

ORDINANCE NO. 24-25-006

AN ORDINANCE TO AMEND CHAPTER 46, ARTICLE IV OF THE EDGEFIELD COUNTY CODE OF ORDINANCES REGARDING THE ADMINISTRATION OF REHABILITATED HISTORIC PROPERTIES

WHEREAS, Chapter 46, Article IV of the Edgefield County Code of Ordinances currently provides for the administration of rehabilitated historic properties by the Edgefield County Preservation Advisory Board; and

WHEREAS, the County Council has determined that the Edgefield County Archives possesses the expertise and resources to effectively administer the rehabilitation of historic properties; and

WHEREAS, the County Council finds it in the best interest of the County to transfer the administration of rehabilitated historic properties to the Edgefield County Archives;

NOW, THEREFORE, BE IT ORDAINED by the County Council of Edgefield County, South Carolina, in meeting duly assembled:

SECTION 1. Amendment to Chapter 46, Article IV

Chapter 46, Article IV of the Edgefield County Code of Ordinances is hereby amended by replacing all references to "Edgefield County Preservation Advisory Board" with "Edgefield County Archives" throughout the Article.

See Attachment

SECTION 2. Transfer of Authority

All powers, duties, responsibilities, and authority previously vested in the Edgefield County Preservation Advisory Board regarding the administration of rehabilitated historic properties are hereby transferred to and vested in the Edgefield County Archives.

SECTION 3. Existing Applications and Designations

Any applications pending before the Edgefield County Preservation Advisory Board and any existing designations of rehabilitated historic properties shall be transferred to the Edgefield County Archives for continued processing or oversight, as applicable.

SECTION 4. Severability

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 6. Effective Date

This ordinance shall take effect upon third reading and enactment by County Council.

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**An Ordinance to amend Chapter 46 Article IV of the Edgefield County Code of Ordinances regarding Rehabilitated Historic Properties to transfer administrative authority from Preservation South Carolina Edgefield County Preservation Advisory Board to the Edgefield County Archives. This amendment streamlines the oversight of historic property rehabilitation by placing it under local administration through the Edgefield County Archives, allowing for more direct management of historic preservation efforts within the county.**

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## **ARTICLE IV. REHABILITATED HISTORIC PROPERTIES**

### **Sec. 46-61. Special tax assessment created.**

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

(Ord. No. 15-16-703, § 1(Exh. A), 4-5-2016; Ord. No. 17-18-743, § 1, 8-7-2018; Ord. No. 21-22-780, § 1, 5-3-2022)

### **Sec. 46-62. Purpose.**

It is the purposed of this article to:

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

(Ord. No. 15-16-703, § 1(Exh. A), 4-5-2016)

### **Sec. 46-63. Eligible properties.**

- (a) *Certification.* In order to be eligible for the special tax assessment, historic properties must receive preliminary and final certification.
  - (1) *Preliminary certification.* To receive preliminary certification a property must meet the following conditions:
    - a. The property meets the requirements for historic designation as established in this section.
    - b. The proposed rehabilitation work receives a recommendation of approval from the Preservation South Carolina Edgefield County Preservation Advisory Board Edgefield County Archivist with concurrence of the County Administrator (hereinafter "reviewing authority") and is consistent with the rehabilitation standards as set forth in this article. The reviewing authority shall review all improvements associated with the rehabilitation and make a recommendation to the County regarding the project's eligibility.
    - c. Be a project that commences on or after the date of the adoption of this article.
    - d. Reserved.
  - (2) *Final certification.* To be eligible for final certification, a property must have met the following conditions:
    - a. The property has received preliminary certification.
    - b. The minimum expenditures for rehabilitation as set forth in this article have been incurred and paid.

- c. The completed rehabilitation receives a recommendation for approval from the reviewing authority as being consistent with the plans approved by the reviewing authority during preliminary certification.
  - d. All application fees have been paid in full by the applicant.
  - e. The property has met all other requirements of this article.
- (b) *Historic designation.* In order to be eligible for the special tax assessment, the property must meet one of the following criteria:
- (1) The property must be listed on the National Register of Historic Places either individually or as a contributing property in a district; or
  - (2) The property is designated as a historic property by the County Council based upon criteria established by the reviewing authority and County Council and the property was constructed prior to 1940.
- (c) *Historic property criteria.* In order to be eligible for the special tax assessment, the property must meet one of the following criteria:
- (1) Any property included in one of the categories below is considered a historic property:
    - a. Listed on the National Register of Historic Places;
    - b. Determined eligible for the National Register by the South Carolina Department of Archives and History;
    - c. A contributing property in a National Register Historic District;
  - (2) All other properties must demonstrate:
    - a. Association with events that have made a significant contribution to the broad patterns of our history;
    - b. Association with the lives of significant persons in our past; or
    - c. Embodiment of distinctive characteristics of a type, period, or method of construction representations of the work of a master; or possession of high artistic values.

