Planning Commission Decision Memo
Horry County, South Carolina

Date: June 4, 2020
From: Planning and Zoning
Division: Infrastructure and Regulation
Prepared By: Lou Conklin, Senior Planner
Cleared By: Leigh Kane, Principal Planner
Regarding: Board of Architectural Review and Historic Preservation

ISSUE:

Should Horry County change the name of the Board of Architectural Review and Historic Preservation and adopt procedures for establishing historic districts?

PROPOSED ACTION:

Amend Chapter 2, Article VI, Division 1, Section 2-73 (b) (1) of the General Code and Article V. Section 536, Article VII. Section 750, and Article XVII of the Horry County Zoning Ordinance.

RECOMMENDATION

Staff recommends approval.

BACKGROUND:

The original name for this Board was the Horry County Preservation Board. Later, the name was changed to the Board of Architectural Review and Historic Preservation, often referred to as the BAR. The Board of Architectural Review and Historic Preservation has conveyed that its name does not accurately reflect their purpose, which is primarily historic preservation with architectural review serving as a component of the preservation process. In addition, Article XVII provides the Board with the authority to create Historic Districts but does not provide guidelines on how to establish them. In addition, Article VI in the general code and Articles V and VII in the zoning code have references to the Board that need to reflect the name change.

ANALYSIS:

The Board of Architectural Review and Historic Preservation voted to change the name of the Board to the Historic Preservation Commission, as reflected in the proposed ordinances. In addition to the name change, Article XVII has been updated to clarify how to establish historic districts and public hearing advertising requirements for properties being considered for the local historic property register.
AN ORDINANCE TO AMEND CHAPTER 2, ARTICLE VI, DIVISION 1, SECTION 2-73 (B) (1) OF THE GENERAL CODE AND APPENDIX B, ZONING ARTICLE V. SECTION 536, ARTICLE VII, SECTION 750, AND ARTICLE XVII OF THE HORRY COUNTY CODE OF ORDINANCES PERTAINING TO THE HORRY COUNTY BOARD OF ARCHITECTURAL REVIEW AND HISTORIC PRESERVATION.

WHEREAS, the Board of Architectural Review and Historic Preservation was established in 2004;

WHEREAS, the current name of The Board of Architectural Review and Historic Preservation does not accurately reflect the purpose of the Board, whose primary focus is historic preservation with architectural review serving as a function of preservation; and

WHEREAS, the Board of Architectural Review and Historic Preservation has recommended changing their name to the Horry County Historic Preservation Commission; and

WHEREAS, the Board has recommended procedures for the establishment of local historic districts; and

WHEREAS, public hearing advertising requirements for the local historic register have been incorporated into the ordinance.

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:

1. **Amendment of Chapter 2, Article VI, Division 1, Section 2-73 (b) (1).** Article VI, Section 2-73 of the General Code is hereby amended as follows: (All text in strikethrough shall be deleted and all text shown underlined and bolded shall be added)

   1. Board of Architectural Review **Historic Preservation Commission**

2. **Amendment of Appendix B, Zoning Ordinance, Article V, Section 536.** Article V, Section 536.1 of the Zoning Ordinance is hereby amended as follows: (All text in strikethrough shall be deleted and all text shown underlined and bolded shall be added)

   1. The Board of Architectural Review **Historic Preservation Commission** shall review each application for a conditional use permit under this ordinance subject to the criteria set forth in Article XVII, Section 1700 et seq.
3. **Amendment of Appendix B, Zoning Ordinance, Article VII, Section 750.** Article VII, Section 750.10(A) 12 is hereby amended as follows:

(All text in strikethrough shall be deleted and all text shown underlined and bolded shall be added)

12. If an existing structure on the parcel is determined to be historic by the Horry County Board of Architectural Review or the South Carolina Department of Archives and History, or architecturally significant, it shall be protected from demolition or encroachment by incompatible structures or landscape development.

