



**County Council of
Beaufort County
Planning Commission
Meeting**

Chairman

ED PAPPAS

Vice Chair

CECILY MCMILLAN

Commission Members

PETE COOK

JON HENNEY

EUGENE MEYERS

GLENN MILLER

GAIL MURRAY

DANIEL RIEDEL

DENNIS ROSS

County Administrator

MICHAEL MOORE

Staff Support

ROBERT MERCHANT

Administration Building

Beaufort County Government
Robert Smalls Complex
100 Ribaut Road

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Planning Commission Agenda

Monday, June 2, 2025 at 6:00 PM

Beaufort County Department of Disabilities and Special Needs
100 Clearwater Way

ALL OF OUR MEETINGS ARE AVAILABLE FOR VIEWING ONLINE AT WWW.BEAUFORTCOUNTYSC.GOV AND CAN ALSO BE VIEWED ON HARGRAY CHANNELS 9 AND 113, COMCAST CHANNEL 2, AND SPECTRUM CHANNEL 1304.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. FOIA – PUBLIC NOTIFICATION OF THIS MEETING HAS BEEN PUBLISHED, POSTED, AND DISTRIBUTED IN COMPLIANCE WITH THE SOUTH CAROLINA FREEDOM OF INFORMATION ACT
4. APPROVAL OF MEETING MINUTES – May 5, 2025 Regular Meeting
5. APPROVAL OF AGENDA
6. CITIZEN COMMENTS – NON-AGENDA ITEMS

(Comments are limited to 3 minutes.)

ACTION ITEMS

7. **CONSIDERATION OF TEXT AMENDMENTS TO THE COMMUNITY DEVELOPMENT CODE (CDC):** DIVISION 5.10 (HISTORIC PRESERVATION), SECTION 7.2.120 (CERTIFICATE OF APPROPRIATENESS), SECTION 7.3.80 (HISTORIC DESIGNATION), SECTION 7.4.50 (PUBLIC HEARING SCHEDULING AND NOTICE), AND SECTION 7.5.40 (HISTORIC PRESERVATION REVIEW BOARD (HPRB)).

DISCUSSION ITEMS

8. CHAIRMAN'S REPORT
9. ADJOURNMENT



COUNTY COUNCIL OF BEAUFORT COUNTY
Beaufort County Planning and Zoning Department
Beaufort County Government Robert Smalls Complex
Physical: Administration Building, Room 115 100 Ribaut Road
Mailing: Post Office Drawer 1228, Beaufort, SC 29901-1228
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The regular meeting of the Beaufort County Planning Commission (hereinafter “Commission”) was held at the Beaufort County Department of Disabilities and Special Needs on Monday, May 5, 2025 at 6:00 p.m.

MEMBERS PRESENT:

Mr. Ed Pappas, Chairman
Mr. Jon Henney
Ms. Cecily McMillan, Vice Chair
Mr. Gene Meyers
Ms. Gail Murray
Mr. Glenn Miller
Mr. Dan Riedel
Mr. Dennis Ross

MEMBERS ABSENT:

Mr. Pete Cook

STAFF PRESENT:

Mr. Rob Merchant, Planning and Zoning Director
Ms. Kristen Forbus, Long Range Planner
Mr. Charles Atkinson, Assistant County Administrator
Mr. Brian Hulbert, County Attorney

CALL TO ORDER: Chairman Ed Pappas called the meeting to order at 6:07 p.m.

PLEDGE OF ALLEGIANCE: Chairman Pappas led those assembled in the pledge of allegiance.

REVIEW OF MEETING MINUTES: The April 7th, 2025 Planning Commission workshop and regular minutes were approved with no objections.

CITIZEN COMMENTS: Mr. Pappas asked if there were any non-agenda related citizen comments.

Felice LaMarca spoke regarding concern of by-right development.

There was a 5-minute recess to fix audio issues.

ACTION ITEMS:

CONSIDERATION OF AN ORDINANCE AMENDING THE ZONING MAP FOR 86.16 ACRES LOCATED AT 98 JENNINGS ROAD (R100 028 000 0264 0000) FROM T2 RURAL (T2R) TO T3 HAMLET NEIGHBORHOOD (T3HN) AND T4 HAMLET CENTER (T4HC) UTILIZING THE HAMLET PLACE TYPE OVERLAY (PTO)

Mr. Merchant presented the background of the rezoning application that had been deferred from the April 2025 meeting. He addressed the changes that were made by the applicant. He recommended

approval with the condition that the Development Agreement does not change any district standards and that there is more affordable housing offered.

Rob Marek of Pulte Homes stated that they are reviewing the Development Agreement and working with County Council. Mr. Pappas voiced concern about the proposed amount of affordable housing.

Chairman Pappas opened the meeting for public comment.
Jesse White stated concern of lack of infrastructure.

Mr. Richardson LaBruce, legal council representative for the Planning Commission, spoke as a reminder of the types of motions (approval, approval with conditions, and denial) that can be made and that they need to follow the criteria set forth in the Community Development Code which are addressed in the staff report.

Joyce Hamm spoke against the proposed rezoning.
Barbara Childs spoke against the proposed rezoning.

Mr. Henney and Mr. Ross stated their concerns about lack of infrastructure.

Mr. Henney made a motion to recommend approval of CONSIDERATION OF AN ORDINANCE AMENDING THE ZONING MAP FOR 86.16 ACRES LOCATED AT 98 JENNINGS ROAD (R100 028 000 0264 0000) FROM T2 RURAL (T2R) TO T3 HAMLET NEIGHBORHOOD (T3HN) AND T4 HAMLET CENTER (T4HC) UTILIZING THE HAMLET PLACE TYPE OVERLAY (PTO) with the conditions that the Development Agreement does not change any district standards and that there is more affordable housing offered. Mr. Meyers seconded the motion. The motion failed 2-6.

CONSIDERATION OF AN ORDINANCE AMENDING THE ZONING MAP FOR 437 ACRES LOCATED ON DULAMO ROAD AND ST. HELENVILLE ROAD (R300 012 000 0254 0000; R300 012 000 0255 0000; R300 012 000 0001 0000; R300 007 000 0002 0000; R300 011 000 0275 0000) FOR THE REMOVAL FROM THE CULTURAL PROTECTION OVERLAY (CPO) DISTRICT

Mr. Merchant presented the application and the rezoning proposal to accommodate 49 residential units and a golf course. He stated staffs' recommendation of denial.

Mr. Hulbert stated that, for the record, there is a separate pending appeal by the applicant.

There was discussion amongst the Commissioners regarding the impact of homes versus a golf course.

Kevin Dukes, representing the Developer, presented the case for the rezoning application.

There was then discussion among the Commissioners regarding the TIA and the number of permanent jobs that would be created.

Chairman Pappas opened the meeting for public comment.
Queen Quet spoke against the rezoning application.
Tom Donahue spoke against the rezoning application.
Arnold Brown spoke against the rezoning application.
Jindia Blout spoke in favor of the rezoning application.
Jayme Bowman spoke in favor of the rezoning application.
Marilyn Hemmingway spoke in favor of the rezoning application.
Elizabeth Ann Hayes spoke in favor of the rezoning application.
Theresa White spoke in favor of the rezoning application.

Roy Brown spoke in favor of the rezoning application.
Pat Harvey-Palmer spoke in favor of the rezoning application.
Craig Reaves spoke in favor of the rezoning application.
Robert New spoke against the rezoning application.
Paula Galane spoke against the rezoning application.
Juan Tolley spoke against the rezoning application.
Jesse White spoke against the rezoning application.
Marie Gibbs spoke against the rezoning application.
Marque Fireall spoke against the rezoning application.
Felicie LaMarca spoke in favor of the rezoning application.
Willie Turrall spoke in favor of the rezoning application.
Natasha Robinson spoke against the rezoning application.
Tim Joy spoke against the rezoning application.
Straud Armstrong spoke against the rezoning application.

There was then a 10-minute recess to reset the lighting of the building.

Elayne Scott spoke against the rezoning application.
Inez Miller spoke against the rezoning application.

Mr. Dukes stated the objectives and goals of the Planning Commission.

Mr. Ross made a motion to recommend denial of CONSIDERATION OF AN ORDINANCE AMENDING THE ZONING MAP FOR 437 ACRES LOCATED ON DULAMO ROAD AND ST. HELENVILLE ROAD (R300 012 000 0254 0000; R300 012 000 0255 0000; R300 012 000 0001 0000; R300 007 000 0002 0000; R300 011 000 0275 0000) FOR THE REMOVAL FROM THE CULTURAL PROTECTION OVERLAY (CPO) DISTRICT due to the request not meeting Criteria 1-9 of the zone map amendment review standards. It was stated that it: 1.Is not consistent with and does not further the goals, and policies of the Comprehensive Plan and the purposes of this Development Code; 2.Is in conflict with provisions of this Development Code, or the Code of Ordinances; 3.Does not address a demonstrated community need; 4.Is not required by changed conditions; 5.Is not compatible with existing and proposed uses surrounding the land subject to the application, and is not the appropriate zone and uses for the land; 6.Would adversely impact nearby lands; 7.Would not result in a logical and orderly development pattern; 8.Would result in adverse impacts on the natural environment—including, but not limited to, water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment; and 9.Would not result in development that is adequately served by public facilities. Ms. McMillan seconded the motion. The motion passed 8-0.

