

ORDINANCE NUMBER 12– 2011

AN ORDINANCE TO AMEND THE CITY OF GREER CODE OF ORDINANCE, CHAPTER 38 HISTORIC PRESERVATION, ARTICLE III DESIGNATION OF HISTORIC PROPERTIES BY ADDING SECTION 38:88 THROUGH SECTION 38:92

WHEREAS, the City of Greer City Council at various times reviews the city code of ordinance to make necessary improvements and/or changes; and,

WHEREAS, Sections 4-9-195 and 5-21-140, Code of Laws of South Carolina, 1976, as amended, authorizes counties and municipalities to grant special property tax assessments for rehabilitated historic properties; and

WHEREAS, the City of Greer shall grant a special tax assessment for property qualifying as rehabilitated historic property a minimum of Five Years and up to a maximum of Twenty Years equal to the appraised value of the property at the time of Preliminary Certification; and,

WHEREAS, Greer City Council wishes to amend Chapter 38, Article III, Designation of Historic Properties by adding Section 38:88 through 38:92.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Greer, South Carolina that the Greer City Code of Ordinance Chapter 38, Article III be amended as follows:

Chapter 38 Historic Preservation

Article III Designation of Historic Properties

Sec. 38-88 Special Property Tax Assessment for Rehabilitated Historic Properties

A special tax assessment is created for eligible rehabilitated historic properties for minimum of five years and up to a maximum of twenty years equal to the appraised value of the property at the time of Preliminary Certification.

Sec. 38-89 PURPOSE

It is the purpose of this ordinance to:

1. encourage the rehabilitation of historic properties;

2. promote community development and redevelopment;
3. encourage sound community planning, and;
4. promote the general health, safety, and welfare of the community.

Sec 38-90 ELIGIBLE PROPERTIES.

- a) Certification: In order to be eligible for the special tax assessment, historic properties must receive Preliminary and Final Certification.

To receive Preliminary Certification a property must meet the following conditions:

1. The property has received historic designation;
2. the proposed rehabilitation work receives approval from the Board of Architectural Review (BAR);
3. for projects that commence on or after APPROVAL DATE, Preliminary Certification must be received prior to beginning work. To receive Final Certification, a property must have met the following conditions:

- I. the property has received Preliminary Certification;
- II. the minimum expenditures for rehabilitation were incurred and paid
- III. the completed rehabilitation receives approval from the Secretary to the BAR as being consistent with the plans approved by BAR as part of Preliminary Certification.

- b) Historic Designation: As used in this section, "Historic Designation" means the property maintains one or more of the following:

1. the property is listed on the National Register of Historic Places either individually or as a contributing property in a district;
2. the property is at least 50 years old and is designated as a historic property or a contributing property in a local district as designated by City Council and listed in Chapter 38 Historic Preservation Article II Section 38-47 and Article III Section 38-83 of the City of Greer Code of Ordinances.

Sec. 38-91 ELIGIBLE REHABILITATION.

- a) Standards for review of rehabilitation work: To be eligible for the special tax assessment, historic rehabilitations must be appropriate for the historic building and the historic district it is located. This is achieved through adherence to the following standards:

1. the historic character of a property shall be retained and preserved; the removal of historic materials or alterations of features and spaces that characterize each property shall be avoided;
2. each property shall be recognized as a physical record of its time, place and use; changes that create a false sense of historical

- development shall not be undertaken;
3. most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved;
 4. distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property should be preserved;
 5. deteriorated historic features shall be repaired rather than replaced; where the severity of deterioration requires replacement of a distinctive feature, the new should match the old in design, color, texture, and other visual qualities and, where possible, materials; replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence;
 6. chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used; the surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible;
 7. new additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property; the new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the historic property and its environment;
 8. new additions and adjacent new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

b) Work to be reviewed: The following work will be reviewed according to the standards set forth above

1. repairs to the exterior of the designated building;
2. alterations to the exterior of the designated building;
3. new construction on the property on which the building is located;
4. alterations to interior primary public spaces;
5. any remaining work where the expenditures for such work are being used to satisfy the minimum expenditures for rehabilitation.

c) Minimum expenditures for rehabilitation: means the owner or his estate rehabilitates the building, with expenditures for rehabilitation exceeding twenty percent (20%) up to one hundred percent (100%) of the fair market value of the building. Fair market value means the appraised value from the County Tax Assessor as certified by the BAR.

d) Special assessment period: to be determined by the amount of expenditures as shown with systematic techniques below;

1. 20%-29% expenditures 5 years assessment
2. 30%-39% expenditures 10 years assessment
3. 40%-49% expenditures 15 years assessment
4. 50%-100% expenditures 20 years assessment

e) Expenditures for Rehabilitation: means the actual costs of rehabilitation relating to one or more of the following:

