. The removal or cutting of any structural beam or load-bearing support or the removal or change of any required means of egress;
- D. Changes in fenestration location
- E. Requires a development plan or a demolition permit;
- F. Results in the alteration of the exterior architectural character; and,
- G. Is not otherwise able to be reviewed through a Site Feature Permit-HD.

## **Article 3: Application Process**

### **Sec. 3.19.1 (Site Feature-Historic District, Intent)**

The amendment in this section changes “historic structures” to “contributing structures.”

This Section is intended to provide procedures and standards for the review of Site Feature Applications within the Old Town Bluffton Historic District (HD) designated zoning districts and for all other historic structures Contributing Structures throughout the Town of Bluffton. Review of Site Feature Application shall consider the following objectives:

## **Article 4: Zoning Districts**

### **Sec. 4.2.11 (Neighborhood Center Historic District, NCE-HD)**

The amendment in this section would change “historic” structure to “existing” structure as all buildings, not just historic buildings, help to create a mixed-use environment.

A. Purpose and Intent. The NCE-HD district is the historic center of shops, residences, and workplaces in the Old Town Bluffton Historic District. The zone has been created to protect the historic and eclectic character of the area.

B. The continued reuse of historic existing structures will help to create a complete mixed use environment and careful infill development that will respect the existing buildings with regards to building placement, massing and scale. The NCE-HD district is a place where the greatest range of traditional building types are expected and encouraged.

**Article 4: Zoning Districts**

**Sec. 4.4.5.A.6. (Conditional Use Standards, Industrial, Telecommunications Towers, Additional Standards)**

The amendment in this section changes “historic structure or site” to “contributing resource” and references the inventory.

6. Additional Standards.

a. Only monopole structures will be allowed.

b. No structure shall adversely affect any historic structure or site contributing resource as identified in Sec. 9.7.

**Article 3: Application Process**

**Sec. 3.25.4 (Designation of Contributing Structure, Effect of Approval)**

The amendment in this section provides a reference to the proposed contributing resource inventory list in Sec. 9.7. Newly designated contributing resources would be added by text amendment.

Following approval of a Designation of Contributing Structure application by Town Council, the UDO Administrator shall designate the structure as a Contributing Structure on the inventory of historic properties.

Designated contributing structures shall be included in the inventory of contributing resources for the Town of Bluffton by addition to Table 9.7, Town of Bluffton Contributing Resources, of this Ordinance.

# HISTORIC PRESERVATION COMMISSION



## STAFF REPORT

### Department of Growth Management

<b>MEETING DATE:</b>	July 1, 2020
<b>PROJECT:</b>	Discussion on Text Amendments to the Town of Bluffton Code of Ordinances, Chapter 23 – Unified Development Ordinance, Article 3 – Application Process, to Include a New Section 3.26, Pro-active Preservation and Maintenance of Contributing Structures
<b>PROJECT MANAGER:</b>	Charlotte L. Moore, AICP Principal Planner

**REQUEST:** Discussion on Text Amendments to the Town of Bluffton Code of Ordinances, Chapter 23 – Unified Development Ordinance, Article 3 – Application Process, to include a new Section 3.26, Pro-active Preservation and Maintenance of Contributing Structures.

**BACKGROUND:** In the FY2018-2019 Strategic Action Plan, Town Council included an initiative to address “unsafe, uninhabited structures.” Presently, the Official Construction Code regulates all such buildings throughout town, including contributing structures located within Old Town Bluffton Historic District.

At a February 13, 2018 Town Council workshop, Council directed staff to develop an ordinance specifically addressing the maintenance of historic contributing structures. Additionally, it was acknowledged that an update to the list of contributing structures would be necessary to determine if additional structures were eligible for listing.

The Town previously had a “Maintenance of Contributing Structures” ordinance in the Unified Development Code (UDC). When the Unified Development Ordinance (UDO) was adopted on November 11, 2011 to take the place of the UDC, the Maintenance of Contributing Structures ordinance was not included. The ordinance, as it existed as of November 9, 2010, is attached as Attachment 2.

