Zoning/Planning

Historic Preservation Commission
Removal of Designation of Historic Property or District
Application Packet
Removal of Designation of Historic Property or District - Application Checklist

- Completed application form signed by the current property owner/s. In the case of applications for the removal of Designation of a Historic District, a petition and/or written consent from 51% or more of the registered voters of the properties in the proposed Historic District is required

- Signed Restrictive Covenants Affidavit for each property included in the application

- A map indicating the address or location of the property, site, building, structure, object, and/or the boundaries of the proposed Historic District to be removed from designation

- Letter of intent including information or statements to demonstrate compliance with approval Criteria for removal of designation

- Current Recorded Deed of each property included in the application

- Current Recorded Plat of each property included in the application

- Required Fee

NOTE: All payments to Charleston County Zoning and Planning Department are by CASH or CHECK with a valid Driver’s License. *WE DO NOT ACCEPT CARDS.

Important Contact Information: Planning/Zoning 843-202-7200
planning@charlestoncounty.org
Removal of Designation of Historic Property or District – Application Form

Owner Information (In the case of applications for the Designation of a Historic District, a petition and/or written consent from 51% or more of the registered voters of the properties in the proposed Historic District is required. This may be attached separately.)

<table>
<thead>
<tr>
<th>First Name:</th>
<th>Last Name:</th>
</tr>
</thead>
</table>

Mailing Address:

Home/Cell Phone #:

Email Address:

Applicant Information (if not being submitted by owner)

<table>
<thead>
<tr>
<th>First Name:</th>
<th>Last Name:</th>
</tr>
</thead>
</table>

Mailing Address:

Home/Cell Phone:

Email Address:

Property Information (if applying for the removal of Designation of a Historic District, property details of all the properties in the district may be attached separately)

Address:

TMS #:  

Acres:  

Deed:  

Plat:  

Zoning:  

Brief description of district, property, object, site, building, or structure requested to be removed from designation:

I (we) certify that ____________________________ is the authorized representative for my (our) removal of Designation of Historic Property or District application.

Signature of Owners  

Date

Signature of Applicant (if other than owner)  

Date
OFFICE USE ONLY

Amount Received _____________  Cash? □  Check? □ # _____________  Invoice Number ______________

_____________________________  __________________________
Permit Specialist/Planner’s Signature  Date
Removal of Designation of Historic Property or District – Letter of Intent

In order for a designation to be removed, County Council must find that one or more of the following criteria has been met:

1. The Site, Building, Structure, Object or District has ceased to meet the criteria for designation as described Section 21-3.H, Approval Criteria of the Historic Preservation 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, Object, or District met the criteria for designation at the time it was designated; and/or

3. There was a procedural error in the designation process.

Provide information, documents or statements to demonstrate compliance with one or more of the above criterion.
RESTRICTIVE COVENANTS AFFIDAVIT

I, ________________________________, have researched the restrictive covenants applicable to Parcel Identification Number/s (PID #) ________________________________ located at (address/es) ________________________________, and have found that either there are no restrictive covenants applicable to the subject property/properties or that the proposed application is not contrary to, does not conflict with, and is not prohibited by any of the restrictive covenants, as specified in South Carolina Code of Laws, Section 6-29-1145.

(Signature)  (Date)

(Print Name)

Explanation:
Effective July 1, 2007, South Carolina Code of Laws Section 6-29-1145 requires local governments to inquire in the permit application, or in written instructions provided to the applicant, if a tract or parcel of land is restricted by a recorded covenant that is contrary to, conflicts with or prohibits an activity for which a permit is being sought. (Section 6-29-1145 is copied on the back of this page)

For Staff Use Only:

Received by _______________  Date _______________  Application Number ________________________
"Section 6-29-1145. (A) In an application for a permit, the local planning agency must inquire in the application or by written instructions to an applicant whether the tract or parcel of land is restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the permitted activity.

(B) If a local planning agency has actual notice of a restrictive covenant on a tract or parcel of land that is contrary to, conflicts with, or prohibits the permitted activity:

(1) in the application for the permit;

(2) from materials or information submitted by the person or persons requesting the permit; or

(3) from any other source including, but not limited to, other property holders, the local planning agency must not issue the permit unless the local planning agency receives confirmation from the applicant that the restrictive covenant has been released for the tract or parcel of land by action of the appropriate authority or property holders or by court order.

(C) As used in this section:

(1) 'actual notice' is not constructive notice of documents filed in local offices concerning the property, and does not require the local planning agency to conduct searches in any records offices for filed restrictive covenants;

(2) 'permit' does not mean an authorization to build or place a structure on a tract or parcel of land; and

(3) 'restrictive covenant' does not mean a restriction concerning a type of structure that may be built or placed on a tract or parcel of land."
POSTED NOTICE AFFIDAVIT

This Affidavit must be filled out and signed by all owner(s) of the subject parcel(s)

I, _____________________________, have reviewed §3.1.6(B)(2), Posted Notice on

[Print Name(s)]

the back of this affidavit and understand that a sign(s) will be posted on

Parcel Identification Number(s)

____________________________________, located at (address)

____________________________________, at least 15 calendar days prior to the

public hearing date for which my request is scheduled.

