

### 3.18 Certificate of Appropriateness – Historic District (HD)

*Purpose: The amendments to this section include providing a process for relocation of contributing and non-contributing structures, a refined process for demolition of contributing and non-contributing structures, and better protection of contributing resources. Guidelines for relocation and demolition will be developed concurrently with these amendments for adoption by Town Council by resolution. The guidelines will include information, such as building and site documentation requirements, and other policy requirements that are best separated from the ordinance.*

#### 3.18.1 Intent

~~This Section is intended to provide procedures and standards to facilitate the review of Certificate of Appropriateness Applications within the Old Town Bluffton Historic District (HD) designated zoning districts. Review of Certificate of Appropriateness Applications HD shall consider the following objectives:~~

~~A. Maintenance of the educational, cultural and general welfare of the public through the preservation, protection and enhancement of Historic Resources and Old Town Bluffton Historic District;~~

~~B. Maintenance of Contributing Resources as visible reminders of the history and cultural heritage of the Town of Bluffton as well as the Lowcountry region in accordance with the standards set forth in the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings; and~~

~~C. Ensure that proposed activities foster the development of quality and innovative designs that respect and complement the eclectic character of the Old Town Bluffton Historic District.~~

This Section provides procedures and criteria to facilitate the review of Certificates of Appropriateness – Historic District (HD) applications within Old Town Bluffton Historic District (HD) zoning districts. The COFA-HD ensures that the historic, cultural, and general welfare of Old Town Bluffton Historic District is protected and preserved and that infill development that respects and complements the eclectic character of the district is fostered.

#### 3.18.2 Applicability

~~3.18.2 Applicability Except for the removal or replacement of an existing manufactured home, no structure located within a HD designated zoning district or constructed 50 or more years ago within the limits of the Town, may be erected, renovated, demolished, relocated or removed, in whole or in part, nor may the exterior architectural character of such structure be altered until a Certificate of Appropriateness HD has been issued for the project. The Historic Preservation Commission shall review applications for a Certificate of Appropriateness HD for any activity which:~~

~~A. Increases the area of the structure or building footprint;~~

~~B. Results in the cutting away of any exterior wall, partition, or portion thereof;~~

~~C. The removal or cutting of any structural beam or load-bearing support or the removal or change of any required means of egress;~~

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~~D. Changes in fenestration location;~~

~~E. Requires a development plan or demolition permit;~~

~~F. Results in the alteration of the exterior architectural character; and,~~

~~G. Is not otherwise able to be reviewed through a Site Feature Permit~~ **HD.3.18.3 Application Review Criteria** Any application for a Public Project located in the Old Town Bluffton Historic District shall be reviewed “for comment only” by the Historic Preservation Commission (HPC) using the criteria in Section 3.18 Certificate of Appropriateness — Historic District (HD). The UDO Administrator will maintain approval authority and may consider the comments of the HPC. The application shall not require a Certificate of Appropriateness HD to proceed.

**A. The Historic Preservation Commission shall review applications for a Certificate of Appropriateness-HD for new construction, alterations, relocation or demolition of structures and other activities as may be described herein and that are not otherwise able to be reviewed through a Site Feature-Historic District Permit.**

Except for the replacement or demolition of an existing manufactured home, no structure located within Old Town Bluffton Historic District can be constructed, altered, relocated, or demolished, in whole or in part, without an approved Certificate of Appropriateness-HD.

**B. Any application for a Public Project located in Old Town Bluffton Historic District shall be reviewed “for comment only” by the Historic Preservation Commission using the criteria in this Section. The UDO Administrator will maintain approval authority and may consider the comments of the Historic Preservation Commission. The application shall not require a Certificate of Appropriateness-HD to proceed.**

### **3.18.3 Application Review Criteria** **Review Criteria for New Construction and Alterations**

The Historic Preservation Commission shall consider the following criteria in assessing an application for Certificate of Appropriateness HD:

~~A. Consistency with the Secretary of Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings;~~

~~B. Consistency with the principles set forth in the Old Town Bluffton Master Plan;~~

~~C. The application must be in conformance with applicable provisions provided in Article 5, Design Standards;~~

~~D. The nature and character of the surrounding area and consistency of the resource with the scale, form and building proportions of the surrounding neighborhood;~~

~~E. Preservation of the existing building’s historic character and architecture;~~