1. Improvements located on or within the historic building as designated;
2. Improvements outside of but directly attached to the historic building which are necessary to make the building fully useable (such as vertical circulation) but shall not include rentable/habitable floor space attributable to new construction;
3. Architectural and engineering services attributable to the design of the improvements or;
4. Costs necessary to maintain the historic character or integrity of the building.

f) The special tax assessment: may apply to the following:

1. structure(s) rehabilitated;
2. real property on which the building is located;

g) Time Limits: To be eligible for the special tax assessment, rehabilitations must be completed within two years of the Preliminary Certification date. If the project is not complete after two years, but the minimum expenditures for rehabilitation have been incurred, the property may continue to receive the special assessment until the project is completed, with the prerequisite of recertification by the BAR.

Sec. 38-92 PROCESS

a) Fee Required: There is a fee of \$150.00 required for Final Certification for each application for review of rehabilitation work conducted pursuant to this ordinance. Final Certification will not be awarded without payment of this fee.

b) Plan Required: Owners of property seeking approval of rehabilitation work must complete a Rehabilitation Historic Property Application with supporting documentation prior to beginning work.

c) Preliminary Certification: Upon receipt of the completed application the proposal shall be placed on the next available agenda of the BAR to determine if the project is consistent with the Standards for Rehabilitation in Section 38-91(c) above. After the BAR makes its determination, the owner shall be notified in writing.

Upon receipt of this determination the owner may:

1. if the application is approved, begin rehabilitation;
2. if the application is not approved, they may revise such application in accordance with comments provided by the BAR;
3. if the application is not approved, they may appeal the decision of the BAR by the following the process provided by state law (S.C. Code of Laws, Sections 6-29-890 through 6-29-940)

d) Substantive Changes: Once Preliminary Certification is granted to an application, substantive changes must be approved by the BAR. Unapproved substantive changes are conducted at the risk of the property owner and may disqualify the project from eligibility. Additional expenditures will not qualify the project for an extension on the special assessment.

e) Final Certification: Upon completion of the project, the project must receive Final Certification in order to be eligible for the special assessment. The Secretary to the BAR will inspect completed projects to determine if the work is consistent with the approval granted by the BAR pursuant to Section 38-91 above. Final Certification will be granted when the completed work meets the Standards and verification is made that expenditures have been made in accordance with Section 38-91(c)(d). Upon receiving Final Certification, the property will be assessed for the remainder of the special assessment period on the fair market value of the property at the time the Preliminary Certification was made or the Final Certification was made, whichever occurred earlier.

f) Additional work: For the remainder of the special assessment period after Final Certification, the property owner shall notify the BAR of any additional work, other than ordinary maintenance. The BAR shall review the work at a regularly scheduled hearing and determine whether the overall project is consistent with the standards for rehabilitation. If the additional work is found to be inconsistent, the property owner may withdraw his request and cancel or revise the proposed additional work.

g) Decertification: When the property has received Final Certification and assessed as rehabilitated historic property, it remains so certified and must be granted the special assessment until the property becomes disqualified by any one of the following:

1. written notice by the owner to the BAR and the Auditor to remove the preferential assessment;
2. sale or transfer of ownership during the special assessment period, other than in ordinary course within probate proceedings;
3. removal of historic designation by the Greer City Council;
4. rescission of the approval of rehabilitation work by the BAR because of alterations or renovation by the owner or his estate which cause the property to no longer possess the qualities and features which made it eligible for Final Certification.

Notification of any change affecting eligibility must be given immediately to the County Assessor, Auditor, and Treasurer.

h) Notification: The City shall, upon Final Certification of a property, notify the County Assessor, Auditor, and Treasurer that such property has been duly certified and is eligible for the special tax assessment.

i) Date Effective: If an application for Preliminary or Final Certification is filed by May 1 or the Preliminary or Final Certification is approved by August 1, the special assessment authorized herein is effective for that year. Otherwise, it is effective beginning with the following year.

The special assessment only begins in the current or future tax years as provided for in this section. In no instance may the special assessment be applied retroactively.

j) Application: Once the BAR has granted the special property tax assessments authorized herein, the owner of the property shall make application to the County Auditor for the special assessment provided for herein.

This ordinance shall be effective immediately upon second reading approval hereof.

CITY OF GREER, SOUTH CAROLINA

Richard W. Danner, Mayor

ATTEST:

Tammela Duncan, Municipal Clerk

Introduced by: Councilman Wryley Bettis

First Reading: July 12, 2011

Second and
Final Reading: July 26, 2011

Approved as to Form:

John B. Duggan, City Attorney