A “Maintenance of Contributing Structures” ordinance is a valuable tool for historic preservation. It is more commonly known as a “Prevention of Demolition by Neglect” ordinance or, to a lesser degree, a “Pro-active Preservation” ordinance. The purpose is to provide a process by which the Town can intervene to ensure that such structures are not permitted to deteriorate and/or become destabilized to such a degree that partial or full demolition may be necessary due to a lack of regular maintenance and repair, whether intentional or not. Intentional neglect may occur when a property owner seeks to have a building removed but chooses to not pursue the process to de-list the structure as contributing, or to obtain approval for demolition (or has been denied by the regulating

authority). It may also occur when a property owner is not financially able to perform maintenance.

As defined by the UDO, a contributing structure is "Any property, structure, or architectural resource which was designated as "contributing" in the Bluffton Historic District's 1996 nomination to the National Register of Historic Places, or in the in the most recent Bluffton Historic Resource Survey, or any other structure designated as a Contributing Structure as provided for in Section 3.25. The complete demolition of a "Contributing Structure" or removal of a "Contributing Structure" from the Bluffton Historic Resource Survey shall cause the structure to no longer be considered "contributing." This definition is proposed to be revised to provide more exact language regarding the characteristics of a contributing structure. The current definition simply references the survey.

Contributing structures necessitate additional protection as they physically embody Bluffton's history, culture and vernacular architecture. Presently, all contributing structures are within Old Town Bluffton, which is a local historic district in its entirety. A portion of the local district is also a National Register Historic District, known as Bluffton Historic District.

For this initiative, Town Staff reviewed the previous "Maintenance of Contributing Structures" ordinance. While there are elements of the ordinance that are desirable, Town Staff believes that the minimum conditions constituting "neglect" could be more substantial and the process more streamlined. This decision was supported by research of similar ordinances from other communities, including Savannah; New Orleans; Charlottesville, Virginia; and Raleigh and Durham, North Carolina. Charleston does not have such an ordinance.

***Proposed Ordinance:*** The pro-active preservation process begins when an application is received by the UDO Administrator stating that a contributing structure may have one or more possible conditions of neglect, as specified by ordinance. The application may be submitted by the public or Town Staff. Upon receipt, the UDO Administrator would investigate.

If any condition exists, the UDO Administrator would consult with the Building Official to determine if any condition may be an immediate threat to persons or property. If none, the UDO Administrator would then contact the property owner by mail, outlining any condition(s) of neglect and requesting an optional meeting to discuss. Ideally, the property owner and the Town would come to an agreement as to how the condition(s) would be corrected and the date for completion, which would be outlined in a final determination letter. If the property owner disagrees, the decision could be appealed to the Historic Preservation Commission (HPC). If the final determination by the UDO Administrator is not appealed, it would become the final decision. The ordinance, as proposed, will require some additional fine-tuning by the Town Attorney but the process is likely to remain consistent or similar to the draft.

See Attachment 1 for proposed ordinance.

**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. Discussion by Historic Preservation Commission	July 1, 2020
Step 2. Town Council Workshop	July 14, 2020
Step 3. Planning Commission Public Hearing and Recommendation	July 22, 2020
Step 5. Town Council – 1st Reading (Tentative)	August 11, 2020
Step 6. Town Council Meeting – Final Reading and Public Hearing (Tentative)	September 8, 2020

**ATTACHMENTS:**

1. Proposed Ordinance
2. Former Maintenance of Contributing Structures Ordinance

### **3.26 Proactive Preservation and Maintenance of Contributing Structures.**

#### **3.26.1 Intent.**

The intent of this Section is to provide a process for the early detection of deterioration, structural weakness or other Conditions of Neglect of any Contributing Structure, as designated in Section 9.7, due to the absence of routine maintenance and repair and to develop a plan for remediation. This process is intended to encourage proactive preservation before irreversible damage occurs that jeopardizes the integrity and status of a Contributing Structure. This process is also intended to prevent ‘demolition by neglect,’ wherein the unabated deterioration of a Contributing Structure may cause rehabilitation to no longer be feasible and partial or full demolition to be necessary. For purposes of this Section, the term “Contributing Structure” shall include related site features as described in Sec. 3.26.2.J.