~~F. The historic, architectural, and aesthetic features of the resource including the extent to which its alteration or removal would be detrimental to the public interest;~~

~~G. For an application to demolish, either in whole or in part, any Contributing Structure, the Historic Preservation Commission shall consider: 1. The existing and historical ownership and use and reason for~~

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~~requesting demolition; and 2. Information that establishes clear and convincing evidence that: a. The demolition of the structure is necessary to alleviate a threat to public health or public safety; and b. No other reasonable alternatives to demolition exist; and c. The denial of the application, as a result of the regulations and standards of this Section, deprive the Applicant of reasonable economic use of or return on the property;~~

~~H. The application must comply with applicable requirements in the Applications Manual.~~

To maintain the unique and historic character of Old Town Bluffton Historic District, new construction and alterations shall be consistent with the standards, criteria and guidelines developed for the district. The Historic Preservation Commission shall consider the following criteria in its consideration of an application for a Certificate of Appropriateness-HD for new construction and alterations:

1. Consistency with applicable principles set forth in the *Old Town Bluffton Master Plan* and *Town of Bluffton Comprehensive Plan*;
2. Conformance with the approved Final Development Plan, Subdivision Plan, and any other agreements or plans that are applicable;
3. Conformance with applicable provisions in Article 5, Design Standards;
4. Demonstration of a compatible visual relationship between new construction or alterations and existing buildings, streetscapes and open spaces. A compatible visual relationship must be generally of a similar structural mass, scale, height, proportion, directional expression of the principal elevation and rhythm of spacing, as applicable;
5. Compliance with applicable requirements in the Applications Manual.

In addition to 1-5 above and as applicable, the Historic Preservation Commission shall consider the following criteria for a Contributing Resource:

6. Compliance with the *U.S. Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Structures*;
7. Demonstration that historic architectural features will be preserved to maintain the resource as a Contributing Resource to the Old Town Bluffton Historic District. Additions shall not destroy any features that characterize the Contributing Resource. New work shall be differentiated and shall be compatible with the size, scale, material and character of the property and surroundings.
8. Demonstration that any new additions will be undertaken in such a manner that the essential form and integrity of the structure would be unimpaired if such additions were to be removed in the future; and,
9. In the case of a Contributing Resource approved for relocation, the relocated structure should be sited as close to the original site as possible, in a setting similar to its historic placement including lot coverage, building orientation and setback from the street. The new foundation should match the original foundation in height, design, and materials.

### **3.18.4 Demolition of a Contributing Structure** Review Criteria for Relocation of Structures

~~A. In addition to the Application Review Criteria set forth in Section 3.18.3, in reviewing and recommending action on, or approving, approving with conditions, or denying, applications that include the demolition of any Contributing Structure, either in whole or in part, the Historic Preservation~~

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~~Commission may find that the preservation and protection of the Contributing Structure and the public interest will best be served by postponing the demolition for a designated period not to exceed 180 days. During the period of postponement, the Historic Preservation Commission shall consider what alternatives to demolition may exist and then, as appropriate, make such recommendations to Town Council and the Applicant. Such consideration by the Historic Preservation Commission shall, at a minimum, include the following:~~

- ~~1. Alternatives for preservation of the structure, either in whole or in part, including consultation with civic groups, interested private citizens, and other boards or agencies (both public and private); or,~~
- ~~2. If other alternatives for preservation cannot be identified and the preservation of a given structure is clearly in the interest of the general welfare of the community and of certain historic and architectural significance, investigation of the potential use of the power of eminent domain by the Town to acquire the property.~~

~~B. If after the postponement period has expired and an alternative for preservation has not been recommended, action regarding the application shall be taken in accordance with this Section at the next regularly scheduled Historic Preservation Commission meeting.~~

### A. Review Criteria for Relocation

#### 1. Non-contributing Structures

The relocation of non-contributing structures into or within Old Town Bluffton Historic District shall be reviewed as new construction and the criteria in Sec. 3.18.3. shall be applied.

