

Historic Preservation Ordinance Amendments

- Proposed Amendments- Redlines
- Public Comment Summary

Historic Preservation Ordinance Amendments

Legend:

Red, bold, italicized text (***example***): original proposed addition to text

Blue, bold, italicized text (***example***): proposed additions to text based on public input
received at April community workshops

Black, struck-through text (~~example~~): original proposed deletion of existing text

Black, highlighted, struck-through text (~~example~~): proposed deletions of text based on
public input received at April community workshops

Charleston County Historic Preservation Ordinance (Chapter 21 of the County's Code of Ordinances)

Chapter 21 – HISTORIC PRESERVATION

Sec. 21-1 – Findings Incorporated

The above recitals and findings are incorporated herein by reference and made a part of this Ordinance.

Sec. 21-2 – Historic Preservation Commission

A. Composition, Officers, Rules, Meetings, and Minutes

The Historic Preservation Commission (*the "Commission"*) shall consist of nine members appointed by the County Council, provided, however, that of the initial members of the Commission, five members shall be appointed for four-year terms and four members shall be appointed for two-year terms. The members shall serve until their successors are appointed and qualified. The members, both laymen and professional, shall have a demonstrated interest, competence, or knowledge in historic preservation. *The Commission aims to represent the ethnic, racial, and geographical diversity of Charleston County.* The members shall serve without compensation from the County. Any vacancy which may occur on the Commission shall be filled by *the* County Council appointing a successor to serve out the unexpired term of the vacancy. No member may hold **an elected** public office in Charleston County.

The Commission shall elect one of its members as chair and one as vice-chair whose terms must be for one year. It shall appoint a secretary who may be an officer or an employee of the County. The Commission shall adopt rules of organizational procedure and shall keep a record of its resolutions, findings, and determinations, which record must be a public record. The Commission shall meet monthly, or as needed, and, in addition, the Commission may meet ~~at the call of the chair or at such times as the chair of~~ the Commission may determine.

The County Council hereby also establishes the position of Historic Preservation Officer. The Historic Preservation Officer shall provide administrative staff support to the ~~Historic Preservation Commission~~ and fulfill the duties as provided in this Ordinance. The Historic Preservation Officer shall report to ~~the County Administrator, or his/her designee, who will, unless otherwise determined by the County Administrator,~~ be the Charleston County ~~Zoning Planning and Planning~~ Zoning Department Director.

B. Review Authority

The ~~Historic Preservation~~ Commission acts in a review and recommending capacity on Designations of Historic Property and Historic Districts *and amendments thereto*. The Commission may also conduct first review and evaluation of ~~all~~ proposed nominations for the *National Register of Historic Places* (NRHP).

C. Decision-Making Authority

The ~~Historic Preservation~~ Commission shall have final decision-making authority on

Certificates of Historic Appropriateness.

D. Responsibility

In addition to the review and decision-making authority of the ~~Historic Preservation Commission~~, the Commission shall:

1. Educate the community about the ~~the~~ Charleston County's historic resources;
2. Maintain a system for the survey and inventory of historic properties;
3. ~~Submit to the State Historic Preservation Office (SHPO) an annual report of Commission activities;~~
4. Adopt By-Laws and Rules of Procedure; and
5. Provide for adequate public participation in the local historic preservation program, including the process of recommending properties for nomination to the National Register (as applicable).

E. Application Completeness and Submission Deadlines

1. Applications for consideration by the ~~Historic Preservation Commission~~ (Designations of Historic Property and Historic Districts and Certificates of Historic Appropriateness) shall be submitted no later than 12:00 p.m. on the Friday, six weeks prior to the regularly scheduled ~~Historic Preservation Commission~~ meeting, unless otherwise provided in this Ordinance *or in the Commission Rules and Procedures*. Application filing deadlines and ~~Historic Preservation Commission~~ meeting dates are available at the Zoning and Planning Department. Within 15 Charleston County Government work days of submittal of the application, staff will determine if the application is complete, and if it is complete, the Historic Preservation Officer will schedule the application for consideration at the next available ~~Historic Preservation Commission~~ meeting.
2. Any application that is determined to be incomplete shall, within 15 Charleston County Government work days of its submittal, be returned to the applicant along with an explanation of the application's deficiencies. Fees shall not be refunded. No further processing of the application shall occur until the deficiencies are corrected. Once the deficiencies are corrected, the application may be resubmitted without the payment of additional fees, provided that, it is resubmitted within six months of the date that the application was returned to the applicant. Applications resubmitted more than six months after the date that the application was returned as incomplete shall require repayment of applicable fees.

F. Requests for Postponements of Applications to the Historic Preservation Commission

Requests for postponements of all applications from ~~Historic Preservation Commission~~ meetings must be made in writing to the Historic Preservation Officer. *A written request for postponement of an application and the letter* must be ~~submitted~~ signed by the ~~applicant~~ property owner(s) and/or his/her authorized agent. Postponement requests received within 10 calendar days of the ~~Historic Preservation Commission~~ meeting for which the application is scheduled shall be considered withdrawn. An application that is postponed for more than one year from the date it was scheduled to be heard is deemed withdrawn. If an application is deemed withdrawn, the applicant must submit a new application in compliance with Section 21-2.E, Application Completeness and Submission Deadlines, of this Ordinance, and all applicable fees must be paid.

Sec. 21-3 – Designation of Historic Property and/or Historic District

A. General

A Historic District derives its importance from being a unified entity, even though it is often composed of a wide variety of resources. The identity of a district results from the interrelationship of its resources, which can convey a visual sense of the overall historic environment or be an arrangement of historically or functionally related properties. For example, a district can reflect one principal activity, such as a mill or a ranch, or it can encompass several interrelated activities, such as an area that includes industrial, residential, or commercial buildings, sites, structures, or objects. A Historic District can also be a grouping of archeological sites related primarily by their common components; these types of districts often will not visually represent a specific historic environment.

A Historic District can comprise both features that lack individual distinction and individually distinctive features that serve as focal points. It may even be considered eligible if all of the components lack individual distinction, provided that the grouping achieves significance as a whole within its historic context. In either case, the majority of the components that add to the district's historic character, even if they are individually undistinguished, must possess integrity, as must the district as a whole.

A Historic District can contain buildings, structures, sites, objects, or open spaces that do not contribute to the significance of the Historic District. The number of noncontributing properties a Historic District can contain yet still convey its sense of time and place and historical development depends on how these properties affect the Historic District's integrity. In archeological districts, the primary factor to be considered is the effect of any disturbances on the information potential of the district as a whole.

B. Purpose

The standards of this Section are intended to safeguard the integrity of Historic Properties and Historic Districts. The criteria and procedures in this Section are to be used by the ~~Historic Preservation~~ Commission to review, consider, and recommend designation of a Historic Property or Historic District, and for the County Council to approve or deny the same.

C. Applicability

~~The Historic Preservation Commission may nominate Historic Properties and/or Historic Districts within the unincorporated area of Charleston County for designation with written consent from the owners of such properties, pursuant to this Section, provided such nominations comply with the Designation of Historic Property process and requirements contained in this Section. Additionally,~~ Applications to designate Historic Properties within the unincorporated area of Charleston County may be submitted by the property owner(s) *or a registered voter* of the subject property(ies), site(s), building(s), structure(s), or object(s), *provided* such applications comply with the Designation of Historic Property process and requirements contained in this Section.

~~The Historic Preservation Commission may nominate Historic Districts within the unincorporated area of Charleston County for designation with written consent pursuant to the requirements this Section. Additionally,~~ Applications to designate Historic Districts within the unincorporated area of Charleston County may be submitted by an owner of a property located within the proposed Historic District or a registered voter of a property

located within a proposed Historic District provided such applications comply with the Designation of Historic District process and requirements contained in this Section.