Property owners seeking eligibility under this section must receive a historic property determination by filing an application with Edgefield County.

(Ord. No. 15-16-703, § 1(Exh. A), 4-5-2016; Ord. No. 17-18-743, §§ 2, 3, 8-7-2018)

### **Sec. 46-64. Eligible rehabilitation.**

- (a) *Standards for rehabilitation.* To be eligible for the special tax assessment, historic rehabilitations must be conducted according to the following standards:
- (1) The historic character of property shall be retained and preserved. The removal of historic materials or alterations or of features and spaces that characterize each property shall be avoided.
  - (2) Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development shall not be undertaken.
  - (3) Most properties change over time. Those changes that have acquired historic significance in their own right shall be retained and preserved.
  - (4) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property should be preserved.

- (5) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new should match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be sustained by documentary, physical or pictorial evidence.
  - (6) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the most gentle means possible.
  - (7) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the historic property and its environment.
  - (8) New additions and adjacent new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- (b) *Work to be reviewed.* The following work will be reviewed according to the standards set forth above:
- (1) Repairs to the exterior of the designated building.
  - (2) Alterations to the exterior of the designated building.
  - (3) New construction on the property on which the building is located, including site work.
  - (4) Alterations to interior primary public spaces, as defined by the reviewing authority.
  - (5) Any remaining work where the expenditures for such work are being used to satisfy the minimum expenditures for rehabilitation, including, but not limited to, alterations made to mechanical, plumbing and electrical systems.
- (c) *Minimum expenditures for rehabilitation.* To be eligible for the special property tax assessment, the owner or the owner's estate must meet the minimum expenditures for rehabilitation:
- (1) The minimum investment shall be 20 percent of the fair market value of the building which is to be rehabilitated.
  - (2) Fair market value means the appraised value as verified to the County by a real estate appraiser licensed by the State of South Carolina, the sales price as delineated in a bona fide contract of sale within 12 months of the time it is submitted, or the most recent appraised value published by the Edgefield County Tax Assessor.
- (d) Expenditures for rehabilitation means the actual cost of rehabilitation relating to one or more of the following:
- (1) Improvements located on or within the historic building as designated.
  - (2) Improvements outside of but directly attached to the historic building which are necessary to make the building fully useable (such as vertical circulations) but shall not include rentable/habitable floor space attributable to new construction.
  - (3) Architectural and engineering services attributable to the design of the improvements.
  - (4) Costs necessary to maintain the historic character or integrity of the building.
- (e) *Scope.* The special tax assessment may apply to the following:
- (1) Structure(s) rehabilitated;
  - (2) Real property on which the building is located.

- (f) *Time limits.* If the project is not complete after two years, but the minimum expenditures for rehabilitation have been incurred, the property continues to receive the special assessment until the project is completed.
- (Ord. No. 15-16-703, § 1(Exh. A), 4-5-2016)