#### **3.26.2 Conditions of Neglect.**

A property owner shall maintain or cause to be maintained the exterior features and structural elements of a Contributing Structure and shall not allow Conditions of Neglect to occur. If the Contributing Structure is found to have any of the conditions listed herein, the property owner shall repair the structure as described within this Section. It shall be a violation of this UDO to not remedy a Condition of Neglect within the timeframe set by a final determination, as described in subsequent subsections of this Section.

Conditions of Neglect include the following:

- A. Deterioration, or the improper or inadequate attachment of any exterior feature that may create or permit the creation of any hazardous or unsafe conditions to persons and property;
- B. Deterioration of flooring or floor supports, ceilings, roofs or other horizontal members that are insufficient to carry the loads imposed safely, or that causes leaning, sagging, splitting, listing or buckling;
- C. Fireplaces and chimneys which list, buckle, split, lean, or settle due to defect or deterioration or are of insufficient size or strength to carry the loads imposed safely;
- D. Deterioration, crumbling or loose exterior stucco, mortar, brick, plasters or other siding;

- E. Broken, missing, deteriorated or inadequate roofing materials or roof components, window glass, sashes, or frames, or exterior doors or door frames;
- F. Deterioration of exterior stairs, porches, handrails, cornices, entablatures, wall facings and architectural details that caused delamination, instability, loss of shape and form, or crumbling;
- G. Deteriorated, defective or insufficient protection or lack of weather protection for foundations, exterior wall and roof coverings, including paint, or weathering due to lack of paint or other protective covering that causes structural deficiencies or jeopardizes structural integrity;
- H. Rotting, holes and other forms of decay;
- I. Any fault, defect, or condition in the structure which renders it structurally unsafe or not properly watertight;
- J. Lack of maintenance of site features, such a walls, fences, gates, walkways, other appurtenances, and signs; and,
- K. Deterioration that has a detrimental effect on the surrounding historic district, or on the special character of the Contributing Structure.

### **3.26.3 Process and Administration.**

#### **A. UDO Administrator Investigation and Determination.**

##### **1. Initiation by Petition.**

The UDO Administrator may initiate an investigation to determine the existence of one or more Condition(s) of Neglect upon receipt of an application, on a form prepared by the Town of Bluffton, from any interested persons.

Upon review of the petition, the UDO Administrator may consult with the Building Official to determine if any alleged Condition of Neglect constitutes an immediate danger to life, health, safety or property as described in Section 5-259 of the Town of Bluffton General Code of Ordinances. If an immediate danger is determined to exist, the Building Official may initiate the process described in Chapter 5 (Official Construction Code), Article V (Unsafe Buildings/Structures) of the Town of Bluffton General Code of Ordinances to abate the danger.

**2. Notice of Investigation.**

- a. If one or more of the Conditions of Neglect appear to exist and have not been identified as an immediate danger as described in Section 3.26.4.A, the UDO Administrator shall provide written notice to the property owner of the existence of any Condition of Neglect and the process for making a final determination on the petition, including any applicable deadlines. Among other things, the notice shall offer the property owner the opportunity to meet in person with the UDO Administrator and to present any relevant information.
- b. Notice shall be delivered by personal service, certified or registered mail, return receipt requested. If certified mail is refused or unclaimed, notice may be delivered by first class mail, and shall be considered received if such mail is not returned by the post office within 15 days of mailing.

If the whereabouts of the property owner are unknown and cannot be reasonably determined after the exercise of reasonable diligence, the UDO Administrator shall make an affidavit to that effect, stating the steps taken to determine and locate persons in interest. The notice must then be served by publishing the notice once each week for two (2) consecutive weeks in a newspaper generally circulated within the town. Service is deemed received on the date of the second publication. Where published notice is provided, a notice of the pending proceedings must be posted in a conspicuous place on the premises thereby affected. Such notice shall also be filed with the Beaufort County Clerk of Court. Such filing shall have the same force and effect as other lis pendens notices provided by law.