D. Pre-Application Conference

Before submitting an application for **a** Designation of Historic Property or Historic District, the property owner or applicant shall confer with the Historic Preservation Officer to discuss the proposal and the applicable review and approval procedures. ~~Pre-application conferences are not required for nominations of Designation of Historic Property or Historic District by the Historic Preservation Commission.~~

E. Application Filing

1. Designation of Historic Property and/or Historic Districts.
 - a. Applications for Designation of Historic Property and/or Historic Districts shall be submitted to the Historic Preservation Officer on forms provided by **the Charleston** County. ~~Nominations for Designation of Historic Properties and/or Historic~~

~~Districts by the Historic Preservation Commission do not require the submittal of application forms or fees.~~

- b. Applications shall comply with Section 21-2.E, Application Completeness and Submission Deadlines, of this Ordinance.
2. No application for, or nomination of, a Designation of Historic Property or Historic District shall be accepted as complete unless it includes the required fee and the information listed below:
 - a. Historic Property designation application: A completed application shall be signed by the current property owner(s) *or a registered voter residing at the subject property.*
 - b. Historic District designation application: In addition to a completed application form signed by an owner of a property located within the proposed Historic District or a registered voter of a property located within ~~the~~^a proposed Historic District, the applicant shall submit to the Historic Preservation Officer a petition and/or written consent and other supporting documentation to show that 51% or more of the registered voters of the properties in the proposed Historic District are in favor of the ~~application~~ designation of the Historic District. Where the proposed Historic District is less than 50 acres in size and is titled in the name of 10 or fewer Freeholders, the applicant shall canvas the proposed Historic District of the qualified electors residing in the proposed Historic District as to whether the Historic District proposed should be designated as such. The applicant shall submit to the Historic Preservation Officer a petition and/or written consent and other supporting documentation to show that 51% or more of the Freeholders of the properties in the proposed Historic District are in favor of the ~~application~~ designation of the Historic District.
 - c. A map indicating the address(es) or location(s) of the property(ies), site(s), building(s), structure(s), or object(s), and/or the boundaries of a proposed Historic Property or Historic District;
 - d. A letter of intent including information or statements to demonstrate compliance with the *approval* criteria of this Section and documentation of the historical or cultural significance such as photos, primary source documents, etc.
 - e. *A list of the Contributing Resources of the Historic Property or Historic District that add to its significance and that the applicant desires to preserve, including but not limited to, specific Historic Buildings, structures, sites, objects, and/or properties. The location of each Contributing Resource and a description of why each is being included as a Contributing Resource must be submitted;*
 - f. *Area Character Appraisals and other similar documentation may be submitted;* and
 - g. Any further information or documentation as the Historic Preservation Officer may deem necessary or appropriate to conduct a full and proper consideration and disposition of the application.

F. Historic Preservation Officer Review and Report

The Historic Preservation Officer shall review the application pursuant to the Approval Criteria of Section 21-3.H, Approval Criteria, of this Ordinance and refer the application to other departments or entities as necessary. The Historic Preservation Officer shall provide a report to the ~~Historic Preservation Commission~~.

G. Historic Preservation Commission Review and Recommendation

The ~~Historic Preservation~~ Commission shall review the Designation of Historic Property or Historic District application at a meeting open to the public and adopt a resolution, by majority vote of the entire membership, recommending that the County Council approve or deny the application. *The Commission shall not recommend approval "with conditions" for Designations of Historic Property and Historic Districts.*

When rendering its recommendation decision, the Historic Preservation Commission shall cite which of the specific Approval Criteria of Section 21-3.H, Approval Criteria, of this Ordinance apply, and how each applicable criterion is or is not met. When recommending approval of a Designation of Historic Property or Historic District, the Commission shall list the Contributing Resources of the Historic Property or Historic District that add to its significance and may identify any other documentation that supports the designation shall render its decision based on the Approval Criteria of Section 21-3.H, Approval Criteria, of this Ordinance. Newspaper, Community Interest, Neighbor, and Parties in Interest Notice of the Historic Preservation Commission meeting shall be provided in accordance with the requirements of Section 21-67, Notices, of this Ordinance.

H. County Council Hearing

After receiving the recommendation of the ~~Historic Preservation~~ Commission, the County Council shall approve or deny the application for Designation of Historic Property or Historic District based on the Approval Criteria of Section 21-3.H, Approval Criteria, of this Ordinance. Designations of Historic Property *and Historic Districts* shall not be approved "with conditions."

When approving an application, the County Council shall list the Contributing Resources of the Historic Property or Historic District that add to its significance and may identify any other documentation that supports the designation. The County Council shall hold a public hearing prior to giving second reading to Designation of Historic Property or Historic District applications. Newspaper, Community Interest, Neighbor, and Parties in Interest Notice of the Public Hearing shall be provided in accordance with the requirements of Section 21-67, Notices, of this Ordinance. Designations of Historic Property shall not be approved "with conditions."

I. Approval Criteria

In order for an application for a Designation of Historic Property or Historic District to be approved, one or more of the following criteria must be met:

1. Has significant inherent character, interest, history, or value as part of the rural county or heritage of the county, state or nation;
2. Is of an event significant in history;
3. Is associated with a person or persons who contributed significantly to the culture and development of the county, state or nation;
4. Exemplifies the cultural, political, economic, social, ethnic, or historic heritage of the county, state or nation;
5. Individually or collectively embodies distinguishing characteristics of a type, style, or period in architecture or engineering;
6. Is the work of a designer whose work has significantly influenced the development of the county, state or nation;

7. Contains elements of design, detail, materials, or craftsmanship which represent a significant innovation;
8. Is part of or related to a square or other distinctive element of community planning;
9. Represents an established and familiar visual feature of the neighborhood or community;
10. Has yielded, or may be likely to yield, information important in pre-history or history (potential Archaeological Site); and/or
11. Is deemed eligible for or already listed on the NRHP.

J. Final Action

Designations of Historic Properties or Historic Districts shall be adopted by ordinance of ~~the~~ Charleston County Council.

K. Notice of Decision

Following final action by the County Council, the Historic Preservation Officer shall be responsible for providing the applicant and property owner(s) with written notice of the decision.

L. Removal of Designation of Historic Property

Applications to remove a Designation of Historic Property must be submitted ~~by the owner(s) of the Historic Property or by the Historic Preservation Commission~~ with written consent from the property owner(s) *or a registered voter residing at the subject property* and shall be submitted utilizing the application, fee(s), and process as described in ~~this Section~~ *Article 21-3.D-H and 21-3.J-K*. In order for the designation to be removed, ~~the~~ County Council must find that one or more of the following criteria has been met:

1. The Site, Building, Structure, or Object has ceased to meet the criteria for designation as described *in* Section 21-3.H, Approval Criteria, of this Ordinance because the qualities which caused it to be originally designated have been lost or destroyed;
2. An error occurred regarding whether the Historic Property, Site, Building, Structure, or Object met the criteria for designation at the time it was designated; ~~and/or~~
3. There was a procedural error in the designation process.

M. Removal of Individual Properties from Designated Historic Districts

~~Applications to remove one or more properties from a designated Historic District must include written consent of the subject property owner(s). The application, fee(s), and process as described in this Section 21-3.D-H and 21-3.J-K shall apply. shall apply.~~ *In order for one or more properties to be removed from a Historic District designation, the County Council must find that the property or properties have ceased to meet the criteria for designation as described in Section 21-3.H, Approval Criteria, of this Ordinance because the qualities which caused it/them to be included in the original designation have been lost or destroyed.*

N. Removal of Designation of Historic District in its Entirety

Applications to remove a Designation of a Historic District *in its entirety* ~~or to remove one~~

~~or more properties from a Historic District must be signed and submitted by an owner of a property located within the Historic District or a registered voter of a property located within a proposed Historic District, and include written consent of the subject property owner pursuant to the requirements of Section 21-3.D.2.b. In addition to a completed application form signed by an owner of a property located within the Historic District or a registered voter residing at a property located within the Historic District, the applicant shall submit to the Historic Preservation Officer a petition and/or written consent and other supporting documentation to show that 51% or more of the registered voters of the properties in the Historic District are in favor of the application. Where the Historic District is less than 50 acres in size and is titled in the name of 10 or fewer Freeholders, the applicant shall canvas the Historic District of the qualified electors residing in the Historic District as to whether the Historic District designation should be removed. The applicant shall submit to the Historic Preservation Officer a petition and/or written consent and other supporting documentation to show that 51% or more of the Freeholders of the properties in the Historic District are in favor of the application.~~ The application, fee(s), and process as described in this ~~Section~~ **Article 21-3.D-H and 21-3.J-K** shall apply. In order for a Historic District designation to be removed *in its entirety*, the County Council must find that one or more of the following criteria has been met:

1. The *Historic* District has ceased to meet the criteria for designation as described Section 21- 3.H, Approval Criteria, of this Ordinance because the qualities which caused it to be originally designated, have been lost or destroyed;
2. An error occurred regarding whether the *Historic* District met the criteria for designation at the time it was designated; and/or
3. There was a procedural error in the designation process.