4. **Amendment of Appendix B, Zoning Ordinance, Article XVII.** Article XVII is hereby amended as follows:

(All text in strikethrough shall be deleted and all text shown underlined and bolded shall be added)

**ARTICLE XVII. - BOARD OF ARCHITECTURAL REVIEW AND HISTORIC PRESERVATION COMMISSION**

1700. - Title.

The title of this Article shall be the Board of Architectural Review and Historic Preservation Ordinance.

1701. - Purpose of this article and declaration of policy.

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

1. Safeguard its heritage by providing a mechanism that identifies, preserves and enhances the important characteristics of its culture, history and architectural history;

2. Promote the use and conservation of our resources such as individual properties, historic districts, significant and scenic areas, and landmarks for the educational enrichment and civic pride of County residents and the State as a whole;

3. Encourage a general harmony of style, form, proportion and material for the historic designated properties and areas within the County; and,

4. Improve property values and strengthen the local economy by fostering preservation, restoration and rehabilitation.

It is hereby declared as a matter of public policy that the protection, perpetuation and use of historical or significant architectural structures, and historic preservation 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 County's historic buildings and districts will continue to be a distinctive aspect of Horry County. They will serve as visible reminders of the significant historical and cultural heritage of Horry County and the State of South Carolina.

The procedures and guidelines set forth in the following sections will assist in the County's historic preservation efforts by identifying buildings, sites, objects and districts that reflect the County's cultural, social, economic, political or architectural history. These procedures establish a means of recording local historical preservation activities as a matter of public record.

Article XVII is enacted pursuant to the South Carolina Code of Laws, Section 6-29-870 thru 960.

1702. - Definitions.

The following words and phrases when used in this article shall have the meanings respectively ascribed to them:

*Alterations, (may also be referred to as remodeling.*) 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.

*Archaeological resources.* Any material remains of past human life, activities or habitation that are of historic or prehistoric significance. Such materials include, but are not limited to pottery, basketry, bottles, weapons, weapon projectiles, tools, structures, or portion of structures, pit houses, rock paintings, rock carvings, graves, skeletal remains, personal items and clothing, household or business refuse, printed matter, manufactured items or any piece of any of the foregoing items.

*Area.* Two (2) or more parcels of land, sites, houses, buildings or structures that may include streets and alleys.

*Certificate of appropriateness.* The document issued by the board of architectural review, 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.

*Certificate of no effect.* An official form issued by the County Planning Department stating that the proposed work on a historic property will have no detrimental effect on the historic character of the property or district, and therefore, may proceed as specified in the certificate without obtaining further authorization under these regulations. The issuance of this form authorizes the applicant to proceed with applications for any permits required by Horry County's Code Enforcement and Zoning Departments for said work.

*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).

Demolition by neglect. Any act or process that destroys in part or in whole a historic structure or property (real or personal) because of neglect in maintaining, repairing, recycling, or securing a resource or the loss of structural integrity of the resource.

Design guidelines. A standard of appropriate activity that will preserve the historic and architectural character of a structure or area district and by which the Board of Architectural Review Historic Preservation Commission makes its decisions.

Economic hardship. Economic hardship exists when a preponderance of evidence establishes that the property in question cannot obtain a reasonable economic return or be put to any economically beneficial use.

Exterior architectural appearance. The architectural character and general composition of the exterior of a structure, including but not limited to the kind, height, size, shape, mass, proportion, details, color, and texture of the building materials and the type, design, and character of all windows, doors, light fixtures, signs and appurtenant elements.

Historic preservation. (Secretary of the Interior's Standards for the Treatment of Historic Properties Definition.) Preservation means the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an 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 preservation district. An area designated by the Horry County Council, upon the recommendation of the board of architectural review Historic Preservation Commission 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. All historic preservation districts shall be denoted with a special boundary and the text "HP" on the official zoning maps for Horry County and kept as a public record to provide notice of such designation and shall be classified as an overlay for zoning and mapping purposes. The historic preservation district will not replace the zoning district of record but will coincide with that district.