**3. Responsibilities of the UDO Administrator.**

The UDO Administrator shall:

- a. Investigate the allegation that a Condition of Neglect exists;
- b. Hold one (1) or more meetings at a time to be set by the UDO Administrator, in which the property owner may give information;
- c. Issue a written determination, supported by findings of fact, regarding the allegation within 30 days of the property owner's receipt of notice;
- d. Include within the determination a time period for correcting the Condition of Neglect, if a Condition of Neglect has been found, which may require a Certificate of Appropriateness-HD;

- e. Deliver the written determination through any of the means for delivery of notice, as described above; and,
- f. Designate the written determination as a final administrative determination with the right of appeal to the Historic Preservation Commission;

**B. Suspension of Process.**

The above process may be suspended in the event the property owner agrees in writing to correct the alleged Condition(s) of Neglect within a time period determined to be reasonable by the UDO Administrator. If the condition is not corrected within that time period, the process shall continue where it was suspended.

**C. Appeal of Determination by UDO Administrator.**

If the property owner disagrees with the UDO Administrator's determination, the property owner can appeal to the Historic Preservation Commission. The request shall be delivered to the UDO Administrator, in writing, within 15 days of receipt of the UDO Administrator's determination. Failure to request a hearing within the 15-day period shall constitute a waiver of this right.

The UDO Administrator's determination shall be considered an administrative determination, which has been appealed to the Historic Preservation Commission, and all procedures applicable to the Board of Zoning Appeals, as specified by the UDO shall apply to such hearings. The written decision of the Historic Preservation Commission shall include findings of fact and conclusions regarding Conditions of Neglect consistent with this Section. It shall be delivered to the appealing party by certified mail, return receipt requested. If the decision is not appealed, it shall be considered a final decision subject to enforcement with no rights of appeal.

**D. Other Town Powers; Town's Election of Remedies.**

Nothing contained within this Section shall diminish the Town's power to declare a building unsafe or in violation any other applicable statute or code. In addition, the procedures described herein are mandatory only for determinations being made solely under the authority of this Section. Where other sections of the Town Code apply, the Town may, in its discretion, choose to process any action regarding the property under such other provisions alone, or under such provisions along with these provisions concurrently, or solely under these provisions. The Town may also

suspend the procedures of this section at any time if an action has been initiated under other applicable law.

**E. Penalties and Remedies**

Enforcement of this Section shall be by one (1) or more of the following methods, and the institution of any action under any of these methods shall not relieve any party from any other civil or criminal proceeding prescribed for violations and prohibitions.

**1. Equitable Remedy.**

The Town may apply for any appropriate equitable remedy to enforce the provisions of this Section.

**2. Order of Abatement.**

The Town can apply for and the circuit court may enter an order of abatement. An order of abatement may direct that improvements or repairs be made, or that any other action be taken that is necessary to bring the property into compliance with this Article. Whenever the party is cited for contempt by the court and the Town has executed the order of abatement, the Town may have a lien on the property for the cost of executing the order of abatement.

C. Exception to the smoke, odor, and noise standards prescribed, is hereby made for certain temporary activities, such as construction, land clearing, special events, and the like, where owing to the nature of such activity, temporary nuisance is unavoidable.

D. Exception to the noise level prescribed herein is hereby made for publicly owned airfields and landing

### strips. 3.2.5 Maintenance of Contributing Structures

#### A. Intent

The purpose of this ordinance is to permit the Town of Bluffton, through its Historic Preservation Commission, Planning and Growth Management Department and Building Safety Department, to protect its historic architectural resources by intervening when a Contributing Structure is undergoing "Demolition by Neglect". The term "Demolition by Neglect" refers to the gradual deterioration of a building when routine or major maintenance is not performed. A Demolition by Neglect citation determined by the Historic Preservation Commission is against the owner of the property for failure to properly maintain the contributing structure as per the specific criteria stated in the following sections.