~~In order for one or more properties to be removed from a Historic District designation, County Council must find that the property or properties have ceased to meet the criteria for designation as described Section 21-3.H, Approval Criteria, of this Ordinance because the qualities which caused it/them to be included in the original designation have been lost or destroyed.~~

Sec. 21-4 – Amendments to Designated Historic Properties and Historic Districts

A. Purpose

The standards of this Section are intended to allow for amendments to designated Historic Properties and Historic Districts such as the ongoing identification of Contributing Resources; the inclusion of Area Character Appraisals and other similar documentation that add to the significance of the designation of the Historic Property or Historic District; and the addition of properties to designated Historic Districts. The criteria and procedures in this Section are to be used by the Commission to review, consider, and make recommendations regarding such applications, and for the County Council to approve or deny the same.

B. Applicability

Applications to amend Historic Properties or Historic Districts within the unincorporated area of Charleston County may be submitted pursuant to the process and requirements contained in this Section.

C. Pre-Application Conference

Before submitting an application, the property owner or applicant shall confer with the Historic Preservation Officer to discuss the proposal and the applicable review and approval procedures.

D. Application Filing

Applications shall be submitted to the Historic Preservation Officer on forms provided by the Charleston County. Applications shall comply with Section 21-2.E, Application Completeness and Submission Deadlines, of this Ordinance. Applications must include the required fee and the following information, as determined by the Historic Preservation Officer:

- 1. Completed application form and signatures signed in compliance with Sec. 21-3.E.2.b by the owner(s) of the subject property(ies);*
- 2. A list of all proposed Contributing Resources including the name of each resource; the type of each resource (building, object, site, or structure); the location/address of each resource; and the Parcel Identification Number of the property(ies) on which the resource is located;*
- 3. Photos of proposed Contributing Resources;*
- 4. A statement indicating how each proposed Contributing Resource meets the Approval Criteria found in Section 21-4.H;*
- 5. The inclusion of Area Character Appraisals and other similar documentation that add to the significance of the designation of the Historic Property or Historic District;*
- 6. Additional signatures of support (optional); and*
- 7. Additional information as determined necessary by the Historic Preservation Officer.*

E. Historic Preservation Officer Review and Report

The Historic Preservation Officer shall review the application pursuant to the Approval Criteria of Section 21-4.H, Approval Criteria, of this Ordinance and refer the application to other departments or entities as necessary. The Historic Preservation Officer shall provide a report to the Commission.

F. Historic Preservation Commission Review and Recommendation

The Commission shall review the application at a meeting open to the public and adopt a resolution, by majority vote of the entire membership, recommending that the County Council approve or deny the application based on the Approval Criteria of Section 21-4.H, Approval Criteria, of this Ordinance. When approving an application, the Commission shall list the Contributing Resources and may identify any other documentation that supports the application, as applicable. The Commission shall not recommend approval "with conditions." Newspaper, Community Interest, Neighbor, and Parties in Interest Notice of the Commission meeting shall be provided in accordance with the requirements of Section 21-7, Notices, of this Ordinance.

G. County Council Hearing

After receiving the recommendation of the Commission, the County Council shall approve or deny the application based on the Approval Criteria of Section 21-4.H, Approval Criteria, of this Ordinance. Applications shall not be approved "with conditions." The County Council shall hold a public hearing prior to giving second reading to the application. Newspaper, Community Interest, Neighbor, and Parties in Interest Notice of the Public Hearing shall be provided in accordance with the requirements of Section 21-7, Notices, of this Ordinance.

H. Approval Criteria

1. In order to approve an application to identify Contributing Resources, all of the following criteria must be met:
 - a. The resource is located within a **Designated** Historic District or on a **Designated** Historic Property;
 - b. The resource contributes to the historic associations, historic architectural qualities, or archaeological values for which the **Designated** Historic Property or Historic District is significant; and
 - c. The resource retains enough of its historic physical features to convey its significance as part of the **Designated** Historic Property or Historic District.
2. In order to approve an application for an **Area Character Appraisal** study or any other documentation that supports the application, all of the following criteria must be met:
 - a. The documentation refers to the Historic Property or Historic District;
 - b. The documentation contributes to the reason/significance of the designation; and
 - c. The documentation was verified by an appropriate third-party professional, as determined by the Historic Preservation Officer.
3. In order to approve an application to add a property or properties to a designated Historic District, the subject property must meet one or more of the following criteria:
 - a. Has significant inherent character, interest, history, or value as part of the rural county or heritage of the county, state or nation;
 - b. Is of an event significant in history;
 - c. Is associated with a person or persons who contributed significantly to the culture and development of the county, state or nation;
 - d. Exemplifies the cultural, political, economic, social, ethnic, or historic heritage of the county, state, or nation;
 - e. Individually or collectively embodies distinguishing characteristics of a type, style, or period in architecture or engineering;
 - f. Is the work of a designer whose work has significantly influenced the development of the county, state, or nation;
 - g. Contains elements of design, detail, materials, or craftsmanship which represent a significant innovation;
 - h. Is part of or related to a square or other distinctive element of community planning;
 - i. Represents an established and familiar visual feature of the neighborhood or community;

- j. *Has yielded, or may be likely to yield, information important in pre-history or history (potential Archaeological Site); or*
- k. *Is deemed eligible for or already listed on the NRHP.*

I. Final Action

If approved, the amendments to Designated Historic Properties or Historic Districts shall be adopted as an amendment to the designation ordinance of the Charleston County Council and shall be included as part of the applicable Designated Historic Property or Historic District.

J. Notice of Decision

Following final action by the County Council, the Historic Preservation Officer shall be responsible for providing the applicant and property owner with written notice of the decision.

Sec. 21-45 – Certificate of Historic Appropriateness

A. Purpose

In order to ensure that ~~the preservation of the historic character of Historic Properties and Historic Districts, alteration, modification, relocation, demolition, addition to, new construction, rehabilitation, or restoration of a Historic Property or on a property included in a Historic District, or subdivision or development of property located within 300 feet of a Historic Property or Historic District, is in keeping with the historical, cultural, and architectural character of the Historic Property or Historic District,~~ a Certificate of Historic Appropriateness must be obtained *prior to the issuance of any Zoning Permits or approvals as described below*, pursuant to the standards set forth in this Section, except where exempt pursuant to the provisions of this Section.

B. Applicability

1. The requirements of this Section shall apply to applications for the permits described herein that are submitted after August 21, 2018.
2. *The requirements of this Section shall apply to all National Register listings approved since 1966 within unincorporated Charleston County.*
3. *Certificates of Historic Appropriateness may be issued by the Commission or the Historic Preservation Officer pursuant to this Section.*
4. *Certificates of Historic Appropriateness Issued by the Commission. Certificate Review and determination of Certificates of Historic Appropriateness by the Commission pursuant to the requirements and processes of this Section and as determined by the Historic Preservation Officer is required prior to the following:*
5. ~~A Certificate of Historic Appropriateness is required before:~~
 - a. ~~Subdivision Plat and Site Plan Review and Limited Site Plan Review approvals~~ *approvals for Historic Properties and properties within Historic Districts, with the exception of short-term rental zoning permit applications.*, except that the following specific types of Subdivision Plat applications are exempt from the Certificates of Historic Appropriateness requirements of this Ordinance:
 - i. ~~Subdivision Plats submitted for sole purpose of creating an~~

- ~~easement(s), delineating OCRM Critical Line Areas, and/or delineating the location(s) of freshwater wetlands;~~
- ~~ii. The combination or recombination of portions of previously platted Lots where the total number of Lots is not increased;~~
- ~~iii. Boundary plats;~~
- ~~iv. Property line adjustments where no new Lots are created; and~~
- ~~v. Subdivision Plats that are the result of a court order.~~
- b. Site Plan Review approvals for properties located within 300 feet of a Historic Property or Historic District, except that Certificates of Historic Appropriateness are not required for Limited Site Plan Review applications pursuant to Article 3.7, *Site Plan Review*, of the Charleston County Zoning and Land Development Regulations Ordinance *and short-term rental zoning permit applications for properties within 300 feet of a Historic Property or Historic District.*
- c. ~~The issuance of *The issuance of z*Zoning *p*Permits *on* for the demolition, alteration, modification, addition to, new construction, rehabilitation, relocation, or restoration to a Historic Property or a property located in a Historic District, including construction of new structures in Historic Districts. The following specific types of *z*Zoning *p*Permit applications are exempt from the Certificate of Historic Appropriateness requirements of this Ordinance:~~
- i. *The proposed work is part of a project undertaken by Charleston County Public Works and the subject property(ies) do not contain identified Contributing Resources;*
- ii. *Historic markers/signs;*
- iii. Existing Communications Towers where no changes to the lease area or equipment area are proposed;
- iv. Face changes for existing, legally permitted Signs;
- v. Home Occupations;
- vi. Permits for Tree Removal that meet the requirements of the Charleston County Zoning and Land Development Regulations Ordinance;
- vii. *Use changes that do not require Site Plan Review approval;*
- viii. *Sweetgrass basket stands;*
- ix. *Short-term rentals;*
- x. Power Poles where no *A*alteration, modification, addition to, new construction, *R*rehabilitation, relocation, or *R*estoration is proposed;
- xi. Temporary Special Events; ~~and~~
- xii. Temporary *u*Uses and *s*Structures; ~~and~~
- xiii. *Proposed work that does not include changes to the architecture, site layout, or building size/configuration and that is not located on a property containing a Contributing Resource as determined by the Historic Preservation Officer.*
- d. *The issuance of zoning permits for the Demolition of structures on Historic Property(ies) or on property(ies) located in a Historic District when the structure proposed for Demolition has been noted as a Contributing Resource on the National Register of Historic Places listing or by the County Council.*
- e. *The issuance of any zoning permit for:*