Because item 7 did not have a passing motion, Mr. Hulbert and Mr. LaBruce stated that a motion was to be made again.

Mr. Miller made a motion to recommend denial of CONSIDERATION OF AN ORDINANCE AMENDING THE ZONING MAP FOR 86.16 ACRES LOCATED AT 98 JENNINGS ROAD (R100 028 000 0264 0000) FROM T2 RURAL (T2R) TO T3 HAMLET NEIGHBORHOOD (T3HN) AND T4 HAMLET CENTER (T4HC) UTILIZING THE HAMLET PLACE TYPE OVERLAY (PTO) due to it not meeting Criteria 1,4,5, and 7 of the zone map amendment review standards. It was stated that it: 1. Is not consistent with and does not further the goals, and policies of the Comprehensive Plan and the purposes of this Development Code; 4.Is not required by changed conditions; 5. Is not compatible with existing and proposed uses surrounding the land subject to the application, and is not the appropriate zone and uses for the land; and 7.Would not result in a logical and orderly development pattern. Mr. Meyers seconded. The motion passed 7-1.

ADJOURNMENT: Chairman Pappas adjourned the meeting at 10:08 p.m.

SUBMITTED BY: Kristen Forbus
Long Range Planner

Ed Pappas
Beaufort County Planning Commission Chairman

Date: _____



MEMORANDUM

TO: Beaufort County Planning Commission

FROM: Robert Merchant, AICP, Beaufort County Planning and Zoning Department

DATE: May 20, 2025

SUBJECT: CONSIDERATION OF TEXT AMENDMENTS TO THE COMMUNITY DEVELOPMENT CODE (CDC): DIVISION 5.10 (HISTORIC PRESERVATION), SECTION 7.2.120 (CERTIFICATE OF APPROPRIATENESS), SECTION 7.3.80 (HISTORIC DESIGNATION), SECTION 7.4.50 (PUBLIC HEARING SCHEDULING AND NOTICE), AND SECTION 7.5.40 (HISTORIC PRESERVATION REVIEW BOARD (HPRB)).

STAFF REPORT:

A. BACKGROUND:

Case No.	CDPA-000052-2025
Applicant:	Planning Department
Proposed Amendment:	Amendment to Division 5.10, Section 7.2.120, Section 7.3.80, Section 7.4.50, and Section 7.5.40 of the CDC

B. SUMMARY AND BACKGROUND:

The proposed amendments to the Community Development Code will assist Beaufort County in its application to become a Certified Local Government (CLG) with the National Park Service. CLG status is granted to municipalities that demonstrate a strong commitment to historic preservation, which in turn makes them eligible for increased funding and grant opportunities. Currently, Beaufort County's historic language in the CDC does not meet the qualification standards of the program as it lacks a local designation process. In addition, municipalities do not reserve the right to have purview over National Register resources (the County currently has this purview written in the CDC); the only way to have any purview over these resources is to add the resource to the local designation as well. The local designation process has been detailed in the proposed changes along with other changes required by the CLG program.

Along with this effort of preservation, amendments to the cemetery/burial sites section are proposed. These amendments would enact 25-foot and 50-foot buffers around burial sites dependent on their demarcation/boundaries.

C. TEXT AMENDMENT REVIEW STANDARDS: In determining whether to adopt or deny a proposed Text Amendment, the County Council shall weigh the relevance of and consider whether and the extent to which the proposed amendment:

1. **Is consistent with and furthers the goals, and policies of the Comprehensive Plan and the purposes of this Development Code;**

Yes, the Comprehensive Plan recommends to preserve and protect the County's historical and cultural landscapes per strategy C2.

2. **Is not in conflict with any provision of this Development Code, or the Code of Ordinances;**

No, it is not in conflict.

3. **Addresses a demonstrated community need;**

Yes, it gives the County more funding opportunities for historical surveying and protections.

4. **Is required by changed conditions;**

Yes, it is required. As the County continues to grow, the importance of preserving historic character does as well.

5. **Is consistent with the purpose and intent of the zones in this Development Code, or would improve compatibility among uses and ensure efficient development within the County;**

Yes, it is consistent. These amendments would improve compatibility with the creation of local historic resources and districts that require review from the Historic Preservation Review Board in order to receive a Certificate of Appropriateness.

6. **Would result in a logical and orderly development pattern; and**

Yes, see 5.

7. **Would not result in adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.**

Yes, it would not result in adverse impacts. Any development on the site would be required to adhere to the natural resource protection, tree protection, wetland protection, and stormwater standards in the Community Development Code and the Stormwater BMP Manual.

- D. RECOMMENDATION:** Staff recommends approval. At their April 17, 2025 meeting, the HPRB unanimously recommended approval of the proposed changes.

E. ATTACHMENTS:

- Text Amendment Changes
- CLG Application

Division 5.10: - Historic Preservation

5.10.10 - Purpose

The preservation and protection of buildings, structures, sites, objects, districts and landscape features of historic, architectural, cultural, archeological, educational and aesthetic merit are critical to the character of the County. The preservation of these historic resources promotes and enhances the County's distinctive architectural and cultural heritage. Preservation also provides educational, cultural, and economic enrichment for the people of the County.

The County's historic buildings and districts are a distinctive aspect of Beaufort County. They serve as visible reminders of the significant historical and cultural heritage of Beaufort County and the State of South Carolina. The protection, perpetuation, and use of historical or significant architectural structures, and historic districts or areas of geographical significance within the County are a public necessity and are required in the interest of the prosperity, civic pride, and general welfare of the people.

The purpose of this division is to preserve the local heritage of Beaufort County as an irreplaceable asset through the creation of a list of designated individual properties, sites and landmarks and through the creation of Historic Districts. The districts will include contributing designated historic properties as well as non-designated properties. By establishing this Section, the County seeks to:

- (1) Provide mechanisms that identify, protect, preserve, and enhance the distinctive architectural and cultural heritage;
- (2) Promote the use and conservation of resources such as individual properties, historic districts, significant and scenic areas, and landmarks for the educational enrichment and civic pride of County residents;
- (3) Encourage harmony of style, form, proportion, and material for designated properties and resources within the County;
- (4) Strengthen the local economy and improve property values through preservation, restoration, and rehabilitation.

The board responsible for the preservation of historic resources is the Beaufort County Historic Preservation Review Board (HPRB), see Section 7.5.40 (Historic Preservation Review Board (HPRB)).

A. Definitions. The following are definitions applicable to this Division and those referenced.

Alteration. A change in the external architectural features of any historic structure or in the interior of such structure if the interior feature is specifically included in the historic designation; a change in the landscape features of any historic site or place; or work having an adverse effect upon designated archaeological resources.

Certificate of Appropriateness. The document issued by the Historic Preservation Review Board, following a prescribed review procedure, certifying that the proposed actions by an applicant are found to be acceptable in terms of design criteria relating to the individual property or the historic district.

Construction. The addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

Contributing Property. Any property located within a historic district that is a historically designated property.

Demolition. Any act or process that destroys in part or in whole a historic structure or property (real or personal).

Preservation. Preservation means the act or process of applying measures necessary to sustain the existing form, integrity, and materials of a historic property. Work, including

preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.

Historic District. An area designated by Beaufort County Council, upon the recommendation of the Historic Preservation Review Board and pursuant to the provisions of this Article. A District is considered an area or group of areas, urban or rural, not necessarily having contiguous boundaries, containing one (1) or more resource related by history, architecture, archaeology, engineering or culture. The historic district will not replace the zoning district of record but will coincide with that district.

Minor Work. Any change modifying, restoring, rehabilitating, renovating, surfacing, or resurfacing of the features of a historic property which does not materially change the historic characteristics of the property.

Ordinary Maintenance. Keeping a resource unimpaired through ongoing minor intervention, undertaken from time to time, to its exterior condition. Ordinary maintenance does not change the external appearance of the resources except through the elimination of the usual and expected effects of weathering, specifically, painting as an act of ordinary maintenance. Ordinary maintenance does not constitute work for the purposes of this chapter.

Reconstruction. The act of depicting, by means of new construction, the form, features, and detailing of a non-surviving historic property for the purpose of replicating its appearance at a specific period of time and in its historic location.