#### B. Standards/Definitions

1. Demolition by Neglect: Abandonment or neglect in the maintenance of a building resulting in one (1) or more of the following conditions:
  - a. Deterioration of exterior walls, foundations, or other vertical support that causes leaning, sagging, splitting, listing, or buckling;
  - b. Deterioration of flooring or floor supports, roofs, or other horizontal members that causes leaning, sagging, splitting, listing, or buckling;
  - c. Deterioration of external chimneys that causes leaning, sagging, splitting, listing, or buckling;
  - d. Deterioration or crumbling of exterior plasters or mortars;
  - e. Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors;
  - f. Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or weathering due to lack of paint or other protective covering that causes structural deficiencies or jeopardizes structural integrity;
  - g. Rotting, holes, and other forms of decay;
  - h. Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall facings, and architectural details that causes delamination, instability, loss of shape and form, or crumbling;
  - i. Deterioration that has a detrimental effect upon the special character of the district as a whole or the unique attributes and character of the contributing structure; and
  - j. Deterioration of any exterior feature so as to create or permit the creation of any hazardous or unsafe conditions to life, health, or other property.
2. Contributing Structure: Any property, structure or architectural resource which was designated as "contributing" in the Bluffton Historic District's nomination to the National Register of Historic Places, or in the Bluffton Historic Resource Survey of 2008, or which has gained significance in the intervening period.
3. Prevention: The act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.
4. Restoration: The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.
5. Rehabilitation: The act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.
6. Stabilization: The act or process of applying measures designed to reestablish a weather resistant enclosure and the structural stability of an unsafe or deteriorated property while maintaining the essential form as it exists at present.

7. **Structure:** Anything constructed, erected, or established including, but not limited to the following: buildings, signs, sea walls, mobile homes, fences, screen enclosures, and patio walls.

### C. Procedure

1. **Petition and Action:** The process by which a building is officially cited for Demolition by Neglect involves several stages. They are as follows:
  - a. Identification by the Planning Staff that a building's condition falls under the Historic Preservation Commission's criteria of Demolition by Neglect. This initial identification may be made by a staff inspection of the neighborhood or by referral from someone in the area. All referrals shall be made in writing and shall go to the Planning Staff. Once the Initial identification is made, the property owner shall be notified a minimum of fifteen (15) days prior to the next Historic Preservation Commission meeting.
  - b. Planning Staff and the Building Official present the building to the Historic Preservation Commission at a meeting with a report detailing the defects which, in the Planning Staff and Building Safety Staffs opinion, qualifies the structure for Demolition by Neglect. To proceed with the citation process the Historic Preservation Commission must vote by a majority to make a preliminary finding of Demolition by Neglect.
  - c. If a preliminary determination is made by the Commission, the owner is notified by certified mail of the defects in the building. The owner is given thirty (30) days in which to respond to the preliminary determination by submitting a stabilization proposal to Planning Staff. The stabilization proposal will be presented to the Historic Preservation Commission at the next meeting. If the Historic Preservation Commission approves the proposal, a Certificate of Appropriateness is Issued at this point. The Certificate of Appropriateness will detail the specific work which is necessary to correct the Demolition by Neglect conditions, and a time limit for work to begin and be completed is set. Progress reports will be required every thirty (30) days once stabilization work begins on the property.
  - d. If the owner of the property receives the letter regarding the preliminary determination, but fails to respond, the matter returns to the Historic Preservation Commission for a citation hearing.
  - e. If the owner fails to receive the letter regarding the preliminary determination after two attempts, the building is posted with a notice of the violation in accordance with the provisions of the Ordinance, and a public hearing on the citation is scheduled.
  - f. At the citation public hearing the Historic Preservation Commission may direct Planning Staff to issue a citation to the owner of the property for failure to correct the Demolition by Neglect conditions. The citation is made by a vote of the majority of the Historic Preservation Commission on a motion recognizing the condition of the building and the owner's failure to correct the defects. The owner is invited to the public hearing to address the Commission's concerns and to show cause why a citation should not be issued. The Historic Preservation Commission may also defer the matter to give the owner more time either to correct the deficiencies or make a proposal for stabilization.
  - g. If the owner is cited for the condition of Demolition by Neglect of the property, he is given ten (10) days to submit a stabilization proposal to Planning Staff to correct the defects.
  - h. If the owner does respond with a stabilization proposal, the Historic Preservation Commission shall review it. If a Certificate of Appropriateness is issued at this point, stabilization work must begin within 30 days. Progress reports will be required every thirty (30) days once stabilization work begins on the property.
  - i. If the owner fails to respond within ten (10) days of the citation, the matter is turned over to the appropriate Code Enforcement officer