- i. *Clearing and grubbing of one acre or more on Historic Property(ies) or on property(ies) located in a Historic District; and*
- ii. *For clearing and grubbing on Historic Property(ies) or on property(ies) located in a Historic District when there is a Contributing Resource on the subject property or an adjacent property.*

The clearing and grubbing application must illustrate the proposed development for which the clearing and grubbing is requested. A Certificate of Historic Appropriateness is not required for clearing and grubbing applications associated with an approved development plan or violation.

- f. ~~Subdivision Plat and Site Plan Review approvals for properties located within 300 feet of a Historic Property or Historic District, except that Certificates of Historic Appropriateness are not required for Limited Site Plan Review applications pursuant to Article 3.7, *Site Plan Review*, of the Charleston County Zoning and Land Development Regulations Ordinance and the following specific types of Subdivision Plat applications are exempt from the Certificate of Historic Appropriateness requirements of this Ordinance:~~
 - ~~i. Subdivision Plats submitted for sole purpose of creating an easement(s), delineating OCRM Critical Line Areas, and/or delineating the location(s) of freshwater wetlands;~~
 - ~~ii. The combination or recombination of portions of previously platted Lots where the total number of Lots is not increased;~~
 - ~~iii. Boundary plats;~~
 - ~~iv. Property line adjustments where no new Lots are created; and~~
 - ~~v. Subdivision Plats that are the result of a court order.~~
6. *Certificates of Historic Appropriateness Issued by the Historic Preservation Officer.*
- a. *Review and determination of Certificates of Historic Appropriateness by the Historic Preservation Officer pursuant to the requirements and processes of this Section is required prior to the following:*
 - i. *Replacement of existing manufactured housing units where there are no expansions of the building footprint;*
 - ii. *Any exterior repairs that do not involve changing the appearance of the structure; and*
 - iii. *Utilities and mechanical units, including, but not limited to, applications for location of radio and television receiving antennas or dishes; supply boxes; service meters; and HVAC equipment, along with any necessary screening.*
 - b. *The Historic Preservation Officer may require review and determination from the Commission for any of the application types listed above.*
 - c. *The Historic Preservation Officer shall provide the applicant and property owner with written notice of the decision.*
 - d. *Notice pursuant to Section 21-7 is not required for Certificates of Historic Appropriateness approved by the Historic Preservation Officer.*
 - e. *Any person with a substantial interest in the decision of the Historic Preservation Officer may appeal the decision to the Commission. Applications for such appeals shall be submitted to the Zoning and Planning Department Director on forms available in the Zoning and Planning Department. Appeals of such decisions shall be filed within 30 calendar days after date the Certificate of Historic Appropriateness is approved.*

7. *Ordinary Maintenance. Nothing in this Ordinance shall be construed to prevent the Ordinary Maintenance of any exterior architectural feature of structures designated as historic when that maintenance does not involve a change in design, material, or external appearance.*
8. *Emergency Permits. If the Zoning and Planning Department Director has declared an emergency condition and granted a temporary administrative permit due to a use, structure, or building being damaged or destroyed by fire, flood, wind, or other act of God, such temporary administrative permits are exempt from the requirements of this Ordinance.*
9. *Interiors. Certificates of Historic Appropriateness shall not be required for Alterations to the interior of structures.*
10. ~~These requirements shall apply to applications for the permits described herein, that are submitted after August 21, 2018.~~

C. Pre-Application Conference

Before submitting an application for a Certificates of Historic Appropriateness the property owner or applicant shall confer with the Historic Preservation Officer to discuss the proposal and the applicable review and approval procedures.

D. Application Filing

1. *Application Requirements.* Applications for Certificates of Historic Appropriateness shall be submitted to the Historic Preservation Officer on forms provided by ~~the~~ Charleston County. Applications shall comply with Section 21-2.E, Application Completeness and Submission Deadlines, of this Ordinance. ~~Before submitting an application for a Certificate of Historic Appropriateness, the applicant shall confer with the Historic Preservation Officer to discuss the proposal and the applicable review and approval procedures.~~ No application for a Certificate of Historic Appropriateness shall be accepted as complete unless it includes the required fee and the following information:
 - a. Completed Certificate of Historic Appropriateness application signed by the ~~current property owner(s);~~
 - b. As applicable, a copy of a legible approved and recorded plat showing current property boundaries. Exemptions include applications for Certificates of Historic Appropriateness for ~~alterations, modifications, rehabilitation, demolition or restoration of Historic Properties~~ that do not change the footprint of existing structures and subdivision applications where a new plat will be recorded following approval of the Certificate of Historic Appropriateness;
 - c. Restrictive covenant(s) affidavit signed by the applicant or current property owner(s) in compliance with state law;
 - d. *Posted notice affidavit(s) signed by the applicant or current property owner(s);*
 - e. *A letter of intent addressing how the application complies with each of the approval criteria in Sec. 21-5.I individually. The letter must include a complete description general description of the present use and proposed activity on the property of the proposed design, including but not limited to, proposed building size, number of stories, architectural style, percentage of impervious surface coverage, and material choice, as applicable. The letter of intent shall also indicate if there are any Contributing Resources on the subject property. and a written statement addressing the approval criteria set out in this Ordinance, stating specifically how the Certificate of Historic Appropriateness relates to and meets each criterion;*

- f. ~~As applicable, a~~ **A** site plan drawn to an engineer's scale, **as applicable**. ~~showing~~ ~~However, if~~ the property was developed before April 21, 1999, no site improvements have been made since April 21, 1999, and the proposed use does not require site improvements, as determined by the Zoning and Planning Department Director, the applicant may submit an aerial photograph printed to engineer's scale showing the property lines, locations of existing structures and improvements, parking areas, etc. as the site plan. **If a site plan is required, it shall include the following, as applicable:**
- i. The property dimensions;-
 - ii. Dimensions and locations of existing and proposed structures and improvements;-
 - iii. **Impervious surface coverage and building coverage percentages, as applicable;**
 - iv. Parking areas;-
 - v. Grand trees; **and**:-
 - vi. Wetlands (properties containing DHEC- OCRM Critical Line areas must contain an up to date DHEC-OCRM signature on the site plan or plat), and holding basins and buffers when applicable.

All site plans must be in an approvable state, per the Zoning and Planning Department Director, at the time of Certificate of Historic Appropriateness application submittal.

~~However, if the property was developed before April 21, 1999, no site improvements have been made since April 21, 1999, and the proposed use does not require site improvements, as determined by the Zoning and Planning Department Director, the applicant may submit an aerial photograph printed to engineer's scale showing the property lines, locations of existing structures and improvements, parking areas, etc. as the site plan.~~

~~g. As applicable, proposed Subdivision Plats.~~

h. Architectural elevations; and:-

- i. Any further information or documentation as the Historic Preservation Officer may deem necessary or appropriate to conduct a full and proper consideration and disposition of the application.