**Sec. 46-65. Process.**

- (a) *Fee required.* There is a fee required for the review of rehabilitation work during the final certification process. Final certification of the property will not be given until the fee has been paid in full by the applicant. Fees shall be made payable to the ~~Preservation South Carolina Edgefield County Preservation Advisory Board~~ **Edgefield County Archives**. The fee shall be \$150.00.
- (b) *Plan required.* Owners of property seeking approval of rehabilitation work must submit a completed rehabilitation of historic property application with supporting documentation to the County ~~administrator~~ **Archivist** or their designee prior to beginning work. Rehabilitation work conducted prior to approval of the application is done so at the risk of the property owner.
- (c) *Preliminary certification.* Upon receipt of the completed application, the County ~~administrator~~ **Archivist** or their designee shall submit the plan to the reviewing authority for a recommendation as to whether the project is consistent with the standards for rehabilitation. Upon receipt of the reviewing authority's recommendation, the County ~~administrator~~ **Archivist** or their designee shall notify the owner in writing. Upon receipt of this determination, the property owner may:
  - (1) If the application is approved, begin rehabilitation;
  - (2) If the application is not approved, he/she may revise such application in accordance with comments provided by reviewing authority.
  - (3) In the event the applicant and the reviewing authority cannot agree on the proposed plans the County will seek advice from the South Carolina Department of Archives and History.
- (d) *Substantive changes.* Once preliminary certification is granted to an application, substantive changes must be approved in writing by the County ~~administrator~~ **Archivist** or their designee. Any substantive changes made to the property during rehabilitation that are not approved by the County ~~administrator~~ **Archivist** or their designee, upon review and recommendation of the reviewing authority, are conducted at the risk of the property owner and may disqualify the project from eligibility during the final certification process.
- (e) *Final certification.* Upon completion of the project, the property must receive final certification in order to be eligible for the special assessment. The reviewing authority shall inspect completed projects to determine if the work is consistent with the approval recommended by the reviewing authority and granted by the County during preliminary certification. The review process for final certification shall be established by the reviewing authority, including a physical inspection of the property. The reviewing authority shall notify the applicant in writing of its recommendation. If the applicant wishes to appeal the reviewing authority's recommendation, the appeal must follow the reviewing authority's appeals process. The County ~~administrator~~ **Archivist** or their designee may grant final certification only if the following conditions have been met:
  - (1) The completed work meets the standards for rehabilitation as established in this article;
  - (2) Verification is made that the minimum expenditures have been incurred in accordance with the provisions of this article; and
  - (3) Any fee(s) shall be paid in full.

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

- (f) *Additional work.* For the remainder of the special assessment period after final certification, the property owner shall notify the County ~~administrator~~ Archivist or their designee of any additional work, other than ordinary maintenance, prior to the work beginning. The reviewing authority shall review the work and make a recommendation to the County ~~administrator~~ Archivist or their designee whether the overall project is consistent with the standards for rehabilitation. The County ~~administrator~~ Archivist or their designee shall notify the property owner in writing if the overall project is consistent with the standards for rehabilitation. If the additional work is found to be inconsistent by the reviewing authority, the County ~~administrator~~ Archivist or their designee, he shall notify the owner in writing within 30 days of its decision to rescind approval. The property owner may withdraw his/her request and cancel or revise the proposed additional work.
- (g) *Notification.* Upon final certification of the rehabilitated historic property, the Edgefield County Assessor, Auditor, and Treasurer shall be notified by the County Administrator or their designee that such property has been duly certified and is eligible for the special tax assessment.
- (h) *Application.* Once the final certification has been granted, the owner of the property shall make application to the Edgefield County Auditor for the special assessment provided for herein. The special assessment shall remain in effect for the length of the special assessment period, unless the property shall become decertified under the provisions of this section.
- (i) *Date effective.* If an application for preliminary or final certification is filed by May 1 or the preliminary or final certification is approved by August 1, the special assessment authorized herein is effective for that year. Otherwise, it is effective beginning with the following year. The special assessment only begins in the current or future tax years as provided for in this section. The special assessment period shall not exceed 20 years in length, and in no instance may the special assessment be applied retroactively.
- (j) *Decertification.* Once the property has received final certification and assessed as rehabilitated historic property, it remains so certified and must be granted the special assessment until the property becomes disqualified by any one of the following:
  - (1) Written notice from the owner to the Edgefield County Auditor requesting removal of the special assessment due to sale to another party.
  - (2) Removal of the historic designation by the County Council based upon noncompliance of the criteria established in section 46-63(c); or
  - (3) Rescission of the approval of rehabilitation by the County, at the recommendation of the reviewing authority, because of alterations or renovation by the owner or the owner's estate which causes the property to no longer possess the qualities and features which made it eligible for final certification. Notification of any change affecting eligibility must be given immediately to the Edgefield County Assessor, Auditor, and Treasurer.

(Ord. No. 15-16-703, § 1(Exh. A), 4-5-2016; Ord. No. 17-18-743, § 4, 8-7-2018; Ord. No. 21-22-780, § 2, 5-3-2022)

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SECOND READING: April 15, 2005

PUBLIC HEARING: April 15, 2025

THIRD READING: May 6, 2025

ENACTED this 6<sup>th</sup> day of May, 2025.

EDGEFIELD COUNTY COUNCIL

By:   
Chair, Edgefield County Council

ATTEST:  
  
Clerk to Council