### D. Public Hearings and Notification

1. Letters and orders to be delivered to the property owner as called for herein shall be made in person or by certified mail. If the whereabouts of the owner are unknown and cannot be reasonably determined, the Planning Director shall make an affidavit to that effect, then publish such information once each week for two (2) consecutive weeks in a local newspaper. A copy of such letters and orders shall be posted in a conspicuous place on the structure and also filed with the Town of Bluffton Clerk of Court. Such filing shall have the same force and effect as other lis pendens notices provided by law.
2. Notice of public hearing as called for herein shall be published in a newspaper of general circulation in the county at least fifteen (15) days in advance of the scheduled hearing date. At the hearing any party may appear in person or by agent or attorney.

## E. Safeguards from Undue Economic Hardship

1. When a claim of undue economic hardship is made owing to the effects of this article, the Planning Staff shall notify the Historic Preservation Commission within three (3) days following the hearing on the complaint. The Commission shall schedule a hearing on the claim at its next regular meeting, within the limitations of its procedures for application deadlines.

The petitioner shall present the information provided under subsection (b) to the Commission. The Commission may require that an owner and/or parties in Interest furnish such additional information that is relevant to its determination of undue economic hardship. The Commission may direct its staff to furnish additional information as the Commission believes is relevant. The Commission shall also state which form of financial proof it deems relevant and necessary to a particular case.

In the event that any of the required information is not reasonably available to the owner and/or parties in interest and cannot be obtained by the owner, the owner shall describe the reasons why such information cannot be obtained.

2. When a claim of undue economic hardship is made owing to the effects of this article, the owner and/or parties in interest must provide evidence during the hearing upon the claim, describing the circumstances of hardship. The minimum evidence shall include for all property:
  - a. **Nature** of ownership (individual, business, or nonprofit) or legal possession, custody, and control;
  - b. Financial resources of the owner and/or parties in interest;
  - c. Cost of repairs;
  - d. Assessed value of the land and improvements;
  - e. Real estate taxes for the previous two (2) years;
  - f. Amount paid for the property, date of purchase, and party from whom purchased, including a description of the relationship between the owner and the person from whom the property was purchased, or other means of acquisition of title, such as by gift or inheritance;
  - g. Annual debt service, if any, for previous two (2) years;
  - h. Any listing of the property for sale or rent, price asked, and offers received, if any. For income-producing property:
    - i. Annual gross income from the property for the previous two (2) years;
    - j. Itemized operating and maintenance expenses for the previous two (2) years, including proof that adequate and competent management procedures were followed; and Nature of ownership (individual, business, or nonprofit) or legal possession, custody, and control;
    - k. Annual cash flow, if any, for the previous two (2) years.

3. Within thirty (30) days of the Commission's hearing on the claim, the Commission shall cause to be made a finding of undue or no undue economic hardship and shall enter the reasons for such finding into the record. In the event of a finding of no undue economic hardship, the Commission shall report such finding to the Planning Staff, and the Planning Staff shall cause to be issued an order for such property to be repaired within the time specified.

4. In the event of a finding of undue economic hardship, the finding shall be accompanied by a recommended plan to relieve the economic hardship. This plan may include, but is not limited to, property tax relief as may be allowed under South Carolina law, loans or grants from the Town, the County, or other public, private, or nonprofit sources, acquisition by purchase or eminent domain, building code modifications, changes in applicable zoning regulations, or relaxation of the provisions of this article sufficient to mitigate the undue economic hardship. The Commission shall report such finding and plan to the Planning Staff. The Planning Staff shall cause to be issued an order for such property to be repaired within the time specified, and according to the provisions of the recommended plan.