2. **Board of Zoning Appeals. In the event an applicant is required to obtain approval from the Board of Zoning Appeals for a property(ies) that also requires a Certificate of Historic Appropriateness, the Commission approval must be obtained prior to placement on a Board of Zoning Appeals agenda. When decisions from both the Board of Zoning Appeals and the Historic Preservation Commission are required, the Board of Zoning Appeals decision must occur prior to the Historic Preservation Commission decision.**

E. Community Workshop

After the pre-application conference, it is recommended that the applicant hold one or more community workshops. The purpose of a community workshop is to:

1. **Ensure early citizen participation in an informal forum, in conjunction with the development applications; and**
2. **Provide an applicant the opportunity to understand and try to mitigate any impacts an application may have on an affected community.**

A community workshop is not intended to produce complete consensus on all applications, but to encourage applicants to be good neighbors. It shall be the responsibility of the applicant to provide Neighbor, Community Interest, Parties in Interest Notice of the community workshop in accordance with Sec. 21-7 of this Ordinance.

F. Conceptual Plan Workshop

Prior to submitting a formal application, Certificate of Historic Appropriateness applicants may present their conceptual plans to the Commission at a workshop. This presentation shall be for discussion and feedback purposes only and no action shall be taken on the conceptual plan at the workshop. The applicant shall submit a memo and presentation describing the proposed plan no later than 12:00 p.m. on the Friday, six weeks prior to the regularly scheduled Commission meeting.

G. Historic Preservation Officer Review and Report

The Historic Preservation Officer shall review each application for a Certificate of Historic Appropriateness pursuant to the Approval Criteria of Section 21-45.FI, *Approval Criteria*, of this Ordinance. The Historic Preservation Officer shall provide a report on the application to the ~~Historic Preservation~~ Commission that addresses the Approval Criteria of Section 21-45.FI, *Approval Criteria*, of this Ordinance, and includes, but is not limited to, whether or not the application complies with the requirements contained in the Charleston County Zoning and Land Development Regulations Ordinance.

H. Historic Preservation Commission Public Hearing, Review and Determination

1. *Commission Review and Determination.* The ~~Historic Preservation~~ Commission shall review the Certificate of Historic Appropriateness application at a public hearing and *shall approve, approve with conditions, or deny the application based on the Approval Criteria of Section 21-5.I, Approval Criteria, of this Ordinance.* ~~render a decision based on the Approval Criteria of Section 21-4.F, Approval Criteria, of this Ordinance.~~ *When rendering its decision, the Commission shall cite how each of the specific Approval Criteria of Section 21-5.I, Approval Criteria, of this Ordinance have or have not been met.* A majority of the ~~Historic Preservation~~ Commission members present and voting shall be required to approve, approve with conditions, or deny applications for Certificates of Historic Appropriateness.
2. *Notice. Newspaper, Posted, Community Interest,* Neighbor, and Parties in Interest Notice of the ~~Historic Preservation~~ Commission meeting shall be provided in accordance with the requirements of Section 21-67, Notices, of this Ordinance. ~~If a property is located in a NRHP listed or locally designated Historic District ("Historic District"), notifications shall also be sent to the owners of properties located within the Historic District.~~
3. *Commission Consideration. In granting a Certificate of Historic Appropriateness, the Commission shall seek to avoid Negative Impacts to the Historic Property or Historic District in the context of the designation ordinance for the applicable Historic Property or Historic District or as included in the NRHP listing.*
 - a. ~~When considering applications for Certificates of Historic Appropriateness, the Commission shall not:~~
 - i. ~~Make determinations regarding land uses, including whether a property~~

- ~~can be developed;~~
- ~~ii. Make determinations on or review subdivision plat applications; or~~
- ~~iii. Regulate density, intensity, and dimensional standards and other matters addressed in the Zoning and Land Development Regulations Ordinance, except dimensional standards, such as setbacks, which can be affected secondarily to address design-related decisions in the context of the property's historic Setting.~~
- b. ~~The Commission shall consider, among other things, the general design, the character and appropriateness of design, the height, scale and mass of the structure, the arrangement, texture, materials, and color of the structure in question, and the relation of such aspects, features and elements to similar aspects, features, and elements of structures in its historic Setting. The Commission may require the use of architectural techniques such as building façade and mass modulations or adjustments to the footprint of a structure on a site to achieve appropriate form and proportion of a structure in relation to its Setting, so long as such techniques do not unreasonably restrict the use of a site in light of its current zoning.~~
- c. ~~For Properties and Districts listed on the NRHP, the Commission shall consider the areas of significance and Contributing Resources outlined in the NRHP nomination listing;~~
- d. ~~For Properties and Districts on the Charleston County list of Historic Properties and Historic Districts, the Commission shall consider the criteria under which the County Council approved the designation application and identified Contributing Resources;~~
- e. ~~When considering applications for Preservation, Rehabilitation, Restoration, or Reconstruction, the Commission shall consider the Secretary of the Interior's Standards for the Treatment of Historic Properties as contained in Section 21-8 of this Ordinance; and~~
- f. ~~If the application involves a request for Demolition, the Commission shall consider the following:~~
- ~~i. Whether the historic structure is of such architectural or historic significance that demolition would be contrary to the purpose of this Ordinance;~~
 - ~~ii. Whether a structure within a Historic District contributes to the distinctive historic character of the district and the probable visual impact of its removal;~~
 - ~~iii. The extent to which the structure is of such unusual or uncommon design, texture, or materials that it could not be reproduced or be reproduced only with great difficulty and/or expense;~~
 - ~~iv. Consideration shall be given to economic hardship or to deprivation of reasonable use of the property;~~
 - ~~v. Whether ~~or not~~ the demolition is necessary to facilitate a defined public purpose;~~
 - ~~vi. Whether the request is a result of Demolition by Neglect; and~~
 - ~~vii. The structural soundness and integrity of the structure and the feasibility for its restoration or rehabilitation so as to allow for its reasonable use.~~

I. Approval Criteria

~~In granting a Certificate of Historic Appropriateness applications, the Historic Preservation Commission shall consider:~~ *In order for a Certificate of Historic Appropriateness to be*

approved, all of the following approval criteria must be met:

- a. The proposed site improvements are compatible with the historic, cultural, and/or architectural character of the applicable Historic Property or Historic District based on the NRHP listing or designation by the County Council;*
- b. The proposed site improvements do not decrease the Historic Integrity of properties containing identified Contributing Resources; and*
- c. Any negative impacts to the applicable Historic Property or Historic District have been minimized and mitigated.*

For Historic Districts designated without Contributing Resources, Area Character Appraisals, or other similar documentation, the Commission shall evaluate Certificates of Historic Appropriateness based on Sec. 21-5.H.3, Commission Considerations.

- ~~d. The historic, cultural, and architectural significance of the district, site, building, structure, or object under consideration;~~
- ~~e. The exterior form and appearance of any proposed additions or modifications and the effect of such additions and modifications upon other structures on the Historic Property or within the Historic District;~~
- ~~f. When considering applications for new construction, alteration, repair, rehabilitation, or restoration, the Historic Preservation Commission shall apply the Secretary of the Interior's Standards for the Treatment of Historic Properties; and~~
- ~~g. Certificate of Historic Appropriateness applications for properties located within Historic Districts, or for Subdivision Plats or Site Plan Review proposals for properties located within 300 feet of Historic Districts, must demonstrate consistency with the prevailing patterns of existing lots, densities, spacing of homes, lot sizes and shapes, and other characteristics of the Historic District that the Historic Preservation Commission deems applicable.~~
- ~~h. In granting a Certificate of Historic Appropriateness for Subdivision Plats and Site Plan Review proposals for properties located within 300 feet of a Historic Property or Historic District, the Historic Preservation Commission shall require that potential negative impacts of the proposed development be minimized through site design techniques such as the location of vehicular access points, screening treatments, and buffering treatments.~~

J. Notice of Decision

Following final action by the ~~Historic Preservation~~ Commission, the Historic Preservation Officer shall provide the applicant and property owner with written notice of the decision.

K. Submission of a New Application

If the ~~Historic Preservation~~ Commission denies an application for a Certificate of Historic Appropriateness, a new application affecting the same Historic Property may be submitted if the Historic Preservation Officer determines there has been some *substantive* substantial change made in the plans for the proposed work or development, *in response to the decision of the Historic Preservation Officer or Commission, as applicable.*

L. Appeals

Any person with a substantial interest in a decision of the ~~Historic Preservation~~ Commission or any officer, board, or bureau of the County may appeal a final decision of the ~~Historic Preservation~~ Commission to the Circuit Court of Charleston County. Appellants shall file with the Court Clerk a written petition plainly and fully setting forth how such decision is contrary to law. Such appeal shall be filed within 30 calendar days after the

date of the meeting at which the decision of the ~~Historic Preservation Commission~~ is rendered.