#### 2. Contributing Structures

The relocation of any structure that is a Contributing Resource is detrimental to the integrity of Old Town Bluffton Historic District and, where applicable, the Bluffton National Register Historic District, as significance of the resource is embodied in location, context, and setting, as well as the resource itself. Relocation of a Contributing Resource may destroy the relationship between the resource and its surroundings, associations with historic events and persons, historic features (such as landscaping, foundation, chimneys), and known or potential archaeological resources. Relocation may also create a false sense of historic development. For these reasons, relocation of a Contributing Resource that is individually listed in the National Register of Historic Places, contributes to the Bluffton National Register Historic District, or that was designated as contributing to the Old Town Bluffton Historic District on or after June 19, 2007 should not be permitted except in extraordinary circumstances. The below items shall be provided by the Applicant and reviewed by the Historic Preservation Commission in its consideration of an application for a Certificate of Appropriateness-HD for relocation of a Contributing Resource:

- a. The construction date, history of ownership, development, use(s), any other pertinent history of the Contributing Resource, and the reason for the relocation;
- b. An explanation of all on-site alternatives that were explored and why they are not feasible;
- c. Evidence that one or more extraordinary circumstances exists to support relocation;

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- d. Information regarding the proposed relocation site and its proximity to the original location and how the relocation site will approximate the historic character and development of the original location; and,
- e. A report prepared by a State of South Carolina registered professional structural engineer with demonstrated experience in historic preservation as to the structural soundness of the Contributing Resource and its ability to be relocated intact without irreparable harm, supported by findings. If the report finds that intact relocation is not possible, findings shall also be provided for relocation by partial or complete disassembly of the Contributing Resource for reassembly in another location without irreparable loss of Historic Integrity.

### **B. Review Process for Relocation**

1. A proposed relocation shall be reviewed as new construction applying the applicable criteria in Section 3.18.3.
2. If the Historic Preservation Commission approves relocation of a Contributing Resource, the approval shall be conditional until an approved Certificate of Appropriateness-HD for the receiving site is obtained. When applicable, an approved Final Development Plan for the receiving site must also be obtained before the Contributing Resource can be relocated.
3. The process for relocation and documentation of a Contributing Resource shall comply with relocation guidelines approved by Town Council.

### **3.18.5 Effect and Expiration of Approvals** **Review Criteria for Demolition**

#### **A. Approval:**

1. ~~Following approval of an application for a Certificate of Appropriateness HD the Applicant may apply for a building permit or any other plan approval, if applicable. In the event such additional approvals are not applicable or necessary, the Applicant may commence the activity(ies) as authorized by the approved application.~~
2. ~~Following approval of an application for a Certificate of Appropriateness HD that includes the demolition, either in whole or in part, of any Contributing Structure and prior to the commencement of any demolition activities, the Applicant shall document the structure according to the documentation standards of the Historic American Building Survey and the Historic American Engineering Record for archival purposes and submit such recording to the UDO Administrator for review and approval.~~

~~B. Expiration. Approval of a Certificate of Appropriateness HD shall expire two years from the date of its issue unless an appreciable amount of improvement or development commences and proceeds to completion in a timely and customary manner in accordance with the Certificate of Appropriateness HD.~~

### **A. Review Criteria for Demolition**

#### **1. Non-contributing Structures**

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The below items shall be provided by the Applicant and reviewed by the Historic Preservation Commission in its consideration of a request for demolition of any structure, in whole or in part, in Old Town Bluffton Historic District that is not designated as a Contributing Resource:

- a. The construction date, history of ownership, development, use(s), and the reason for the demolition request; and,
- b. Compliance with all applicable requirements in the Applications Manual.

### **2. Contributing Structures**

The demolition of any structure that is a Contributing Resource, either in whole or in part, is detrimental to the integrity and status of Old Town Bluffton Historic District and, where applicable, the Bluffton National Register Historic District, as significance of these districts is embodied by their contributing resources. Demolition of a Contributing Resource that is individually listed in the National Register of Historic Places, contributes to the Bluffton National Register Historic District, or that was designated as contributing to the Old Town Bluffton Historic District on or after June 19, 2007, should not be permitted except in extraordinary circumstances and when all preservation alternatives have been exhausted. The below items shall be provided by the Applicant and reviewed by the Historic Preservation Commission in its consideration of an application for a Certificate of Appropriateness-HD for demolition of a Contributing Resource, either in whole or in part:

- a. The construction date, history of ownership, development, use(s), and other pertinent history of the Contributing Resource, and the reason for the request;
- b. A report prepared by a State of South Carolina registered professional structural engineer with demonstrated experience in historic preservation detailing the structural soundness of the Contributing Resource supported by findings, including clear and convincing evidence that demolition is necessary, in whole or in part, to alleviate a threat to public health or public safety;
- c. Evidence that demolition is required to avoid exceptional practical difficulty or undue hardship upon the owner of the property and that no other reasonable alternatives to demolition exist, including but not limited to relocation. If exceptional practical difficulty or undue hardship is claimed, evidence shall be provided to demonstrate that the applicant did not have the opportunity to discover the nature of the difficulty or undue hardship and that application of the standards would deprive the applicant of reasonable use and economic return on the property. The applicant should provide, at a minimum, the following information:
  - (1) Nature of ownership (individual, business, or nonprofit) or legal possession, custody, and control;
  - (2) Financial resources of the owner and/or parties in interest.
  - (3) Cost of repairs;
  - (4) Assessed value of land and improvements;
  - (5) Real estate taxes for the previous two years;
  - (6) Amount paid for the property, date of purchase, and party from whom purchased, including a description of the relationship between the owner and the person from whom the property was purchased, or other means of acquisition of title, such as by gift or inheritance;

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- (7) Annual debt service, if any, for previous two (2) years received;
  - (8) Any listing of the property for sale or rent, price asked, and offers received, if any;
  - (9) In addition, for an income-producing property, the following information from the previous two years: the annual gross income from the property, itemized operating and maintenance expenses, and annual cash flow; and
  - (10) The timeline and circumstances under which the applicant learned of the condition of the Contributing Structure which gave rise to the applicant's decision to request approval to demolish it.
- d. Consistency with applicable principles set forth in the *Old Town Bluffton Master Plan* and *Town of Bluffton Comprehensive Plan*; and,
  - e. Compliance with all applicable requirements in the Applications Manual.

### B. Delay of Decision Regarding Demolition

In considering the criteria for demolition, the Historic Preservation Commission may find that the preservation and protection of the Contributing Resource and the public interest will best be served by postponing a decision for a designated period not to exceed 180 days. During the period of postponement, the Historic Preservation Commission shall consider what alternatives to demolition may exist. Consideration by the Historic Preservation Commission shall include:

1. Alternatives for preservation of the structure, either in whole or in part, including consultation with civic groups, interested private citizens, and other boards or agencies (both public and private); and,
2. If other alternatives for preservation cannot be identified, including relocation, and the preservation of the Contributing Resource is clearly in the interest of the general welfare of the community, investigation of the potential of the Town to acquire the property.

### C. Review Process for Demolition

1. The proposed demolition shall be reviewed applying the applicable criteria in Section 3.18.5.A.
2. In granting a Certificate of Appropriateness-HD for demolition, the Historic Preservation Commission may impose such reasonable and additional conditions, which may include disassembly of historic building components for re-use.
3. The process for demolishing a Contributing Resource, including documentation to be provided, shall comply with demolition guidelines approved by Town Council.

### **3.18.6 Amendments to Approvals Effect and Expiration of Approvals**

#### ~~3.18.6 Amendments to Approvals~~

~~A. An Applicant who has been granted a Certificate of Appropriateness HD shall notify the UDO Administrator of any proposed amendments to approved plans.~~

~~B. Changes may be approved by the UDO Administrator if the proposed revision complies with the standards of this Ordinance and does not substantially alter the basic design approved by the Historic Preservation Commission. C. If the UDO Administrator determines that the requested modification to the approved plans substantially deviates from the basic design approved by the Historic Preservation~~

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~~Commission in accordance with the Certificate of Appropriateness HD, a new, separate application shall be submitted.~~

Approval of a Certificate of Appropriateness-HD shall expire two years from the date of approval unless an appreciable amount of improvement or development commences, as determined by the UDO Administrator, and proceeds to completion in a timely and customary manner in accordance with the Certificate of Appropriateness HD.

### **3.18.7 Amendments to Approvals**

- A. An Applicant who has been granted a Certificate of Appropriateness HD shall notify the UDO Administrator of any proposed amendments to approved plans.
- B. Changes may be approved by the UDO Administrator if the proposed revision complies with the standards of this Ordinance and does not substantially alter the approval by the Historic Preservation Commission.
- C. If the UDO Administrator determines that the requested modification to the approved plans substantially deviates from the approval by the Historic Preservation Commission in accordance with the Certificate of Appropriateness HD, a new application shall be submitted.