## F. Penalties and Remedies

1. Fines: Any person or entity that violates any provision of this ordinance shall be subject to a fine not to exceed \$500 per day of violation.

2. Town Stabilization: If, sixty (60) days after the citation has been issued, the property owner fails to produce a stabilization proposal or fails to begin the work as specified, the Town may, at Town Council's direction, stabilize the structure. Any contractor employed for this purpose shall be procured in accordance with the procedures for procurement of services outlined in the Town of Bluffton's Purchasing Ordinance. The owner shall be notified in writing of the Town Council's determination including supporting findings of fact.
3. Reimbursement to Town: The Town shall then place a lien against the property with the Register of Mesne Conveyances of Beaufort County for the value of the resources so expended by the Town, such lien to be entered upon and enforced in the manner as real estate tax liens provided by law.
4. Penalties for Demolition without a Certificate of Appropriateness: Any person demolishing or razing or causing the demolition or razing of all or part of any building or structure w/out first obtaining a Certificate of Appropriateness in accordance w/ this ordinance or any other Town ordinances will be fined up to \$500.00 per structure. Furthermore, the Building Official may withhold any building permits for a minimum of one year for a site where any building or structure was demolished or razed in violation of this order.

#### G. Stabilization Specifications

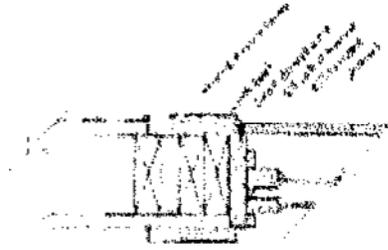
Specifications for stabilization of the property shall be for permanent rather than stopgap measures. Such measures should be determined to completely forestall any further deterioration of the property. Materials and finishes should be such that no replacement/reworking or only minimal replacement/reworking will be required at any such time in the future when full rehabilitation may occur. However, the purpose of work specified under this section is to stabilize the structure rather than to render it habitable. Temporary stopgap measures may be implemented in emergency situations or where implementation of permanent measures is not feasible for emergency situations.

#### H. Miscellaneous

1. It shall be unlawful for any person to remove or deface public notices placed upon the structure.
2. The building official, planning director, Town manager, members of the board and Town council, and any other person designated by the building official who may need to inspect the property pursuant to this article may enter upon the premises for the purpose of making necessary examinations, provided such entry is made in such manner as to cause the least practical inconvenience to the persons in possession.
3. No part of this article shall be construed in any way to impair or limit any and all powers of the Town to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.
4. Nothing contained within this article *shall* diminish the Town's power to declare an unsafe building or a violation of the International Building Codes or the appropriate fire code.

#### I. Types of Demolition by Neglect and Recommended Corrective Measures

1. Structural Failure: Defects involving the structural failure of a building or a portion of a building are the most difficult to correct. For certain types of building failure, it is necessary to seek the advice of a structural engineer to determine the measures necessary to correct them. If the condition of the building has deteriorated to the point the building or a portion of the building can not be saved, it is sometimes reasonable to propose demolition as a means of "correcting" the structural failure.
2. Missing Exterior Finish Material: Exterior finish material such as weatherboards, trim, fascia, soffits and window casings serve the important function of protecting the basic structure of the building as well as protecting the interior finishes. These building elements also often carry important information about the style and age of the building. When repairing loose or missing exterior finish material, care must be taken not to remove any important historic fabric. Where replacement material is necessary, it must match the original in material and detail. All replacement wood should be primed and painted after installation to insure that the work will not have to be repeated. If defects include failure of masonry, construction repairs must be made using masonry units (bricks) and mortar which match the existing in material, composition, size and density.
3. Broken or Missing Glazing, and Open or Missing Windows or Doors: Missing windows, doors or glazing can allow the entry of water into the building. If left unchecked, water can lead to the deterioration of the structural fabric of the building and damage to both the interior and exterior finishes. An open building is also an invitation to vandals and vagrants to enter and possibly damage the building. The method used to correct this type of defect varies according to the seriousness of the problem. If the matter involves simply the need to replace glazing in existing frames, the work can be easily accomplished. If a building is missing doors or windows, or is abandoned, the Commission recommends that the building be boarded up.