M. Modifications to Approved Certificates of Historic Appropriateness

~~The Zoning and Planning Director shall determine whether a proposed modification to a previously approved Certificate of Historic Appropriateness is considered a minor or major modification, pursuant to the criteria in this section. Modifications of approved Certificates of Historic Appropriateness are categorized as major or minor depending on the type and extent of proposed changes, as described below: *Substantive alterations to approved Certificates of Historic Appropriateness, as determined by the Zoning and Planning Department Director, are considered major modifications and* Major modifications require a new Certificate of Historic Appropriateness, in accordance with the *requirements and procedures* specified in this Article. Any Certificate of Historic Appropriateness application must comply with all requirements of this Article. Minor modifications are those that do not meet the threshold of major modifications, *as determined by* ~~per~~ the Zoning and Planning ~~Department~~ Director. The *Historic Preservation Officer* Zoning and Planning Director is authorized to approve minor modifications to an approved Certificate of Historic Appropriateness.~~

~~1. Minor Modifications.~~

- ~~a. Increase in Common Open Space area;~~
- ~~b. Decrease in residential Density or number of Dwelling Units;~~
- ~~c. Increase in Setbacks;~~
- ~~d. Increase in the area, dimensions, and/or Density of Landscape Buffers;~~
- ~~e. Decrease in Building Floor Area;~~
- ~~f. Decrease in the number or size of Signs;~~
- ~~g. Minor shifts in the layout of the land uses in an approved Site Plan;~~
- ~~h. Minor shifts in the location of access points or internal Roadways necessary to resolve regulatory (e.g., SCDOT) permitting issues; and~~
- ~~i. The Zoning and Planning Director is authorized to approve minor modifications to an approved Certificate of Historic Appropriateness.~~

~~Major modifications require a new Certificate of Historic Appropriateness, in accordance with the procedure specified in this Article. Any Certificate of Historic Appropriateness application must comply with all requirements of this Article.~~

~~2. Major Modifications.~~

- ~~a. Any modification not considered "minor" pursuant to paragraph 1, above, is considered a major modification;~~
- ~~b. Major modifications require a new Certificate of Historic Appropriateness, in accordance with the procedure specified in this Article; and~~
- ~~c. Any Certificate of Historic Appropriateness application must comply with all requirements of this Article.~~

N. Board of Zoning Appeals

~~In the event an applicant is required to obtain approval from the Board of Zoning Appeals for a property(ies) that also requires a Certificate of Historic Appropriateness, the Certificate of Historic Appropriateness approval must be obtained from the Historic Preservation Commission prior to placement on a Board of Zoning Appeals agenda.~~

Sec. 21-56 – Nomination to The National Register Of Historic Places

The ~~Historic Preservation~~ Commission may conduct first review and evaluation of all proposed nominations for the NRHP for properties that are within its jurisdiction, prior to consideration by the State Board of Review. The Commission may send their recommendations to the State Historic Preservation Office for consideration at the meeting of the State Board of Review. The Commission shall not nominate properties directly to the National Register; only the State Board of Review shall have this final review authority unless expressly authorized by the Federal statute.

Sec. 21-67 – Notices

A. Neighbor Notice

When the provisions of this Ordinance require that "Neighbor Notice" be provided, the Historic Preservation Officer shall mail notice to the applicant, *subject property owner*, and all property owners within 300 feet of the subject property. Ownership information shall be obtained from the County Assessor's Office. Unless otherwise expressly provided in state statutes or this Ordinance, required Neighbor Notices shall be deposited in the U.S. mail at least 15 calendar days before the public hearing, meeting, or date of action that is the subject of the notice. Failure to provide this notice will not invalidate any action taken.

B. Parties in Interest Notice

When the provisions of this Ordinance require that notice be sent, the following "Parties in Interest" shall be notified: the applicant and the owner of the property (if other than applicant). Parties in Interest shall mean any individual, associations, corporations or others who have expressed an interest in writing in an application that has been received by the Historic Preservation Officer. It is the responsibility of the Parties in Interest to provide updated contact information to the Historic Preservation Officer. The Historic Preservation Officer will keep the Parties in Interest contact information on file for one year from the initial date received. Failure to provide this notice will not invalidate any action taken.

C. Newspaper Notice

When the provisions of this Ordinance require that "Newspaper Notice" be provided, the official responsible for accepting the application shall ensure that notice is published in a newspaper of general circulation in the County. Unless otherwise expressly provided in state statutes or this Ordinance, the first required newspaper notice shall be published at least 15 calendar days before the public hearing, meeting, or date of action that is the subject of the notice. Newspaper Notice shall indicate the time and place or date of action that is the subject of the notice, describe the property involved in the application by street address and, if required, by legal description, describe the nature, scope, and purpose of the application or proposal.

D. Posted Notice

When the provisions of this Ordinance state that "Posted Notice" should be provided, the official responsible for accepting the application shall post the notice on the Subject Property in a manner that makes the notice clearly visible to neighboring residents and passers-by from each public street bordering the Subject Property. Unless otherwise expressly provided in state statutes or this Ordinance, Posted Notice shall be in place at

least 15 calendar days before the public hearing, meeting, or date of action that is the subject of the notice. Once the notice has been posted, the owner(s) of the Subject Property are responsible for notifying the Zoning and Planning Department in writing if the Posted Notice is removed or damaged prior to the public hearing, meeting, or date of action that is the subject of the notice. Failure to notify the Zoning and Planning Department in writing of removed or damaged Posted Notice may result in rescheduling of the public hearing and a delay in decision from the Decision-Making Body.

E. Community Interest Notice

When the provisions of this Ordinance require that "Community Interest Notice" be provided, the official responsible for accepting the application shall provide written notice to any individual, group, or organization that has submitted a written statement of interest to the Zoning and Planning Department Director. When Community Interest Notice is required, courtesy notice will be provided to the ~~Zoning and~~ Planning Director of any municipality within the Planning Area of the subject tract. Community Interest Notice is a courtesy notice; failure to provide this notice will not invalidate any action taken.

Sec. 21-8 – Secretary of the Interior’s Standards for the Treatment of Historic Properties

When considering applications for Preservation, Rehabilitation, Restoration, or Reconstruction the Historic Preservation Commission shall ~~apply~~ consider the Secretary of the Interior's Standards for the Treatment of Historic Properties.

A. Standards for Preservation. When reviewing an application for a Certificate of Historic Appropriateness for a Preservation project, the Commission shall consider the Secretary of Interior’s Standards for Preservation, which state:

1. A property will be used as it was historically or be given a new use that maximizes the retention of distinctive materials, features, spaces, and spatial relationships. Where a treatment and use have not been identified, a property will be protected and, if necessary, stabilized until additional work may be undertaken.
2. The historic character of a property will be retained and preserved. The replacement of intact or repairable historic materials or Alteration of features, spaces and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place and use. Work needed to stabilize, consolidate and conserve existing historic materials and features will be physically and visually compatible, identifiable upon close inspection and properly documented for future research.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. The existing condition of historic features will be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires Repair or limited replacement of a distinctive feature, the new material will match the old in composition, design, color and texture.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources

must be disturbed, mitigation measures will be undertaken.

B. Standards for Rehabilitation. *When reviewing an application for a Certificate of Historic Appropriateness for Rehabilitation the Commission shall consider the Secretary of Interior's Standards for Rehabilitation, which state:*

- 1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.*
- 2. The historic character of a property will be retained and preserved. The removal of distinctive materials or Alteration of features, spaces and spatial relationships that characterize a property will be avoided.*
- 3. Each property will 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 elements from other historic properties, will not be undertaken.*
- 4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.*
- 5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.*
- 6. Deteriorated historic features will be Repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.*
- 7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.*
- 8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.*
- 9. New additions, exterior Alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.*
- 10. New additions and adjacent or related new construction will 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.*

C. Standards for Restoration. *When reviewing an application for a Certificate of Appropriateness for a Restoration project, the Commission shall consider the Secretary of Interior's Standards for Restoration, which state:*

- 1. A property will be used as it was historically or be given a new use that interprets the property and its Restoration period.*
- 2. Materials and features from the Restoration period will be retained and preserved. The removal of materials or Alteration of features, spaces and spatial relationships that characterize the period will not be undertaken.*
- 3. Each property will be recognized as a physical record of its time, place and use. Work needed to stabilize, consolidate and conserve materials and features from the Restoration period will be physically and visually compatible, identifiable upon close inspection and properly documented for future research.*
- 4. Materials, features, spaces and finishes that characterize other historical periods will be documented prior to their Alteration or removal.*

