

**AN ORDINANCE**

**AMENDING ORDINANCE NUMBER 2028 ADOPTED AUGUST 21, 2018, AS AMENDED, AND CHAPTER 21, HISTORIC PRESERVATION, OF THE CHARLESTON COUNTY CODE OF ORDINANCES, TO REVISE THE APPROVAL CRITERIA FOR A CERTIFICATE OF HISTORIC APPROPRIATENESS; TO CREATE A REVIEW PROCESS FOR STAFF APPROVAL OF CERTAIN APPLICATIONS FOR A CERTIFICATE OF HISTORIC APPROPRIATENESS; TO AMEND THE TYPES OF ZONING PERMIT APPLICATIONS EXEMPT FROM THE REQUIREMENTS OF A CERTIFICATE OF HISTORIC APPROPRIATENESS; TO CREATE A PROCESS TO AMEND DESIGNATED HISTORIC PROPERTIES AND HISTORIC DISTRICTS; TO INCLUDE NOTICE PROVISIONS; AND TO REVISE THE “TERMS AND USES” DEFINITIONS**

**WHEREAS**, Charleston County Council (“County Council”) established a Historic Preservation Ordinance (“Ordinance”) and Historic Preservation Commission by Ordinance No. 2028 in 2018 to preserve the historic properties, districts, sites, buildings, structures, and objects in Charleston County as authorized by Title 4, Chapter 9, Section 4-9-10 et seq. and Title 6, Chapter 29, Sections 6-29-870 and -880 of the Code of Laws of South Carolina, 1976 as amended.; and

**WHEREAS**, County Council’s amendment to the Ordinance is a desirable step in implementing the provisions of the South Carolina Local Government Comprehensive Planning Enabling Act of 1994; and

**WHEREAS**, the purpose of the Ordinance is to set forth a process by which County Council identifies and designates properties, districts, sites, buildings, structures, and objects as historic in order to safeguard the integrity of such and foster preservation, restoration, and rehabilitation of the same; and

**WHEREAS**, County Council desires to amend the Ordinance to revise the approval criteria for a Certificate of Historic Appropriateness; to create a review process for staff approval of certain applications for a Certificate of Historic Appropriateness; to amend the types of zoning permit applications exempt from the requirements of a Certificate of Historic appropriateness; to create a process to amend designated Historic Properties and Historic Districts; to include public notice of the Historic Preservation Commission hearing; and to revise the “terms and uses” definitions; and

**WHEREAS**, the Charleston County Historic Preservation Commission has reviewed the proposed amendments; and

**WHEREAS**, County Council held at least one public hearing, and after close of the public hearing, County Council approved the proposed amendments.

NOW, THEREFORE, BE IT ORDAINED, by the County Council of Charleston County, South Carolina, in meetings duly assembled as follows:

**SECTION I. FINDINGS INCORPORATED**

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

SECTION II. AMENDMENTS OF THE TEXT OF CHAPTER 21, HISTORIC PRESERVATION, IN THE COUNTY CODE OF ORDINANCES.

The Charleston County Code of Ordinances, Chapter 21, Historic Preservation, is hereby amended to include the text amendment attached hereto as Exhibit "A" and made part of this Ordinance by reference.

SECTION III. SEVERABILITY

If, for any reason, any part of this Ordinance is invalidated by a court of competent jurisdiction, the remaining portions of this Ordinance shall remain in full force and effect.

SECTION IV. EFFECTIVE DATE

This Ordinance shall become effective immediately following third reading by County Council.

ADOPTED and APPROVED in meeting duly assembled this 7th day of May 2024.

CHARLESTON COUNTY COUNCIL



By: Herbert A. Sass, III  
Herbert Ravenel Sass, III  
Chairman of Charleston County Council

ATTEST:

By: Kristen L. Salisbury  
Kristen L. Salisbury  
Clerk to Charleston County Council

- Public Hearing: September 12, 2023
- First Reading: October 10, 2023
- Second Reading: January 30, 2024
- Public Hearing: February 27, 2024
- Third Reading: May 7, 2024

## **EXHIBIT "A"**

### **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 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 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 Commission and fulfill the duties as provided in this Ordinance. The Historic Preservation Officer shall report to the Charleston County Zoning and Planning Department Director.