In either case, a minimum of 3/8" plywood should be cut to fit tightly inside the frame of the window or door on the exterior of the building. In the first method of attachment, 2" drywall screws spaced no more than 12" on center are used to attach the plywood to the frame of the opening. In the second method of attachment, 3/8" carriage head bolts with 2" washers are used to attach the plywood to 2 x 4 wood bars mounted on the interior of the building. When the bolts are tightened, the wall is "sandwiched" between the plywood and the 2 x 4 bars, holding the

entire assembly in place. In both examples, the plywood must be placed on the outside of the window opening. The Commission recommends that the plywood be primed and painted before installation to improve the general appearance of the building and to make it durable against the weather.

4. Roof, Gutters, Downspouts, and Flashing.: The roof surface and associated construction are the most important areas in protecting a building from water damage. If a Demolition by Neglect notice results from a fault in the roof or associated construction, the Commission recommends that repairs be made to match the original in material and detail. Sometimes if the damage to a roof surface is extensive or if other structural repairs are required, it is necessary to replace the entire roof surface.

The preceding suggestions for correcting Demolition by Neglect conditions are general. Specific situations may require different solutions. Planning Staff and the Historic Preservation Commission are willing to consider any suggestion so long as it adequately addresses the building fault which created the condition of Demolition by Neglect.

### 3.2.6 Fire Safety Standards

The Fire Safety Standards prescribed herein shall apply to all development activity.

- A. All proposed development site review shall be reviewed by the local Fire Official having jurisdiction over fire and life safety standards contained in this code. Prior to the final plan approval, the local Fire Official shall make written recommendations to the Code Administrator indicating approval of the design submitted or delineating needed design changes consistent with fire and life safety standards and practices.
- B. The local Fire Official shall inspect the completed development site for compliance with the approved plans and submit his/her findings to the Code Administrator prior to issuance of a Certificate of Zoning Compliance.
- C. All occupancies, excluding one or two family dwellings that exceed 35 feet in height or exceed a total fire flow demand of 3,500 gallons per minute (gpm) as referenced in the Insurance Service Organization's (ISO) Requirements For Specialized Equipment, must have adjustments to plans approved by the Fire District Fire Chief and the Town's designated Building Official and, as necessary, reach financial arrangements acceptable to the Fire District and Town Council which provide assistance in purchasing the appropriate firefighting apparatus or equipment. This standard shall be applied to the Fire Management Plan as defined for the Bluffton Fire District.
- D. No development shall be constructed so as to obstruct emergency vehicular access to the development property or associated buildings and structures. To ensure that access will not be impaired in any emergency situation, attention should be given to the design and layout of such features as signs, fences, walls, street intersections and curves, parking lots, sidewalks, ditches, lagoons, recreational amenities, landscaping, alleys, and maintenance of roads. Where buildings are over 20,000 square feet in area, a wall is more than 300 feet from a fire hydrant or over 35 feet in height; special all-weather fire access may be required to meet the Fire Official's approval.
- E. For all subdivisions and land developments of property except single-family subdivisions of four lots or less, prior to bringing any combustibles to a site, the landowner shall get a determination as to whether they are in quantities deemed hazardous by the Fire Official. The Fire Official shall notify the Town if a temporary or permanent water supply and adequate access is required for these materials prior to the start of construction, as approved by the Fire Official.
  1. A combustible material is one that is made of wood, compressed paper, plant fibers, plastics, or other materials that can ignite and burn, whether flameproof or not, or whether plastered or unplastered, and not meet the definition of noncombustible material.
  2. A noncombustible material is one that, in the form in which it is used and under the conditions anticipated, does not ignite, burn, support combustion, or release flammable vapors when subjected to fire or heat.