Rehabilitation. The act or process of making possible an efficient compatible use for a historic property through repair, alterations, and additions while preserving those portions or features that convey its historical, cultural, or architectural values.

Repair. To restore a decayed or damaged resource to good or sound conditions by any process. A repair that changes the external appearance of a resource constitutes work for the purposes of this article.

Restoration. The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical and plumbing systems and other code-required work to make properties functional is appropriate within a restoration period.

5.10.20 - Identification of Historic Resources

The regulations of this Division provide the mechanism to identify resources and provide for their long-term maintenance and preservation in a form that is as close to their historic use and character as is consistent with the economic realities of the neighborhoods and County. This is done by reviewing development plans in a manner that encourages the purposes of this Division.

5.10.30 - Historic Property **Designation and** Inventory

The ~~HPRB~~ **Historic Preservation Review Board (HPRB)**(See Section 7.5.40) shall **make recommendations to County Council in designating historic properties and districts.** The **HPRB shall** maintain a local inventory of buildings, structures, objects, cemeteries and sites that **have been designated by Council** ~~meet the historic survey eligibility standards (see Section 7.3.80).~~ of the State Historic Preservation Office (SHPO) guidelines. These records shall be available to the public.

5.10.40 - National Register of Historic Places Nominations

The HPRB may conduct first review and evaluation of all proposed nominations for the National Register of Historic Places for properties that are within its jurisdiction, prior to consideration by the state board of review. The HPRB may send its recommendations to the state historic preservation office for consideration at the meeting of the state board of review. The HPRB 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 federal statute.

5.10.50 - Certificate of Appropriateness

A Certificate of Appropriateness (see Section 7.2.120) is required before a Building Permit can be issued for the exterior alteration, modification or addition to, or demolition of, a designated historic resource or before **any new construction to an individually designated historic property or to a contributing designated historic or non-designated property located in a County historic district.** ~~a Development Permit can be issued for any property on which is located one or more designated historic resources.~~ Any Building Permit not issued in conformity with this Division shall be considered void.

5.10.60 - Maintenance, Repair and Interior Projects

- A. Nothing in this Division shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature of structures designated as historic when that repair does not involve a change in design, material, color, or outer appearance of the structure.
- B. The HPRB shall not consider the interior arrangements or alterations to the interior of a building.
- C. The HPRB may authorize a staff member to approve minor projects involving repairs and ordinary maintenance that do not alter design, materials, color or the outer appearance of a structure or interior projects not subject to other reviews.

5.10.70 - Prohibited Acts

No person may excavate, remove, damage, or otherwise alter or deface or attempt to excavate, remove, damage, or otherwise alter or deface any archaeological or historic resource, including any tabby structure or remnant, located in the County unless such activity is pursuant to a permit issued by the Director. Any person violating this Division shall be subject to penalties prescribed in ~~this Division~~ **9.2** and additional penalties prescribed by State laws.

5.10.80 - Adaptive Reuse of Historic Structures

For vacant structures listed in the Historic Property Inventory, or eligible to be listed in the Inventory as determined by the HPRB, a special use permit to adaptively reuse the property may be approved by the ZBOA; see Section 7.2.130 (Special Use Permit). The permitted use of the structure shall be the same or similar to its historic use, unless the ZBOA determines that another use is compatible with the surrounding community. In addition to a special use permit, any exterior alteration, modification or addition to the structure to adaptively reuse it shall require a Certificate of Appropriateness; see Section 7.2.120 (Certificate of Appropriateness).

5.10.90 - ~~Access to Cemeteries on Private Properties~~ **Private Cemeteries**

A. Access to Cemeteries

An owner of private property on which a cemetery, burial ground, or grave is located must allow public access to the cemetery, burial ground, or grave in accordance with Sec. 27-43-310 of the South Carolina Code of Laws and Section 6.2.30.C3 of this code.

B. Cemetery Buffers. Buffers shall be defined in this section as no disturbance of ground or existing vegetation within the defined extent.

- 1. For clearly demarcated cemeteries/burial sites with demonstrable headstones that have identifiable organization, cemeteries/burial sites that contain a boundary marker (a defined entrance or wood fencing surrounding its boundaries), or cemeteries/burial sites that have been surveyed to determine the extent of all burial sites utilizing both above ground surveying and Ground Penetrating Radar following the guidelines of the *South Carolina Standard and Guidelines for Archaeological Investigations*, a 25-foot buffer is required.**
- 2. For cemeteries/burial grounds where the true extent is not visible from a pedestrian examination and/or has not been surveyed both above ground and with Ground Penetrating Radar, a 50-foot buffer is required from the nearest visible indication.**

5.10.100 - Archaeological and Historic Impact Assessment

A. General Requirements.

1. All proposed developments shall be required to have a written statement from the Director indicating whether or not the location of the proposed development contains any archaeological resources identified by the County through existing surveys, historic maps and papers and other information available, the state department of archives and history, and the South Carolina Institute of Archaeology and Anthropology as being listed in or having been determined eligible, or potentially eligible, for listing in the National Register of Historic Places, as well as those areas identified in the document entitled "Cartographic Survey of Historic Sites in Beaufort County, South Carolina," dated June 30, 1992, as having the potential to yield significant archaeological information.
2. If the Director determines that the proposed development contains or is likely to contain archaeological resources, a professional archaeological survey shall be completed by qualified personnel to determine the existence of the resource and to evaluate the significance of the resource. The survey shall then be submitted to the Director for review.
3. If the area of the proposed project has been previously surveyed for archaeological resources and the survey report is available and meets the standards, the applicant will not be required to perform another survey, but merely submit that report to the Director.
4. If the Director determines that the location contains a potential archaeological or historic resource, qualified personnel shall complete and submit to the Director the documentation as outlined in this Division. Identified resources shall be preserved and/or the effects of the proposed project mitigated in accordance with the applicable federal and state laws and guidelines. Further, for any contemplated construction that would significantly affect the setting or vista of any archaeological or historic resource in a manner that would compromise the resource's eligibility to the National Register of Historic Places, the Director may require that the development plans be altered to mitigate or avoid such effects.
5. All requests to the applicant by the Director for surveys, documentation, and mitigation shall include a letter outlining the justification for such requests. A letter of justification from the Director shall also be required when a survey is required by the County and not by the State Department of Archives and History and when no survey is required.

B. Intensive Level Archaeological Survey.

1. Under this Division, the Director will officially notify, in writing, the applicant of the need for an intensive archaeological level survey. The survey must meet the criteria set forth by the SHPO's Guidelines and Standards for Archaeological Investigation.
2. The applicant will notify the Director as to who will be authorized to undertake the survey. The survey will be executed by qualified personnel, as required by the SHPO's standards.

3. The findings of the intensive level survey will be submitted to the Director.
4. Upon receipt of the intensive level survey final report and any necessary visual records, the Director will either issue a Permit of Approval for the proposed development project or deny approval of the project until the development plans can be altered to mitigate or avoid any negative impact.

C. Historic Resource Documentation.

1. If, at any time either prior to, during the execution of, or after the completion of the intensive level survey required under this Division, historic resources are identified on the property to be developed, the Director will notify the applicant in writing of the need to document the identified historic resources.
2. The documentation will be executed by qualified personnel, as required by the SHPO's Guidelines and Standards for Archaeological Investigation. The applicant will notify the Director as to who will be authorized to complete the documentation.
3. Documentation will be completed for each resource. Documentation required will be one or more of the following:
 - a. A completed statewide survey site form.
 - b. Measured drawings, flat plane photographs (four inches by five inches or eight inches by ten inches) or 35 mm documentation as prescribed by the American Institute of Architects (AIA) in their publication Recording Historic Structures.
4. The completed documentation will be submitted to the Director for review, after which the Director will either issue a Permit of Approval for the proposed development project or deny approval of the project until the development plans can be altered to mitigate or avoid any adverse effect.

D. Mitigation.

1. **Determination of adverse effects.** Upon receipt of an intensive level archaeological survey final report, documenting archaeological resources and/or the statewide survey form documenting historic resources pursuant to this Division, the Director will determine whether the proposed project will have an adverse effect on archaeological or historic resources listed in, or eligible for listing in, the National Register of Historic Places. The actions of the Director on the determination are as follow:
 - a. **No adverse effect.** If the Director determines that the project will not have an adverse effect on archaeological or historic resources listed in, or eligible for listing in, the National Register of Historic Places, the Director will issue a permit of approval for the proposed project.
 - b. **Adverse effect.** If the Director determines that the project will have an adverse effect on archaeological or historic resources, listed in, or eligible for listing in, the National Register of Historic Places, the Director will deny a Permit of Approval for the proposed project until the development plans can be altered to mitigate or avoid adverse effects.
2. **Mitigation of Adverse Effects.** The applicant shall detail mitigation measures that will be required prior to the issuance of a permit of approval. The Director shall stress to the applicant that preservation in place of a significant resource is the preferred mitigation method. Mitigation may include the following:
 - a. **Preservation in Place.** Preservation in place of an archaeological or historic resource is the avoidance of the resource which protects it from damage, destruction, vandalism or deterioration and may include such measures as dedicated open space, protective barriers, deed restrictions, preservation covenants and easements, the rehabilitation/maintenance of historic buildings and structures, and others. Preservation in place shall not be used as a mitigation measure on individual single-family lots within a proposed residential subdivision. For new subdivisions, archaeological or historic resources must be preserved within dedicated open space or mitigated using the methods described below.