###### **B. Review Authority**

The 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 proposed nominations for the National Register of Historic Places (NRHP). The Commission is also empowered to evaluate certain Preliminary and Minor Subdivision Plat applications and provide a report on the consistency of the applications with the Cultural Resources Element of the Charleston County Comprehensive Plan ("Comprehensive Plan").

###### **C. Decision-Making Authority**

The 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 Commission, the Commission shall:

1. Educate the community about Charleston County's historic resources;
2. Maintain a system for the survey and inventory of historic properties;
3. Adopt By-Laws and Rules of Procedure; and
4. 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 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 Commission meeting, unless otherwise provided in this Ordinance or in the Commission Rules and Procedures. Application filing deadlines and 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 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 Commission meetings must be made in writing to the Historic Preservation Officer. A written request for postponement of an application must be submitted by the applicant or his/her authorized agent. Postponement requests received within 10 calendar days of the 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 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**

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.

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.

## **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 County.
  - 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 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. 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.
  - 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 Commission.

#### **G. Historic Preservation Commission Review and Recommendation**

The 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, the 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. Newspaper, Community Interest, Neighbor, and Parties in Interest Notice of the Commission meeting shall be provided in accordance with the requirements of Section 21-8, *Notices*, of this Ordinance.

#### **H. County Council Hearing**

After receiving the recommendation of the 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 secondreading 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 21-8, *Notices*, of this Ordinance.

#### **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); 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 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 Sec. 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; 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 comply with the application, fee(s), and process as described in Sec. 21-3.D-H and 21-3.J- K 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 Historic District in its entirety must be signed and submitted 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 Sec. 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; or
3. There was a procedural error in the designation process.

## **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 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 in compliance with Sec. 21-3.E.2.b;
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- 8, *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 21-8, *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 Historic District or on a Historic Property;
  - b. The resource contributes to the historic associations, historic architectural qualities, or archaeological values for which the 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 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 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. 21-5 – Certificate of Historic Appropriateness**

#### **A. Purpose**

In order to ensure the preservation of the historic character of Historic Properties and Historic Districts, 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.* 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:
  - a. Site Plan Review and Limited Site Plan Review approvals for Historic Properties and properties within Historic Districts, with the exception of short-term rental zoning

permit applications.

- 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 zoning permits on a Historic Property or a property located in a Historic District. The following specific types of zoning 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 Alteration, modification, addition to, new construction, Rehabilitation, relocation, or Restoration is proposed;
  - xi. Temporary Special Events;
  - xii. Temporary uses and 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.

5. *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 21-8 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.
6. *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.
7. *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.
8. *Interiors.* Certificates of Historic Appropriateness shall not be required for Alterations to the interior of structures.

### **C. Pre-Application Conference**

Before submitting an application for a Certificate 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 County. Applications shall comply with Section 21-2.E, *Application Completeness and Submission Deadlines*, of this Ordinance. 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;
  - b. As applicable, a copy of a legible approved and recorded plat showing current property boundaries. Exemptions include applications for Certificates of Historic Appropriateness that do not change the footprint of existing structures;
  - 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 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;
  - f. A site plan drawn to an engineer's scale, as applicable. 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.

- g. Architectural elevations; and
  - h. 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.* 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. 21-8 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 21-5.1, *Approval Criteria*, of this Ordinance. The Historic Preservation Officer shall provide a report on the application to the Commission that addresses the Approval Criteria of Section 21-5.1, *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 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 21-5.1, *Approval Criteria*, of this Ordinance. When rendering its decision, the Commission shall cite how each of the specific Approval Criteria of Section 21-5.1, *Approval Criteria*, of this Ordinance have or have not been met. A majority of the 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 Commission meeting shall be provided in accordance with the requirements of Section 21-8, *Notices*, of this Ordinance.
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. 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.
  - b. 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;
  - c. 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;
- d. 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 21-9 of this Ordinance; and
  - e. 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 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 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*.

#### **J. Notice of Decision**

Following final action by the 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 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 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 Commission or any officer, board, or bureau of the County may appeal a final decision of the 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 Commission is rendered.