5. *Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize the Restoration period will be preserved.*
6. *Deteriorated features from the Restoration period will be Repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, materials.*
7. *Replacement of missing features from the Restoration period will be substantiated by documentary and physical evidence. A false sense of history will not be created by adding conjectural features, features from other properties, or by combining features that never existed together historically.*
8. *Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.*
9. *Archeological resources affected by a project will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.*
10. *Designs that were never executed historically will not be constructed.*

D. Standards for Reconstruction. *When reviewing an application for a Certificate of Appropriateness for a Reconstruction project, the Commission shall consider the Secretary of Interior's Standards for Reconstruction, which state:*

1. *Reconstruction will be used to depict vanished or non-surviving portions of a property when documentary and physical evidence is available to permit accurate reconstruction with minimal conjecture and such reconstruction is essential to the public understanding of the property.*
2. *Reconstruction of a landscape, building, structure or object in its historic location will be preceded by a thorough archeological investigation to identify and evaluate those features and artifacts which are essential to an accurate reconstruction. If such resources must be disturbed, mitigation measures will be undertaken.*
3. *Reconstruction will include measures to preserve any remaining historic materials, features, and spatial relationships.*
4. *Reconstruction will be based on the accurate duplication of historic features and elements substantiated by documentary or physical evidence rather than on conjectural designs or the availability of different features from other historic properties. A reconstructed property will re-create the appearance of the non-surviving Historic Property in materials, design, color, and texture.*
5. *A reconstruction will be clearly identified as a contemporary re-creation.*
6. *Designs that were never executed historically will not be constructed.*

Sec. 21-9 – Demolition by Neglect

Property owners shall maintain and repair Contributing Resources in the National Register of Historic Places listing or designated by the County Council as necessary, in accordance with the provisions of this Ordinance, to protect Historic Integrity.

Sec. 21-910 – Terms and Uses Defined

For the purpose of this Ordinance, certain words and terms used herein are defined as set forth in this Section. If not specifically defined herein, words and terms shall be defined in Merriam-Webster's Collegiate Dictionary, 11th Edition.

Alteration. *Any construction or change of the exterior of a Historic Building, Object, Site, or Structure that requires a Zoning Permit. This shall not include Ordinary Maintenance.*

Archaeological Site. A place (or group of physical sites) in which evidence of past activity is preserved (prehistoric, historic, or contemporary), and which has been, or may be, investigated using the discipline of archaeology and represents a part of the archaeological record. A site may range from one with few or no remains visible above ground, to a building or other structure still in use.

Area Character Appraisal. *A character assessment is a document that describes the distinct appearance and feel of a settlement or an area. It communicates the key physical features and characteristics that combine to give a particular settlement or an area its local distinctiveness and unique identity.*

C

Certificate of Historic Appropriateness. The document issued by the Historic Preservation Commission (HPC) *or Historic Preservation Officer, as applicable*, certifying that proposed actions are found to be acceptable *pursuant to the requirements of this Ordinance.* ~~relating to any alteration of, or change to a locally designated or National Register of Historic Places (NRHP) listed Historic Property or District, or for subdivision or site plan review applications for properties located within 300 feet of a locally designated or NRHP listed Historic Property or District.~~

Contributing Resource. *A building, object, site, or structure in a Historic District or on a Historic Property that contribute to the District or Property's historical significance through location, design, Setting, materials, workmanship, and association.*

D

Demolition. *To raze or destroy, whether entirely or in significant part, a Historic Building, Structure, Site, or Object. Demolition includes the removal of a Building, Structure, or object from its site, the removal or destruction of the Façade or surface, or the Alteration to such an extent that Repair is not feasible or is so costly so as to be prohibitive, rendering the property unfit for use.*

Demolition by Neglect. *The willful neglect of the maintenance or repair of a building or structure that does not result from the property owner's financial inability to maintain or repair the property and may necessitate the Demolition of the property.*

F

Freeholder. Any person 18 years of age, or older, and any firm or corporation, who or which owns legal title to a present possessory interest in real estate equal to a life estate or greater (expressly excluding leaseholds, easements, equitable interests, inchoate rights, dower rights, and future interests) and who owns, at the date of the application, at least an undivided one-tenth interest in a single tract and whose name appears on the county records as an owner of real estate.

H

Historic Building. A "building", such as a house, barn, church, hotel, or similar construction, that is created principally to shelter any form of human activity. "Building"

may also be used to refer to a historically and functionally related unit, such as a courthouse and jail or a house and barn. Buildings must include all of their basic structural elements; parts of buildings, such as interiors, facades, or wings, are not eligible independent of the rest of the existing building. Examples may include, but are not limited to: administration building; carriage house; church; city or town hall; courthouse; detached kitchen, barn, and privy; dormitory; fort; garage; hotel; house; library; mill building; office building; post office; school; shed; social hall; stable; store; theater; or train station.

Historic District. ~~A Historic Preservation District possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development. It means a~~ ***A geographically definable area, urban or rural, which contains sites, buildings, structures, objects, or works of art united historically or aesthetically by plan or physical development; demonstrates cultural cohesiveness; or a combination thereof as designated pursuant to this Ordinance. which:***

- ~~• Have a special character or special historical or ethnic heritage or aesthetic interest or value;~~
- ~~• Represent one or more periods or styles of architecture typical of one or more eras in the history of Charleston County or the state or region; and~~
- ~~• Cause such area, by reason of these factors, to constitute a visibly perceptible section of Charleston County, which may either be locally designated or NRHP-listed.~~

~~A Historic District derives its importance from being a unified entity, even though it is often composed of a wide variety of resources. The identity of a district results from the interrelationship of its resources, which can convey a visual sense of the overall historic environment or be an arrangement of historically or functionally related properties. For example, a district can reflect one principal activity, such as a mill or a ranch, or it can encompass several interrelated activities, such as an area that includes industrial, residential, or commercial buildings, sites, structures, or objects. A Historic Preservation Overlay District can also be a grouping of archeological sites related primarily by their common components; these types of districts often will not visually represent a specific historic environment.~~

~~A Historic District can comprise both features that lack individual distinction and individually distinctive features that serve as focal points. It may even be considered eligible if all of the components lack individual distinction, provided that the grouping achieves significance as a whole within its historic context. In either case, the majority of the components that add to the district's historic character, even if they are individually undistinguished, must possess integrity, as must the district as a whole.~~

~~A Historic District can contain buildings, structures, sites, objects, or open spaces that do not contribute to the significance of the Historic Preservation Overlay District. The number of noncontributing properties a Historic Preservation Overlay District can contain yet still convey its sense of time and place and historical development depends on how these properties affect the Historic Preservation Overlay District's integrity. In archeological districts, the primary factor to be considered is the effect of any disturbances on the information potential of the district as a whole.~~

Historic Integrity. The ability of a property to convey its historical associations or attributes

including location, design, Setting, materials, workmanship, feeling, and association.

Historic Object. The term “Historic Object” is used to distinguish from buildings and structures those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed. Although it may be, by nature or design, movable, an object is associated with a specific **S**etting or environment. Small objects not designed for a specific location are normally not included in this definition. Such works include a transportable sculpture, furniture, and other decorative arts that, unlike a fixed outdoor sculpture, do not possess association with a specific place. Objects should be in a **S**etting appropriate to their significant historic use, roles, or character. Objects relocated to a museum are inappropriate for designation. Examples may include, but are not limited to: boundary marker; monument; milepost fountain; sculpture; or statuary.

Historic Property. A Historic Site, Historic Building, Historic Structure, or Historic Object that is fixed in location, which reflects historic, cultural or architectural significance.

Historic Site. The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archeological value regardless of the value of any existing structure. A site need not be marked by physical remains if it is the location of a prehistoric or historic event or pattern of events and if no buildings, structures, or objects marked it at the time of the events. However, when the location of a prehistoric or historic event cannot be conclusively determined because no other cultural materials were present or survive, documentation must be carefully evaluated to determine whether the traditionally recognized or identified site is accurate. A site may be a natural landmark strongly associated with significant prehistoric or historic events or patterns of events, if the significance of the natural feature is well-documented through scholarly research. Generally, though, the definition of "site" excludes natural waterways or bodies of water that served as determinants in the location of communities or were significant in the locality's subsequent economic development. While they may have been "avenues of exploration," the features most appropriate to document this significance are the properties built in association with the waterways. Examples may include, but are not limited to: battlefield; campsite; cemeteries significant for information potential or historic association; ceremonial site; designed landscape; habitation site; natural feature (such as a rock formation) having cultural significance; petroglyph; rock carving; rock shelter; ruins of a building or structure; shipwreck; trail; or a village site.