I also understand that once the notice has been posted, the owner(s) of the subject property
are responsible for notifying the Zoning/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/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.

[Property Owner(s) Signature(s)]      [Date]

_____________________________________________________________________________  For Staff Use Only:

[Print Name(s)]

Received by _________  Date__________  Application Number_______________________
§3.1.6 NOTICES

B. Types

2. 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 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 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.
MEMORANDUM

TO: Historic Preservation Applicants
FROM: Andrea N. Pietras, AICP
DATE: August 22, 2018
SUBJECT: Signatures for Historic Preservation Applications

This memo is to inform potential and current Historic Preservation applicants of the documentation required for signatures on Historic Preservation applications. All signed documents submitted must be the original documents (no copies). All signed documents must be dated by the person(s) signing the document.

General:
Historic Preservation applications must be signed by all property owners as listed on the current, recorded deed of record for the subject property(ies). In the case of applications for designations of Historic Districts, 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 designation.

Properties owned by corporations or partnerships:
The applicant must submit a resolution of the corporation or partnership authorizing and granting the applicant signing and authority to act and conduct business on behalf of and bind the corporation or partnership.

Properties for which there are multiple owners:
Applicants for properties that are owned by multiple persons (as shown on the current, recorded deed) may submit separate sheets (other than the application) for the signatures of the owners on a case by case basis. If this is permitted, one property owner must sign on the application and each of the other owners must sign a statement that reads “I have read the application for and agree with the Historic Preservation request for TMS # ______ ” This statement must be notarized (with the raised seal) and submitted as part of the application.
CHAPTER 11 | VIOLATIONS, PENALTIES AND ENFORCEMENT

ARTICLE 11.1 | ORDINANCE COMPLIANCE REQUIRED

§11.1.1 COMPLIANCE REQUIRED

A. No activity regulated by this Ordinance shall be undertaken except in full compliance with the express provisions of this Ordinance.

B. No activity that is the subject of any permit or approval issued pursuant to the provisions of this Ordinance shall be undertaken except in full compliance with the subject permit or approval, including any attached conditions.

C. The commencement or continuation of any activity regulated by this Ordinance that is not in compliance with the express provisions of this Ordinance, or that is not in compliance with the express provisions of any permit or approval, including any attached conditions, shall be a violation of this Ordinance, and subject to enforcement under the terms of this Chapter and South Carolina law.

ARTICLE 11.2 | VIOLATIONS

§11.2.1 VIOLATIONS

All of the following constitute violations of this Ordinance:

A. To use or attempt to use land or a building in any way not consistent with the requirements of this Ordinance;

B. To erect or attempt to erect a building or other structure in any way not consistent with the requirements of this Ordinance;

C. To engage or attempt to engage in the development or subdivision of land in any way not consistent with the requirements of this Ordinance;

D. To transfer title to any lots or parts of a development unless the subdivision has received all approvals required under this Ordinance and an approved plan or plat, if required, has been filed in the appropriate County office;

E. To submit for recording with a County office any subdivision plat that has not been approved in accordance with the requirements of this Ordinance;

F. To install or use a sign in any way not consistent with the requirements of this Ordinance;

G. To engage in the use of a building or land, the use or installation of a sign, the subdivision or development of land or any other activity; requiring one or more approvals or permits under this Ordinance without obtaining all such required approvals or permits;
H. To engage in the use of a building or land, the use or installation of a sign, the subdivision or development of land or any other activity requiring one or more approvals or permits under this Ordinance in any way inconsistent with any such approval or permit and any conditions imposed;

I. To violate the terms of any approval or permit granted under this Ordinance or any condition imposed on such approval or permit;

J. To obscure or obstruct any notice required to be posted or otherwise given under this Ordinance;

K. To violate any lawful order issued by any person or entity under this Ordinance; or

L. To continue any violation as defined above, with each day of continued violation to be considered a separate violation for purposes of computing cumulative civil or criminal penalties.

§11.3.1 RESPONSIBILITY
The responsibility for the enforcement of this Ordinance is delegated to the Planning Director. The Planning Director may utilize other County Department/Agencies as necessary to enforce the provisions of this Ordinance.

§11.3.2 NOTICE
If the Planning Director finds that any of the provisions of this Ordinance are being or have been violated, the Planning Director may notify in writing the person responsible for such violation, setting forth the nature of the violation and the action necessary to correct it, or issue a Uniform Ordinance Summons for the violation.

§11.3.3 COMPLAINTS

A. Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file in writing a complaint with the County. Such complaint shall state fully the causes and basis thereof.

B. The Planning Director shall properly record such complaint, immediately investigate to determine the validity of the charge, and take whatever action is necessary to assure compliance with this Ordinance.

§11.3.4 AUTHORITY
Any staff member of Planning Department who is authorized by County Council shall have the authority to enforce the provisions of this Ordinance.

County of Charleston Zoning and Land Development Regulations