- b. **Documentation.** If **it** is determined that an adverse effect to a historic resource cannot be avoided, the resource shall be documented in accordance with the Secretary of the Interior's Standards for Historical Documentation, the Secretary of the Interior's Standards for Architectural Documentation, and/or Recording Historic Structures by the American Institute of Architects.
 - c. **Data Recovery.** Data recovery of an archaeological site shall be conducted if the site cannot be preserved. Provisions for the ownership and preservation of the Beaufort County Development Code excavated artifacts, field notes, records, maps, photographs, and materials shall be detailed in the archaeological data recovery mitigation plan. A final report on the archaeological data recovery shall be produced.
 - d. **Reporting.** All identified archaeological sites shall be reported to the South Carolina Institute of Archaeology and Anthropology, and all historic sites shall be reported to the state historic preservation office for assignment of a site number.
- E. **Open Space.** If the property proposed for development contains any archaeological or historic sites, the Director, may allow for the potentially impacted sites and their appropriate buffers to be counted as part of the required open space for the development, or the open space requirements may be reduced by an amount that would equal the value of the land containing the archaeological or historic sites provided that the property owner agrees to preserve the resource.

7.5.40 - Historic Preservation Review Board (HPRB)

A. **Establishment.** The Historic Preservation Review Board (HPRB) is established in accordance with state law.

B. **Powers and Duties.** The HPRB shall have the following powers and duties under this Code:

1. **Review and Decide Applications.**

a. The HRPB shall review and decide Certificates of Appropriateness. See Section 7.2.120 (Certificate of Appropriateness) **and**

b. Review and make recommendations for designating historic resources and districts. See Section 7.3.80 (Historical Designation).

2. **Other Powers and Duties.**

- a. Review and comment on any nominations to add sites or districts to the National Register of Historic Places;
- b. Advise and assist owners of historic sites or structures within historic districts, on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, and procedures for listing on the National Register of Historic Places;
- c. Explore funding and grant sources which might be available for the identification, protection, enhancement, perpetuation, and use of historic, architectural, archaeological, and cultural resources, and advise land owners of availability of funds or grants;
- d. Develop design guidelines for alteration, construction, or relocation of individual sites and structures within specific historic districts or for historic properties, where necessary or appropriate;
- e. As needed, update the Beaufort County Above Ground Historic Survey, following South Carolina State Historic Preservation Office guidelines; and
- f. Carry out any other powers and duties delegated to it by the County Council, in accordance with state law.

C. **Appointment and Composition, Terms of Office, Removal, and Vacancy.**

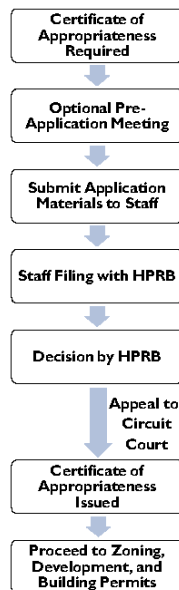
1. **Appointment and Composition.**

- a. All members of the HPRB shall be appointed by the County Council.
- b. The HPRB shall consist of seven members as follows:
 - (1) One member from northern Beaufort County;
 - (2) One member from southern Beaufort County;
 - (3) One member from Port Royal Island;
 - (4) One member from Lady's Island;
 - (5) One member from St. Helena Island;
 - (6) One member from the Historic Beaufort Foundation; and
 - (7) One member from the **Historic Bluffton Foundation** ~~Bluffton Historic Preservation Organization~~.
- c. Although no specific experience standards are necessary as a prerequisite to appointment, consideration shall be given to applicants who have established professional qualifications in history (with a specific knowledge of local history), architecture, historic preservation, historic architecture (an architect or, if an architect is unavailable, a person who is knowledgeable about building design and construction, with specific experience or training in historic resources), or architectural history.

- d. No member of the HPRB shall hold elective office in Beaufort County.
- 2. **Terms of Office.** Members shall be appointed to four-year terms. The terms shall be staggered so that approximately one or two members have terms expiring each year.
- D. **Quorum and Voting.** Four HPRB members shall constitute a quorum of the HPRB necessary to take action and transact business. The concurring vote of a simple majority of HPRB members present and constituting a quorum is required for all decisions of the HPRB.
- E. **Rules of Procedure.** The HPRB shall adopt rules of procedure governing its procedures and operations. Copies of adopted rules of procedure shall be made available for public inspection in the office of the Director during normal business hours.

7.2.120 - Certificate of Appropriateness

- A. **Purpose.** The purpose of this Section is to provide for the review and approval of all alterations, construction, relocations, or demolitions of **an individually designated historic property or to a contributing designated historic or non-designated property located in a County historic district**. ~~all National Register listed, or National Register eligible properties or districts, to ensure compliance with the standards of Division 5.10 (Historic Preservation).~~
- B. **Applicability.** All alterations, construction, relocations, or demolitions of **an individually designated historic property or a contributing designated historic or non-designated property located in a County historic district** ~~all National Register listed, or National Register eligible properties or districts~~ shall receive approval of a Certificate of Appropriateness in accordance with this Section, prior to development, alteration, relocation, or demolition.
- C. **Certificate of Appropriateness Procedure.**
1. **Pre-Application Staff Conference is Optional.** See Section 7.4.20 (Pre-Application Conference).
 2. **Application Submittal and Acceptance.** See Section 7.4.30 (Application Submittal and Acceptance).



3. **Staff Review and Action.** Applicable to a staff report and recommendation by the Director. See Section 7.4.40 (Staff Review and Action). The Director's recommendation shall be based on the standards in Subsection 7.2.120.D.
 4. **Public Hearing Scheduling and Notice.** A public hearing is not applicable; however, the applicant shall post the property two weeks prior to the scheduled Historic Preservation Review Board (HPRB) meeting **in accordance with Subsection 7.4.50.B.4.**
 5. **Decision-Making Body Review and Decision.** Applicable to a decision by the HPRB. See Section 7.4.90 (Decision-Making Body Review and Decision). The HPRB's decision shall be based on the standards in Subsection 7.2.120.D.
 6. **Appeal.** The decision of the HPRB on a Certificate of Appropriateness may be appealed to the Circuit Court.
- D. **Certificate of Appropriateness Review Standards.**

1. Intent. It is the intent of these review standards to ensure that properties designated as historic or located within a Historic District shall remain in harmony with the architectural and historical character of Beaufort County, South Carolina. In granting a Certificate of Appropriateness, the HPRB shall take into account the following:

- a. The architectural and historical significance of the structure,
- b. The exterior form and appearance of any proposed additions or modifications, and
- c. The effect of such change or additions upon other structures in the vicinity.

2. General Design Review Guidelines. When considering an application for a Certificate of Appropriateness for new construction, alteration, repair, demolition, or restoration, the HPRB shall use the Secretary of the Interior's Standards for Rehabilitation as guidelines, as set forth in 36 CFR Part 67, in making its decisions. These guidelines serve as the minimum basis for determining the approval, approval with modifications, or denial of an application.

The Secretary's Standards for Rehabilitation are:

- a. A historic property will be used as it was historically used or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
- b. The historic character of a designated property shall be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relations that characterize a property will be avoided.
- c. Each historic 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 buildings, will not be undertaken.
- d. Changes to a designated property that have acquired historic significance in their own right will be retained and preserved.
- e. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property will be preserved.
- f. 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.
- g. 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.
- h. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
- i. New additions, exterior alterations, or related new construction will not destroy historic materials, features and spatial relationships that characterize the designated 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 historic property and its environment.
- j. 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.

3. Demolition and Relocation. In order to preserve the historic integrity of Beaufort County, the following standards apply as a minimum basis for moving and demolishing of designated and contributing buildings:

- a. The public necessity of the proposed construction, demolition, or use;
- b. The public purpose or interest in land or buildings to be protected;
- c. The historic or architectural value and significance of a particular structure and its relationship to the historic value of the surrounding area;
- d. The age and character of a historic structure, its condition, and its probable life expectancy;
- e. The view of the structure or area from a public street or road, present and future; and
- f. The present character of the setting of the structure or area and its surroundings.