Historic Structure. The term “Historic Structure” is used to distinguish from buildings those functional constructions made usually for purposes other than creating human shelter. Structures must include all of the extant basic structural elements; parts of structures cannot be considered eligible if the whole structure remains. For example, a truss bridge is composed of the metal or wooden truss, the abutments, and supporting piers, all of which, if extant, must be included when considering the property for eligibility. If a structure has lost its historic configuration or pattern of organization through deterioration or **D**emolition, it is considered a "ruin" and is categorized as a site.

N

Negative Impact. *Adversely changing the quality of the historical, architectural, or cultural significance of a resource, or the characteristics that qualify the resource as historically important.*

P

Preservation. *The act or process of applying measures necessary to sustain the existing form, integrity, and materials of a Historic Property or Historic District. 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. 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. However, new exterior additions are not within the scope of this treatment.*

R

Reconstruction. *The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving Historic Site, Historic Landscape, Historic Building, Historic Structure, or Historic Object for the purpose of replicating its appearance at a specific period of time and in its historic location.*

Rehabilitation (Historic Property or District). The process of returning a building or buildings to a state of utility, through ~~R~~repair or ~~A~~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.

Repair (Historic Property or District). The mending or ~~R~~restoration of a building or structure to a sound or good state, at or nearest to its original designed condition, due to decay, dilapidation, damage or partial destruction. Such work shall not change the size or shape in whole or in part of a building or structure to expand a use. It shall include the terms "renovation" ~~and~~, "rebuilding" and "~~reconstruction~~" for purposes of this Ordinance.

Restoration (Historic Property or District). The act or process of accurately depicting the form, features, and character of a designated 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 ~~R~~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 ~~R~~restoration period.

S

Setting. *The surrounding environment of a resource, including other structures, site features, landscaping and streets, which contributes to the aesthetic quality of the historic resource.*

Public Comment Summary

- Comments staff supports (have been addressed in the updated Historic Preservation Ordinance amendments in blue):
 - Stated that language should be added to the Ordinance to clarify that all National Register Listed properties, regardless of the date of designation, are subject to the regulations of this Ordinance. **Sec. 21-5.B.2**
 - Concerns about heirs' property being unable to apply for a Certificate of Historic Appropriateness without clear title and a deed. **Sec. 21-2.F; Sec. 21-2.C; Sec. 21-3.E.2; Sec. 21-3.K; Sec. 21-5.D.1.a**
 - Stated that the definition of historic district should not be changed. Believes the amended historic district definition is focused on individual structures and properties rather than the district as a whole and does not address new development within historic districts. **Sec. 21-3.A**
 - Define 'approvable state.' **Sec.21-5.D.1.f; Sec. 21-10**
 - Add replacement of a Manufactured Housing Unit to the list of CHA applications that can be reviewed at the staff-level. **Sec. 21-5.B.6.a.i**
 - Stated that 50% of the Commissioners should be representatives from the Settlement Communities; the Commission should reflect the majority of people being represented in the Historic Districts. **Sec. 21-2.A**
 - Would like the HPC to have no land use authority.
 - Removal of exclusions for considering Certificates of Appropriateness. **Sec. 21-5.H.3.a**
 - Temporary interim protections for existing districts to allow for adoption of newly required documentation. **Sec. 21-5.I.d**
 - Support for heirs' properties to ensure statutes are not an encumbrance for property improvements. **Sec. 21-2.F; Sec. 21-2.C; Sec. 21-3.E.2; Sec. 21-3.K; Sec. 21-5.D.1.a**
 - Clarify the process and conditions by which individual properties can be removed from designated historic districts. **Sec. 21-3.K; Sec. 21-3.L; Sec. 21-3.M**
 - Reinstate the definition of 'Historic District' to adequately codify the significance of the County historic preservation ordinance. **Sec. 21-3.A**
- Comments staff does not support:
 - Believes that the HPC responsibility is an overreach. Thinks that a board representing the communities should make the final decisions, and the HPC should be an appeal body, not a decision-making body.
 - Recommended the creation of an advisory board that is recognized by the communities and County Council.
 - Wants the HPC to continue to review subdivision plats.
 - Does not think that the section discussing what the Commission cannot do should be included.
 - Only require written notice from property owners to opt out of the Historic District designation, no application and approval from County Council needed.
 - Would like the HPC to have no architectural authority.
 - Existing and new construction should not have neighborhood signage.
 - Create an advisory role for the Historic Preservation Commission in subdivision plat review.
- Comments that cannot be addressed in the Historic Preservation Ordinance:
 - Concerns about drainage issues in Ten Mile.
 - Work with SCDOT to ensure maintenance of state roads and ditches. Ensure the County maintains their drainage infrastructure and provide assistance for property owners to maintain their ditches.
 - Build sidewalks and require all roads to be public.
 - Existing and new construction should not have HOAs.

- Exempt current property owners at a determined income level from increases in property taxes.
- General Comments
 - Stated support for demolition by neglect language. Added that the City of Charleston recently adopted penalties for property owners found to be practicing demolition by neglect.
 - Stated the importance of understanding the difference between zoning and historic preservation.
 - Spoke about the importance of each community drafting an Area Character Appraisal.
 - Stated there is still confusion in the community regarding the Ordinance and designation process.
 - Stated it is important to ask the communities what they want to get out of becoming a Historic District and explain the positives and negatives.
 - Stated it is additional work for communities to complete area character appraisals and identify contributing resources. Also stated that transition provisions are needed for the existing historic districts.
 - Believes the Ordinance unreasonably restricts property owners' use of their land and thinks the HPC a government-sponsored HOA.
 - Stated families should be able to sell their land to better themselves.
- Questions asked and answered during Public Workshops:
 - Asked about the process for obtaining registered voters' signatures for Historic District designation.
 - Asked about the process to remove a property from both County and National Register designation.
 - Asked for clarification of the approval criteria and process for district/property designation removal.
 - Asked about the preservation of archeological features.
 - Asked about the application fee for amendments to historic property/district designations.
 - Asked why designations of historic properties/districts and amendments to those designations cannot be approved with conditions.
 - Asked if the Phillips Community National Register Listing would be considered a list of contributing resources.
 - Asked why the ability for the HPC to consider density, land use, subdivision, and density/intensity/dimensional standards is being removed.
 - Asked if there was an Attorney General determination on the HPC purview for subdivision plat review.
 - Asked what 'Interested Parties' means.
 - Asked if all application packet documents need to be submitted each time an application for the same property is submitted.
 - Asked about the process of appealing a decision of the HPC.
 - Asked about the exemption for Short-Term Rentals.
 - Asked about how the BZA process interacts with the HPC process. Also asked about how these ordinance amendments might affect mobile home placement.
 - Asked about the 300-foot radius protections remaining in place.
 - Asked why a recorded plat cannot be submitted in lieu of a site plan.
 - Asked if new construction was subject to the regulations of this Ordinance. Also asked if the Ordinance requires property owners to make upgrades to their property.
 - Asked if renovating a deck would require a CHA.
 - Asked about the process to add properties to an existing Historic District.
 - Asked about property owners that are unable to maintain their properties, in the context of demolition by neglect.

- Asked about the process for property owners and developers to opt out of the historic district designation.
- Asked if the community would receive the public input gathered at the workshops prior to the County Council meeting on May 7th.
- Asked how communication regarding historic preservation can be improved.
- Asked if the Secretary of the Interior's Standards for the Treatment of Historic Properties applies to the Long Point Schoolhouse.
- Asked if the National Register of Historic Places had their own regulations.
- Asked what application types would be reviewed at staff-level.
- Asked what the role of the Historic Preservation Officer is.
- Asked if the Planning & Zoning Department would be hiring additional staff to assist with HPC.
- Asked what prevents a developer from removing their property from a historic district and building anything they want.
- Asked if the Ordinance prevents development.
- Asked staff to explain why the ability of the HPC to nominate historic properties/districts is being proposed for removal. Also inquired about funding to assist with drafting area character appraisals and identifying contributing resources.
- Asked if 51% of the heirs' signatures for heirs' property would be required for a CHA application.
- Asked if funding could be applied for without formal historic designation.
- Asked for staff to elaborate on the process to designate an individual property as historic.
- Asked how the existing historic districts would be able to meet the proposed approval criteria.