#### **M. Modifications to Approved Certificates of Historic Appropriateness**

Modifications of approved Certificates of Historic Appropriateness are categorized as major or minor depending on the type and extent of proposed changes. Substantive alterations to approved Certificates of Historic Appropriateness, as determined by the Zoning and Planning Department Director, are considered major modifications and require new Certificates of Historic Appropriateness in accordance with the requirements and procedures specified in this Article. Minor modifications are those that do not meet the threshold of major modifications, as determined by the Zoning and Planning Department Director. The Historic Preservation Officer is authorized to approve minor modifications to an approved Certificate of Historic Appropriateness.

### **Sec. 21-6 –Subdivision Plat Application Reports**

#### **A. Purpose**

In order to encourage the preservation of the historic character of Historic Properties and Historic Districts, Preliminary and Minor Subdivision Plat applications, as defined in the Charleston County Zoning and Land Development Regulations Ordinance, for Historic Properties/Districts and properties located within 300 feet of Historic Properties/Districts must be evaluated by the Commission prior to final determination by the Charleston County Planning Commission (“Planning Commission”).

#### **B. Applicability**

Preliminary and Minor Subdivision Plat applications for Historic Properties/Districts and properties located within 300 feet of Historic Properties/Districts must be evaluated by the Commission, except that the following specific types of Subdivision Plat applications are exempt:

1. 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;
2. The combination or recombination of portions of previously platted Lots where the total number of Lots is not increased;
3. Boundary plats;
4. Property line adjustments where no new Lots are created; and
5. Subdivision Plats that are the result of a court order.

#### **C. Application Requirements**

Subdivision Plat applications subject to Sec 21-6, *Subdivision Plat Application Reports*, shall be submitted in accordance with the applicable provisions and procedures set forth in Chapter 8, *Subdivision Regulations*, of the Zoning and Land Development Regulations. In addition to any requirements set forth in the Zoning and Land Development Regulations, no application for a Subdivision Plat subject to Sec 21-6, *Subdivision Plat Application Reports*, shall be accepted as complete unless it includes or is accompanied by the following information:

1. A letter of intent addressing how the application complies with the goals and objectives of the Cultural Resources Element of the Comprehensive Plan.
2. Any further information or documentation as the Historic Preservation Officer may deem necessary or appropriate to provide a full and proper report on the application.

#### **D. Commission Public Hearing and Report**

1. *Commission Evaluation.* The Commission shall evaluate each Subdivision Plat application subject to Sec 21-6, *Subdivision Plat Application Reports*, for compliance with the Cultural Resources Element of the Comprehensive Plan. The Commission shall provide a report on the application to the Planning Commission that addresses whether and how the application is or is not consistent with the goals, objectives, and policies of the Cultural Resources Element of the Comprehensive Plan. A majority of the Historic Preservation Commission members present and voting shall be required. The Commission shall not defer a subdivision plat application.
2. *Notice.* Newspaper, Posted, Community Interest, Neighbor, and Parties in Interest Notice of the Commission meeting shall be provided in accordance with the requirements of Section 21-8, *Notices*, of this Ordinance.

#### **E. Final Review by Planning Commission**

Any report by the Commission regarding a Subdivision Plat application subject to Sec 21- 6, *Subdivision Plat Application Reports*, shall be made in an advisory capacity, only, and shall have no binding effect on the Planning Commission.

### **Sec. 21-7 – Nomination to The National Register Of Historic Places**

The 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. 21-8 – 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 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. 21-9 – 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 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. 21-10 – 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. 21-11 – 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.

##### **A**

***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 Commission or Historic Preservation Officer, as applicable, certifying that proposed actions are found to be acceptable pursuant to the requirements of this Ordinance.

***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 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.

**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 Setting 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 Setting 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 Demolition, 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 Repair or Alteration, which makes possible an efficient contemporary use while preserving those portions and features of the building(s) that are significant to its historic, architectural and cultural values.

***Repair (Historic Property or District).*** The mending or 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" 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 Restoration period. The limited and sensitive upgrading of mechanical, electrical and plumbing systems and other code-required work to make properties functional is appropriate within a Restoration 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.