- E. **Effect of Approval.** Approval of a Certificate of Appropriateness authorizes the submittal of an application for a Zoning Permit and any other development application that may be required before the development authorized by the certificate.
- F. **Expiration.** Approval of a Certificate of Appropriateness shall automatically expire if a Zoning or Development Permit, as appropriate, for the development authorized by the permit is not obtained within one year after the date of approval, unless an extension of this time period is authorized in accordance with Section 7.4.130 (Expiration of Development Approval).
- G. **Amendment.** A Certificate of Appropriateness may be amended only in accordance with the procedures and standards established for its original approval.

Historical Designation 7.3.80

A. Purpose. The purpose of this Section is to provide guidelines for the review and approval of Beaufort County's historic designations of individual properties and districts.

B. Historical Designation Procedure.

1. Pre-Application Staff Conference is Required. See Section 7.4.20 (Pre-Application Conference).
2. Application Submittal and Acceptance. See Section 7.4.30 (Application Submittal and Acceptance). Applications may be initiated by the County Council, the Director, the Historical Preservation Review Board, as well as a person who may submit an application in accordance with Section 7.4.30 (Application Submittal and Acceptance).
3. Staff Review and Action. Applicable to a staff report and recommendation by the Director. See Section 7.4.40 (Staff Review and Action). The Director's recommendation shall be based on the standards in Subsections 7.3.80.C and 7.3.80.D.
4. Public Hearing Scheduling and Notice. See Section [7.4.50](#) (Public Hearing Scheduling and Notice).
5. Public Hearing Procedures. See Section [7.4.70](#) (Public Hearing Procedures).
6. Advisory Body Review and Recommendation. Applicable to a recommendation by the HPRB. See Section 7.4.90 (Decision-Making Body Review and Decision). The HPRB's decision shall be based on the standards in Subsections 7.3.80.C and 7.3.40.D.
7. Decision-Making Body Review and Decision. Applicable to a decision by the County Council following a public hearing. See Section [7.4.90](#) (Decision-Making Body Review and Decision). The County Council's decision shall be based on the standards in Subsections 7.3.40.C, 7.3.40.D, and shall be one of the following:
 - a. Approval of the application as submitted;
 - b. Approval of the application with a reduction in the area proposed to be designated; or
 - c. Denial of the application.
8. Appeal. The decision of the Beaufort County Council on a Designation Application may be appealed to the Circuit Court.

C. Criteria for historic designations. The HPRB shall maintain a local inventory and make recommendations for historic designation(s) to Beaufort County Council based on the following criteria. A property may be designated historic if it:

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

7. Contains elements of design, detail, materials or craftsmanship which represent a significant innovation; or

8. Is part of or related to a square or other distinctive element of community planning; or

9. Represents an established and familiar visual feature of the neighborhood or community; or

10. Has yielded, or may be likely to yield, information important in pre-history or history.

D. Criteria for historical district. A minimum of one (1) designated historic property must exist in the area to be considered for a historic district before a committee to investigate the merits of a historic district is formed. Before establishing a historic district, the HPRB shall appoint a committee. The committee will include a minimum of one member of the public who lives in the proposed district if at all possible. The rest of the committee shall consist of at least two HPRB members. A member of the HPRB shall serve as chairman of the committee. The committee shall prepare a preliminary report to be presented to the HPRB, which shall include the following:

1. Determine the boundaries for the proposed historic district in writing and on a map.

2. Create a photographic inventory of resources within the proposed historic district.

3. Conduct research on the proposed historic district and the historic resources located within the boundaries and give an analysis of the historic significance and architectural merit of the buildings or places and the significance of the district as a whole. In evaluating the significance of historic resources, the committee shall be guided by Subsection 7.3.80.C.

4. Determine the number of historic and non-historic resources within the boundary of the proposed district.

5. Create a map indicating the contributing designated historic properties.

6. Make recommendations for the zoning ordinance to regulate the historic district.

E. Expiration. Approval of a Historic Designation shall not expire, but the amended Official Zoning Map is subject to further amendment in accordance with the map amendment procedures set forth in this section.

7.4.50 - Public Hearing Scheduling and Notice

A. Public Hearing Scheduling.

1. **Application to be Scheduled for Meeting.** When a development application is subject to a public hearing, as identified in Table 7.4.50.A (Required Public Hearings), the Director shall ensure that the public hearing on the application is scheduled for a regularly scheduled meeting or a meeting specially called for that purpose by the advisory or decision-making body reviewing the application.
2. **Timing.** The public hearing(s) on the application shall be scheduled so there is sufficient time for a staff report to be prepared and for the public notification requirements to be satisfied under state law.
3. **Public Hearing by Review Boards.** A public hearing shall be conducted by the following advisory or decision-making bodies for the following development applications. See Table 7.4.50.A (Required Public Hearings).

> Table 7.4.50.A: Required Public Hearings				
Development Application or Approval	Advisory or Decision-Making Bodies			
	County Council	Planning Commission	Zoning Board of Appeals (ZBOA)	Historic Preservation Review Board (HPRB)
Comprehensive Plan Amendment	X	X		
Text Amendment	X	X		
Zone Map Amendment	X	X		
Special Use Permit			X	
Variance Permit			X	
Street Renaming		X		
Appeal to Planning Commission		X		
Appeal to Zoning Board of Appeals			X	
Development Agreements	X			
Historic Designation of Property and District	X			X

B. **Public Hearing Notification.** All development applications requiring a public hearing shall comply with the S.C. Code of Laws, the provisions listed in Table 7.4.50.B (Public Hearing Notification Timing Requirements), and the other provisions of this Section with regard to public notification. Failure to receive notice in accordance with this Section shall not invalidate the proceedings for which notice was required, nor shall failure to receive notice constitute a basis for legal action against the County.

1. **Notice Timing Requirements.** Public notification of a public hearing on a development application shall be provided in accordance with the timing requirements in Table 7.4.50.B (Public Hearing Notification Timing Requirements), for the type of application and the type of notice. In computing the required time periods, the day the notice is published or postmarked shall not be included, but the day of the hearing shall be included.

Table 7.4.50.B: Public Hearing Notification Timing Requirements			
Development Application or Approval	Notice Required (Calendar Days)		
	Publication	Written	Posted
Comprehensive Plan Amendment ¹	30 days before public hearing		
Text Amendment ¹	between 15 & 30 days before public hearing		
Zone Map Amendment ^{1,2}	between 15 & 30 days before public hearing	between 15 & 30 days before public hearing	between 15 & 30 days before public hearing
Special Use Permit; Variance Permit; Plat Vacation; or Street Renaming	between 15 & 30 days before public hearing	between 15 & 30 days before public hearing	between 15 & 30 days before public hearing
Appeal to ZBOA or Planning Commission	between 15 & 30 days before public hearing		
Development Agreements	between 15 & 30 days before public hearing	between 15 & 30 days before public hearing	between 15 & 30 days before public hearing
Historic Designation of Property and District	between 15 & 30 days before public hearing	between 15 & 30 days before public hearing³	between 15 & 30 days before public hearing

¹ Public Notification applies to public hearing before both Planning Commission and County Council. ² Staff initiated large-scale amendments to the zoning map are exempt from written and posted notice requirements. ³ Written notification to any neighboring property is not required when a property is being subjected to individual historic designation. Notification is only applicable to the designation of a property in a historic district.			

2. Published Notice Requirements.

- a. When the provisions of this Development Code require that notice be published, the Director or the Clerk to County Council (as appropriate) shall be responsible for preparing the content of the notice and publishing the notice in a newspaper of general circulation in the County.
- b. The Director shall prepare an affidavit certifying that published notice has occurred in compliance with the standards of this Subsection. The affidavit shall be conclusive that notice has been given in compliance with the terms of this Subsection.
- c. The affidavit shall be included in the support materials on the application.

3. Written Notice Requirements.

- a. When the provisions of this Development Code require that written notice be provided, the Director shall be responsible for preparing and mailing the written notice. Notice shall be mailed to:
 - (1) All owners of the land subject to the application; and
 - (2) All owners of land within 500 feet of the property lines of land subject to the application whose address is known by reference to the latest ad valorem tax records.
 - (3) **In regard to individual Historic Property designation, notification to any owners of land, with the exception of the property subject to designation, are not required to be notified. In regard to the designation of Historic Districts, all owners of land within a Historic District, whether contributing or not, also including any owner of the land subject to designation, are required to be notified.**
- b. Notice shall be deemed mailed by its deposit in the United States mail, properly addressed, postage paid.
- c. A copy of the mailed notice shall be maintained in the office of the Director for public inspection during normal business hours.

