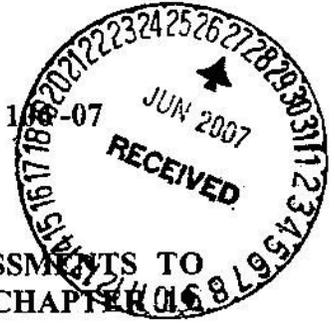


STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

ORDINANCE NO. 16-07



AN ORDINANCE TO PROVIDE SPECIAL PROPERTY ASSESSMENTS TO REHABILITATED HISTORIC PROPERTY AND TO AMEND CHAPTER 19, ARTICLE I, SECTION 19-7, TO THAT EFFECT

WHEREAS the South Carolina General Assembly, through the passage of Section 4-9-195 of the Code of Laws of South Carolina, as amended, permits a county by ordinance to grant a special property tax assessment to real property which qualifies as rehabilitated historic property; and

WHEREAS it is the will of County Council to encourage the rehabilitation of historic properties, and to that end to adopt, authorize and approve, the statutory scheme for special property tax assessment of such property; and

WHEREAS heretofore, County Council has provided tax incentives for rehabilitation of historic property, codified in Chapter 19, Article I, Section 19-7 of the Code of Ordinances, however, such section is in need of updating and modification to comport with current State statute.

NOW, THEREFORE, by the power and authority granted to the Horry County Council by the Constitution of the State of South Carolina and the powers granted to the County by the General Assembly of the State, it is ordained and enacted that the statutory procedure for special property tax assessment to rehabilitated historic property as set forth in Section 4-9-195 of the Code of Laws of South Carolina, as amended, is adopted, and Chapter 19, Article I, Section 19-7 of the Code of Ordinances is hereby rewritten in its entirety, and as amended, shall hereafter read as follows:

Sec. 19-7. Tax incentives for rehabilitation of historic property.

Pursuant to the authority provided in Section 4-9-195 of the Code of Laws of South Carolina (1976, as amended), the County grants a special property tax assessment to real property which qualifies as rehabilitated historic property, as follows.

(1) A special tax assessment is created for eligible rehabilitated historic properties for fifteen years equal to the fair market value of the property at the time of Preliminary Certification.

(2) A. Certification - In order to be eligible for the special tax assessment, historic properties must receive Preliminary and Final Certification, Preliminary Certification to be received prior to the commencement of any work. Deference may be given to the

approval by a municipality within the County to such properties under the same or similar statutory procedure to coordinate efforts in that regard.

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

1. The owner of the property applies for and is granted Historic Designation by Horry County Council; and
2. the proposed rehabilitation receives approval of rehabilitation work from the Horry County Board of Architectural Review ("HCBAR").

To receive Final Certification, a property must have met the following conditions:

1. The property has received Preliminary Certification;
2. the completed rehabilitation receives approval of rehabilitation work from the HCBAR as being consistent with the plans approved by the HCBAR as part of Preliminary Certification; and
3. the minimum expenditures for rehabilitation were incurred and paid.

B. Historic Designation - As used in this section, "Historic Designation" means the owner of the property applies for and is granted historic designation by the Horry County Council for the purpose of the special property tax assessment based on one or more of the following reasons:

1. The property is listed in the National Register of Historic Places;
2. the property is designated as a historic property by Horry County Council based upon the criteria set forth in Section 1706 of the Code of Ordinances of Horry County, and is at least fifty years old; or
3. the property is at least 50 years old and is located in a historic district designated by Horry County Council at any location within the geographical area of the County.

(3) 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 in which it is located. This is achieved through adherence to the Secretary of the Interior's Standards for Rehabilitation, set forth in Section 1710.2 of the Code of Ordinances of Horry County.

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; and
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-five percent (25%) of the fair market value of the building. ~~Fair market value means the appraised value as certified to the HCBAR by a real estate appraiser licensed by the State of South Carolina, the sales price as delineated in a bona fide contract of sale within six months of the time it is submitted, or the most recent appraised value published by the Horry County Tax Assessor.~~

D. 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 floorspace 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.

E. Scope. The special tax assessment may apply to the following:

1. Structure(s) rehabilitated; and/or
2. real property on which the building is located.

F. Time Limits: Upon Preliminary Certification, the property will be assessed for two years on the fair market value of the property at the time the Preliminary Certification was made. If the project is not complete after two years, but the minimum expenditures for rehabilitation have been incurred, the property continues to receive the special assessment until the project is completed, but not for more than five (5) years if the project is not complete by that time.

(4) Process:

✓ A. Fee Required. There is a fee of \$250.00 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 of a 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 HCBAR to determine if the project is

consistent with the Standards for Rehabilitation in section (3) A, above. After the HCBAR 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, he may revise such application in accordance with comments provided by the HCBAR; or
3. if the application is not approved, he may appeal the decision to the South Carolina Department of Archives and History.

D. Substantive Changes. Once Preliminary Certification is granted to an application, substantive changes must be approved by the HCBAR. 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 HCBAR will inspect completed projects to determine if the work is consistent with the approval granted by the HCBAR pursuant to Section (3), 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 (3) C and D, above. Upon 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. If the completed project does not comply with all requirements for Final Certification, Final Certification must not be granted and any monies not collected by the County due to the special assessment must be returned to the County.

F. Additional work. For the remainder of the special assessment period after Final Certification, the property owner shall notify the HCBAR of any additional work, other than ordinary maintenance. The HCBAR 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 HCBAR and the Horry County 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 Horry County Council; or

4. rescission of the approval of rehabilitation work by the HCBAR because of alterations or renovations 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 Horry County Assessor, Auditor, and Treasurer.

H. Notification. Upon Preliminary and Final Certification of a property, the Horry County Assessor, Auditor, and Treasurer shall be notified that such property has been duly certified and is eligible for the special tax assessment.

I. Date Effective. If an application for Preliminary Certification is filed by May 1 or 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 Horry County Council has granted the special property tax assessments authorized herein, the owner of the property shall make application to the Horry County Auditor for the special assessment provided for herein.

SEVERABILITY. If any Section, Subsection, or part of this Ordinance shall be deemed or found to conflict with a provision of South Carolina law, or other pre-emptive legal principle, then that Section, Sub-section or part of this Ordinance shall be deemed ineffective, but the remaining parts of this Ordinance shall remain in full force and effect.

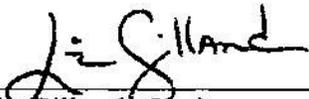
CONFLICT WITH PRECEDING ORDINANCES. If a Section, Sub-section or provision of this Ordinance shall conflict with the provisions of a Section, Sub-section or part of a preceding Ordinance of Horry County, then the preceding Section, Sub-section or part shall be deemed repealed and no longer in effect.

EFFECTIVE DATE. This Ordinance shall become effective on Third Reading.

AND IT IS SO ORDAINED, ENACTED AND ORDERED.

Dated this 26th day of June, 2007.

HORRY COUNTY COUNCIL



Liz Gilland, Chairman

Harold G. Worley, District 1

Marion D. Foxworth, III, District 3

Howard D. Barnard, III, District 5

James R. Frazier, District 7

W. Paul Prince, District 9

Al Allen, District 11

Brent J. Schulz, District 2

Michael L. Ryan, District 4

Robert P. Grabowski, District 6

Carl H. Schwartzkopf, District 8

Kevin J. Hardee, District 10

Attest:

Patricia S. Hartley
Patricia S. Hartley, Clerk to Council

Date of First Reading:

June 5, 2007

Date of Second Reading:

June 19, 2007

Date of Third Reading:

June 26, 2007