4. Posted Notice Requirements.

- a. When the provisions of this Development Code require that notice be posted on the land subject to the application, notice shall comply with the following standards:
 - (1) One sign, provided by the Director, shall be placed on each public thoroughfare that the land subject to the application abuts. The Director may require additional signs to be placed on the parcel to carry out this Development Code's intent.
 - (2) The sign shall be set back no more than five feet from the street right-of-way.
 - (3) All signs shall be placed in a conspicuous location so as to be clearly visible to the traveled portion of the respective street. Where the land does not have frontage on a

public street, an additional sign shall be erected on the nearest street right-of-way with an attached notation generally indicating the direction and distance to the land subject to the application.

- (4) The sign shall be removed after the close of the public hearing on the application.
 - b. The applicant shall sign and provide to the Director an affidavit stating that posted notice has been provided in accordance with the standards of this Subsection. The affidavit shall be accompanied by a photograph showing the posted notice on the land subject to the application. The affidavit and photograph shall be conclusive that notice has been given in accordance with the terms of this Subsection. The affidavit shall be submitted to the Director prior to the public hearing to which the notice pertains.
 - c. The applicant shall ensure that the posted notice is maintained on the land subject to the application until the completion of the public hearing to which the notice pertains. Failure of any such posted notice to remain in place after the notice has been posted shall not be deemed a failure to comply with the requirements of this Development Code or be grounds to challenge the validity of any decision made on the application. However, it shall be a violation of this Development Code for any person to remove, mar, scratch, obliterate, or in any manner deface, hide from view, or tamper with such signs.
 - d. The sign(s) shall be removed by the applicant within five days after the public hearing to which the notice pertains.
5. **Notice Content.** All notices for public hearings, unless expressly noted otherwise, whether done by mail (written notice), publication (publishing in a newspaper of general circulation in the County), or posting shall:
- a. Identify the application or application number and the name of the applicant or the applicant's agent;
 - b. Indicate the type of development application submitted;
 - c. Indicate the date, time, and place of the public hearing;
 - d. Describe the land involved by street address or legal description, general area of the county, and property size (except posted notice);
 - e. Identify the current zone designation of the land subject to the application;
 - f. Describe the nature, scope, and purpose of the application or proposal;
 - g. Include a statement describing where interested members of the public may submit written comments or evidence prior to the public hearing;
 - h. Include a statement that interested members of the public and adjoining landowners may appear at the public hearing, be heard, and submit evidence and written comments with respect to the application; and
 - i. State the application, and all relevant information about the application may be obtained at the Community Development Department during normal business hours, and provide the Community Development Department street address and a contact phone number.



South Carolina Department of Archives and History

8301 Parklane Road
Columbia SC 29223

We are pleased to provide you with the enclosed materials –

- Application for Certification (attached are a resume form, a sample letter of request for certification from the chief elected official, and Procedures to Document Availability of Professionals to Serve on Design Review Committee);
- *Guidelines for Implementation of Certified Local Government (CLG) Program in South Carolina*;
- Sample Certification Agreement, Annual Report, and Evaluation forms;

As you will immediately note, the *Guidelines* are detailed; please do not let that deter you from reading them. Simply stated, certification for your local government involves four things (see *Guidelines Section 12-101*):

- (1) an ordinance including provision for historic preservation;
- (2) an active and qualified historic preservation commission (design review board);
- (3) a local survey/inventory of historic properties; and
- (4) provision for public participation in the local preservation process.

Focus on those four points and I think you will find the Application for Certification easy to understand. The front of the application includes important instructions; please pay special attention to them before filling in the form. The application form follows the guidelines section by section. If you don't understand a question or a requirement, call 803-896-6172. If there is no architect (or other professional required to serve on your review board) available in your community to serve, you are requested to document your efforts to obtain such professional expertise. The procedures for this are included as a guide if you need them. FYI: The annual report form and the evaluation form are included for your information only. Annual reports are due in December each year. The first report is due after a full year's participation in the program.

The certification process follows these key steps:

- Local government completes the Application for Certification and submits it to the SC Department of Archives & History (SCDAH);
- SCDAH reviews and responds to Application within 45 days—if all requirements are met then a Certification Agreement is prepared and signed by SCDAH and sent for the chief elected official to sign;
- Local government returns the Certification Agreement signed by the chief elected official—SCDAH then prepares a request for approval of certification to the National Park Service;
- National Park Service has 15 working days to respond to this certification request. Once they concur, the local government officially becomes a Certified Local Government.

We want this program to benefit as many South Carolina local governments as are eligible; all are important regardless of size and preservation experience. We look forward to working with you.

Cordially,

Brad Sauls
CLG Coordinator

South Carolina Certified Local Government Program

APPLICATION FOR CERTIFICATION

The Certified Local Government (CLG) Program was enacted as part of the National Historic Preservation Act Amendments of 1980. It gave incorporated cities, towns, counties, and other general purpose political subdivisions a way to participate formally in the national historic preservation program. The CLG program in South Carolina allows the state to recognize and strengthen existing programs in South Carolina communities and provides incentives for participation by other communities.

If a local government wishes to be considered for CLG status, it should complete this application and provide a letter from its chief elected official requesting certification. The application form follows the "Guidelines for Implementation of Certified Local Government Program in South Carolina." You will find the "Guidelines" helpful when you fill out the application. In Part Seven of the application, you will find a checklist of the materials that must accompany the application.

The official application and one copy must be submitted to:

**Brad Sauls, CLG Coordinator
State Historic Preservation Office
South Carolina Department of Archives and History
8301 Parklane Road
Columbia, SC 29223-4905**

Applications will be acknowledged when they are received by the State Historic Preservation Office (SHPO). The total review period will take no more than 60 days. The State Historic Preservation Officer will have 45 days from the date the application is received to review the application, request further information and /or clarification, develop a written certification agreement, and send the approved application and agreement to the National Park Service for concurrence. The National Park Service review will take no more than 15 working days after receipt of approved application and certification agreement from the SHPO. The process is explained in Section 12-102 of the South Carolina CLG Guidelines.

Please remember that the application must be completed and signed before it can be processed in the State Historic Preservation Office. Incomplete applications will be returned. **If you need assistance, please contact Brad Sauls, CLG Coordinator, at 803-896-6172, or bsauls@scdah.sc.gov.**

INSTRUCTIONS FOR USING THIS FORM ELECTRONICALLY

To request an electronic version of this application please contact Brad Sauls, 803-896-6172, bsauls@scdah.sc.gov.

Once loaded into Word this form can be completed at your PC before it is printed out. The application form is a protected document. Fonts and fields are locked so they cannot be changed. The form will adjust to the length of your answer. Word forms do not have a complete set of word processing features (i.e., you cannot format text with bold or italics, and you cannot use the spell check feature). Functions work differently depending on the version of Microsoft Word (e.g., the "enter" key will take you to the next field in Word 6.0, while it acts as a line return in Word 97). Editing lengthy amounts of text can be cumbersome in the form. It may be easier to compose and edit large blocks of text in a separate document, and then use the copy and paste functions.

PART ONE: The basics

Name of Local Government: _____

County: _____

Congressional District: _____

Title and Name of Chief Elected Official: _____

Mailing Address: _____

Phone: _____

Fax: _____

Title and Name of CLG Contact Person: _____

Mailing Address: _____

Phone: _____

Fax: _____

Email: _____

PART TWO: Local legislation See “Guidelines,” Section 12-101(A)

Is there an appropriate local preservation zoning ordinance for your area? If yes, please attach a copy of the ordinance to this application and answer “yes” or “no” to the following questions about the ordinance. When you answer “yes”, please cite the section or page number where the answer appears in the ordinance.

1. Does the ordinance include criteria and a process for designating districts and/or landmarks? _____

Page/section reference: _____

2. Is the purpose of the ordinance clearly stated? _____

Page/section reference: _____

3. Does the ordinance specify the authority by which its provisions are carried out?

Page/section reference: _____

4. Does the ordinance clearly delineate the jurisdiction of the design review committee?

Page/section reference: _____

5. Does the ordinance include criteria and processes for review and approval or disapproval of:

- a. alteration, demolition, and relocation of designated landmarks or buildings in designated districts? _____

Page/section reference: _____

- b. alteration of designated sites? _____

Page/section reference: _____

- c. construction of new structures in designated districts? _____

Page/section reference: _____

6. Does the ordinance set forth clear procedures for enforcing decisions? _____

Page/section reference: _____

7. Does the ordinance include provision for right of appeal? _____

Page/section reference: _____

8. Does the ordinance clearly delineate the boundaries of the areas to which it applies?

Page/section reference: _____

9. Is a map part of the ordinance and referenced as such? _____

Page/section reference: _____

Please attach map(s) clearly defining the boundaries of all historic districts designated by local ordinance and/or showing the location of any locally designated property.

PART THREE: Local Commission See "Guidelines," Section 12-101(B)

Please answer the following questions about the design review commission. When you answer "yes", please cite the section or page number where the answer appears in the ordinance.

1. Does your local government have a local historic preservation commission (sometimes called a design review commission, historic district commission, historic district commission, or board of architectural review?) _____

Page/section reference: _____

2. How many members serve on the commission? _____

Please submit a resume (see attached sample) with mailing address and phone number for each commission member with this application.

3. Are the commissioners professionally qualified to serve? _____

Page/section reference: _____

If the commission does not have the minimum number or types of disciplines required, please explain steps taken to fill these positions (see SHPO "Procedures to Document Availability of Professionals to Serve on Design Review Committee").

4. Are the commissioners' terms of office staggered? _____

Page/section reference: _____

Please enter the names of commissioners and the date (month and year) their terms expire.

Name: _____
Term expiration: _____

Name: _____
Term expiration: _____

Name: _____
Term expiration: _____

Name: _____
Term expiration: _____

Name: _____
Term expiration: _____

Name: _____
Term expiration: _____

Name: _____
Term expiration: _____

Name: _____
Term expiration: _____

Name: _____
Term expiration: _____

Name: _____
Term expiration: _____

5. Does the commission have a set of bylaws / rules of procedure? _____

Please enclose a copy with this application.

6. Are the bylaws / rules of procedure available to the public? _____

7. Do the commission bylaws (or the ordinance) provide for conflict of interest? _____

Page/section reference: _____

PART FOUR: Local survey activities See "Guidelines" Section 12-101(C)

Please answer the following questions about the survey and inventory of historic properties.

1. Has an architectural survey(s) of historic properties in the government's jurisdiction been conducted? _____

2. Who conducted the survey(s)? _____

3. When was the survey(s) conducted? _____

4. Is the survey updated? _____

5. Who updates the survey? _____

Please include with this application a copy of the survey form currently in use, a brief description of survey and inventory procedures, and the system you use to update survey information.

6. Where are the survey records housed? _____

7. Are the survey records accessible to the public? _____

PART FIVE: Public Participation See “Guidelines” Section 12-101(D)

Please answer the following questions about public participation in the local preservation program.

1. Does the commission meet on a regular basis? _____

Please include a list of meeting dates for the current year with the application.

2. When and where are the commission’s regularly scheduled meetings? _____

3. Are the meetings of the commission open to the public? _____

Please attach a sample public notice of a commission meeting.

4. Is the meeting agenda announced prior to the meeting? _____

Please attach a sample agenda.

5. Are minutes of the commission prepared? _____

Please attach a sample of the minutes of a commission meeting.

6. How does a property owner learn that applications for alterations, additions, new construction demolitions, etc, must be made to the commission?

7. Outline the commission's process for application. What are the steps in the process? _____

Please attach an application form.

8. Does the commission give written notification of decisions to the applicant? _____

Please attach a sample notice of the commission's decision to an applicant—sometimes called a "Certificate of Appropriateness" or "Notice of Approval or Disapproval."

PART SIX: Discussion

1. Why are you seeking CLG status? _____

2. Are you planning to apply for a CLG grant after certification? _____

If "yes", briefly describe the projects. _____

PART SEVEN: Application checklist

Answer “yes” if the item is included with the application.

- _____ **Letter of request for certification from the local government’s chief elected official**
A sample is available from the SHPO
- _____ **Application for Certification** *Please submit the application in duplicate—the official application form and one copy*
- _____ **Copies of ALL historic preservation ordinances that have been adopted by the local governing body**
- _____ **Map(s) clearly defining the boundaries of all historic districts designated by local ordinance and/or showing the location of any locally designated historic property**
- _____ **Copy of guidelines for decisions made by the commission (if these guidelines are not part of the ordinance) or written description of how the commission’s decisions are made**
- _____ **Completed resume for each commission member**
A sample is available from the SHPO
- _____ **Explanation of steps taken to recruit professionally qualified commission members (if applicable) (See *Guidelines 12-101(B)(3)*) Also see “Procedures to Document Availability of Professionals to Serve on Design Review Committee” available from the SHPO**
- _____ **Copy of commission’s bylaws/rules of procedure**
- _____ **Copy of current survey form**
- _____ **List of meeting dates for the current year**
- _____ **Copy of public notice of a commission meeting**
- _____ **Copy of an agenda for a commission meeting**
- _____ **Copy of minutes from a commission meeting**
- _____ **Copy of an application for a Certificate of Appropriate**
- _____ **Copy of notice of the commission’s decision to an applicant (can be called the “Certificate of Appropriateness,” or “Notice of Approval or Disapproval”, etc.)**
- _____ **List and resume forms of pertinent local government staff members, including contact person** **CLG**

PART EIGHT: Assurances and signatures

I certify that I have read "Guidelines for Implementation of Certified Local Government Program in South Carolina" and agree to comply with all terms and conditions set forth therein.

Signature of chief elected official

Date: _____

Name of chief elected official:

Signature of CLG contact person

Date: _____

Name of CLG contact person:

**For your information
Not part of the CLG
Application**

This is a sample of the
annual report that CLGs fill
out each year.

Certified Local Government Annual Report Form South Carolina

FY 01-02 (October 1, 2001 to September 30, 2002)

Thank you for completing the Certified Local Government (CLG) annual report form. If you have any questions please contact Brad Sauls at sauls@scdah.state.sc.us, (803) 896-6172.

Instructions

This year's CLG annual report form has a new look and revised set of questions. The revised report combines the annual reporting requirements from the SC regulations, along with the federal GPRA reporting (Government Performance and Results Act). This allows us to handle the federal reporting for our CLGs, so CLGs only need to fill out this one form.

Please answer the questions, collect the requested attachments and return to the S.C. Department of Archives & History by **December 15, 2002**.

To request a Word 97 version of the document that you can fill out and print on your computer, just send an email request to jsatt@scdah.state.sc.us

Mail completed annual report form with attachments to:

CLG Coordinator
S.C. Department of Archives & History
8301 Parklane Road
Columbia, SC 29223

Contact information

Name of Local Government:

County:

Name of preservation review board:

Address:

Chief elected official:

Title:

CLG contact:

Title:

Phone:

email:

All questions refer to the time period October 1, 2001 to September 30 , 2002

Enforce appropriate legislation for the designation and protection of historic properties.

1. Were any changes made to the historic preservation section(s) in the zoning ordinance?

___ *no*

___ *yes* *Describe changes and include a copy of the change(s).*

2.* Were additional properties designated as local historic district overlays or landmarks?

___ *no*

___ *yes* *Name/location and number of properties (estimate is okay for district)*

3.* How many applications for Certificates of Appropriateness were reviewed? ____

How many were approved? _____

How many were denied? _____

How many were approved with conditions? _____

Other: _____

4. Were any COA decisions appealed?

___ *no*

___ *yes* *Briefly describe the circumstances.*

Maintain an adequate and qualified historic preservation commission.

5. Attach a list of members of your board of architectural review for historic properties.

6. If any new members appointed since October 1, 2001 include resume form.
7. List relevant conferences, classes, workshops, or training attended by staff and review board members related to historic preservation and review board functions. Note: Training can be conducted as part of a regular or special meeting of the board.

<i>Date</i>	<i>Event/description</i>	<i>Attendee(s)</i>
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8. What training topics would be helpful to the board members and/or staff?

Maintain a system for the survey and inventory of historic properties.

- 9.* Were any surveys for historic properties conducted?

☐ *no*

☐ *yes*

What areas? _____

How many properties were recorded ?

_____ *properties resurveyed/updated*

_____ *properties never before surveyed*

10. Are survey records available to the public?

☐ *no*

☐ *yes*

Where? _____

Provide for adequate public participation in the local historic preservation program.

11. Enclose information showing how your commission notifies the public of meetings.
Examples include news release, advertised agenda, etc.
12. Please describe any public education and outreach programs related to history and preservation (can include workshops, newspaper articles, lectures, brochures, websites, tours, special mailings).

Financial incentives for preservation

13.* Does the local government have a local tax incentive program for historic buildings?

___ *no*

___ *yes* How many projects used this year (completed rehabs only)? _____

14.* Does the local government make grants or loans for historic building purchase or rehabilitation?

___ *no*

___ *yes* How many grants/loans were made this year? _____

15.* Did the local government acquire any historic buildings or sites this year (purchase, donation, easement, etc)

___ *no*

___ *yes* Name/plans for? _____

Future plans

16. Briefly describe the goals and objectives of the review board and staff for the coming year, including possible CLG grant applications.

Report prepared by (print): _____

Signature: _____

Date: _____

Attachments

- ☐ Copy of any changes to the preservation sections of the zoning ordinance
- ☐ List of the locally designated historic districts and landmarks (zoning overlays). Please include a map if available.
- ☐ Current list of preservation review board with addresses
- ☐ Resumes of new preservation review members appointed since 10/1/01

- ☐ List of all meeting dates from 10/1/01 to 9/30/02
- ☐ 3 sets of meeting minutes
- ☐ Copy of notice(s) that advertise meetings (newspaper, posted agendas, etc)
- ☐ Articles/publicity about preservation and/or the review board

Thank you.

**For your information
Not part of the CLG
Application**

This is a copy of the State
evaluation of CLGs that is
required after four years of
participation in the program.

EVALUATION

Name of CLG:

Date Certified:

Period Reviewed:

Evaluation:

I. This local government has fulfilled the following requirements for certification:

		<u>Yes</u>	<u>No</u>
A.	Enforces legislation for the designation and protection of historic properties.	_____	_____
B.	Has an adequate and qualified local design review commission.	_____	_____
C.	Maintains a local inventory of historic properties.	_____	_____
D.	Provides for public participation in the local historic preservation program, including participation in the National Register nomination process.	_____	_____
E.	Satisfactorily carries out the intent of the National Historic Preservation Act in their community.	_____	_____

II. For additional information, see CLG Files, Annual Reports, and the attached status report.

RESUME FORM

For commission/staff members involved in South Carolina Local Government Program

Name of Local Government:

Name of Commission:

Term of membership:

Term expires:

This section for commission members only

Name of Board Member:

Mailing Address:

Telephone (Business):

Telephone (Residence):

E-mail:

Occupation:

Education

School:

Major/Degree:

In the space below, please list demonstrated interest in historic preservation (conferences attended, organizations, special training, courses taken, volunteer activities, or job experience)

PROCEDURES TO DOCUMENT AVAILABILITY OF PROFESSIONALS TO SERVE ON DESIGN REVIEW COMMITTEE

To be used in conjunction with *Guidelines for Implementation of Certified Local Government Program in South Carolina. Section 12-101 (B) (3)*.

Written documentation of a reasonable attempt to obtain volunteers with professional qualifications to serve on the local design review commission would include:

1. a list of individuals in the community known to have the professional qualifications listed below,
2. a list of individuals contacted to serve on the commission, and
3. a letter explaining why local professionals declined the invitation to serve on the commission.

Professional qualifications are described in 36 CFR Part 61 Procedures for Approved State and Local Government Historic Preservation Programs in Appendix A as follows.

In the following definitions, a year of full-time professional experience need not to consist of a continuous year of full-time work, but may be made up of discontinuous periods of full-time or part-time work adding up to the equivalent of a year of full-time experience.

- (a) History. The minimum professional qualifications in history are a graduate degree in history or closely related field; or a bachelor's degree in history or closely related field plus one of the following:

1. At least two years of full-time experience in research, writing, teaching, interpretation or other demonstrable professional activity with an academic institution, historical organization or agency, museum, or other professional institution; or
2. Substantial contribution through research and publication to the body of scholarly knowledge in the field of history.

- (b) Archeology. The minimum professional qualifications in archeology are a graduate degree in archeology, anthropology, or closely related field plus;

1. At least one year of full-time professional experience or equivalent specialized training in archeological research, administration or management;
2. At least four months of supervised field and analytic experience in general North American archeology; and
3. Demonstrated ability to carry research to completion.

In addition to these minimum qualifications, a professional in prehistoric archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the prehistoric period. A professional in historic archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the historic period.

- (c) Architectural history. The minimum professional qualifications in architectural history are a graduate degree in architectural history, art history, historic preservation, or closely related field, with coursework in American architectural history; or bachelor's degree in architectural history, art history, historic preservation, or closely related field plus one of the following;

1. At least two years of full-time experience in research, writing, or teaching in American architectural history or restoration architecture with an academic institution, historical organization or agency, museum, or other professional institution; or
 2. Substantial contribution through research and publication to the body of scholarly knowledge in the field of American architectural history.
- (d) Architecture. The minimum professional qualifications in architecture are a professional degree in architecture plus at least two years of full-time professional experience in architecture; or a State license to practice architecture.
- (e) Historic Architecture. The minimum professional qualifications in historic architecture are a professional degree in architecture or State license to practice architecture, plus one of the following:
1. At least one year of graduate study in architectural preservation, American architectural history, preservation planning, or closely related field; or
 2. At least one year of full-time professional experience on historic preservation projects. Such graduate study or experience shall include detailed investigations of historic structures, preparation of historic structures research reports, and preparation of plans and specifications for preservation projects.

SAMPLE LETTER OF REQUEST FOR CERTIFICATION FROM CHIEF ELECTED OFFICIAL

Mrs. Elizabeth M. Johnson
Deputy State Historic Preservation Officer
South Carolina Department of Archives and History
8301 Parklane Road
Columbia, SC 29223-4905

Dear Mrs. Johnson:

The (City/County of) _____ hereby submits its application to become a Certified Local Government as provided for in the 1980 amendments to the National Historic Preservation Act.

As the chief elected official of _____, I understand that it will be necessary for our local government to satisfy the minimum requirements for certification as spelled out in the *Guidelines For Implementation Of Certified Local Government (CLG) Program In South Carolina*. Accompanying this letter are all the documents as requested on the application for certification. Should you need additional materials or have any question, please call (name) at (telephone number).

Sincerely,

(name of chief elected official)
(title)

Attachments

sample

CERTIFICATION AGREEMENT

between the
South Carolina State Historic Preservation Office
and the

Whereas, the South Carolina State Historic Preservation Office, of the South Carolina Department of Archives and History, whose director is the State Historic Preservation Officer, is charged with the responsibility of administering the National Historic Preservation Program in South Carolina pursuant to the National Historic Preservation Act of 1966, as amended, and

Whereas, the South Carolina State Historic Preservation Office has submitted to and had approved by the National Park Service, United States Department of the Interior, and had published in the State Register of South Carolina, "Guidelines for Implementation of Certified Local Government (CLG) Program in South Carolina," a document which provides for certification of local governments to participate in the Certified Local Government Program and for transfer of Historic Preservation Fund (HPF) allocation to certified local governments, and

Whereas, the _____, South Carolina, has submitted to the State Historic Preservation Office a letter from its chief elected local official indicating its desire to participate in the CLG program and to comply with the provisions of the "Guidelines" and has also submitted to the State Historic Preservation Office an adequately documented certification application, and

Whereas, the State Historic Preservation Office, after review of said submissions noted above, concludes that the _____ meets the provisions of the "Guidelines" and is qualified to participate in the CLG Program, and

Whereas, the National Park Service is in agreement with the assessment of the State Historic Preservation Office regarding the readiness and ability of the _____ to participate in the CLG Program and to enter into the federal-state-local government preservation partnership,

Now, Therefore Be it Resolved that the South Carolina State Historic Preservation Office may enter into a formal certification agreement with the _____ acknowledging its responsibility and intent to comply with the following basic requirements that are set forth in the "Guidelines for Implementation of Certified Local Government Program in South Carolina:"

CLG Certification Agreement between:

The South Carolina State Historic Preservation Office and the _____

- (1) Enforce appropriate state or local legislation for the designation and protection of historic properties, and
- (2) Maintain an adequate and qualified historic preservation commission as defined under state or local legislation, and
- (3) Maintain a system for the survey and inventory of historic properties, and
- (4) Provide for adequate public participation in the local historic preservation program, including the process of recommending properties for inclusion in the National Register of Historic Places through the local commission, and
- (5) Maintain adequate financial management systems, adhere to all requirements of the *Historic Preservation Fund Grants Manual*, and adhere to any requirements mandated by Congress regarding use of federal historic preservation funds.

Further, the _____ agrees that the role of the _____ shall be:

- (1) To review and render decision on all proposed alterations, relocations, demolitions, and new construction affecting designated local landmarks, or within locally designated historic districts, and
- (2) To conduct first review and evaluation of all proposed National Register nominations within its jurisdiction, or, if so qualified and delegated, recommend to the State Historic Preservation Officer properties for inclusion in the National Register of Historic Places within its jurisdiction, and
- (3) To accept, by mutual written agreement with the State Historic Preservation Office, additional preservation-related responsibilities as allowed under federal and state statute or regulations, and
- (4) To fulfill any special conditions made a part of this certification agreement.

Finally, this agreement, through the mutual consent of both parties, namely the South Carolina State Historic Preservation Office and the _____, will become valid on the date that this signed agreement is concurred with by the National Park Service, United States Department of the Interior and will remain in effect as long as the _____ meets the requirements for participating in the CLG Program.

Elizabeth Morton Johnson
Deputy State Historic Preservation Officer

Date

Mayor

Date