Historic site, landmark, structure, resource or property. One (1) or more parcels of land, sites, houses, buildings, structures, features, open space/areas, objects, or areas worthy of preservation because it is significant in the history, architecture, archaeology, engineering, or culture of the County. Hereinafter, a historic site, landmark, structure, resource or property will be referred to as a "historic property" or a "designated property".

Horry County Historic Property Register. The list of designated historic properties designated historic in Horry County as approved by Horry County Council and maintained compiled and kept by the Horry County Planning Department.
The list shall be composed of include the lots of non-designated properties within any historic preservation district, as well as those historic properties that have received National Register, state or local status.

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

Move/removal. Any relocation of a structure on its site or to another site.

Open space. Undeveloped land, a naturally landscaped area, or a formal or man-made landscaped area that provides a connective link or a buffer between other resources.

Ordinary maintenance. Keeping a resource unimpaired and through ongoing minor intervention, undertaken from time to time, 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.

Ordinary landscaping. Keeping a resource unimpaired and in sustained condition through ongoing, periodic minor intervention. Ordinary landscaping does not change the appearance of the resource, except through the changes to shrubbery, flowerbeds, rock gardens, etc.

Owner of record. (may also be called the record owner.) The person, corporation or other legal entity listed as owner(s) in the records of the Horry County Tax Assessor's office.

Property. Real property, land.

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 of 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.

Substantial hardship. Hardship, caused by unusual and compelling circumstances, based on one (1) or more of the following:

(1) The property cannot reasonably be maintained in the manner dictated by this article;

(2) There are no other reasonable means of saving the property from deterioration, or collapse; or,

(3) The property is owned by a non-profit organization and it is not feasible financially or
physically to achieve the charitable purposes of the organization while maintaining
the property appropriately.

1703. - Establishment of the Board of Architectural Review Historic Preservation
Commission.

The Horry County Board of Architectural Review (HCBAR) Historic Preservation
Commission, hereinafter referred as the “BAR” (HPC) or the "Board Commission”,
responsible for the implementation of this Article. Membership of the Board
Commission shall be upon appointment by the Horry County Council. Members shall assume their duties at
the first regular meeting after their appointment. Members shall serve without compensation
except for reimbursement for authorized expenses attendant to the performance of their duties.

1703.1. Composition and Qualifications. The BAR HPC shall consist of up to ten (10)
members and shall be made-up of individuals in architecture, history, landscape architecture,
construction, or education profession, real estate, or interested citizens. All members of the
BAR HPC shall have a demonstrated interest, competence or knowledge in historic
preservation.

1703.2. Organization and Operation. Organization requirements for the BAR HPC are
established in the South Carolina Code of Laws, § 6-29-870 and the Horry County Code of
Ordinances, § 2-73, Article VI, Division I, Boards, Commissions, Committees and Agencies.

1703.3. Terms of Office. The terms of office for each Board Commission member shall be in
accordance to Article VI, Division I of the Horry County Code of Ordinances.

1704. - Powers and duties.

The responsibility of the BAR HPC shall be the following:

(1) To promote the purposes and objectives of this Article.

(2) To review and recommend to the Horry County Council the designation of individual
historic properties, buildings, resources, sites, landmarks and historic districts.

(3) To review plans and applications for construction, rehabilitation and restoration on
historic properties, resources or sites, to historic landmarks or buildings, or within
historic areas or districts, and any demolition pertaining to or affecting duly
designated historic properties, resources, sites, buildings or districts.

(4) To coordinate with the comprehensive land use area plans.

(5) To approve, deny or approve with conditions the demolition or alteration of building
exteriors, or interiors, if designated as historic. The BAR HPC also shall review
proposed new construction in a historic district.

(6) To maintain an inventory of local historic properties, promote education about
historic preservation and procedures.

(7) To review and comment on National Register of Historic Places nomination and
exercise other duties specifically needed by a community.
(8) To review and approve or disapprove special tax assessments for rehabilitation of historic properties per Horry Code of Ordinances § Chapter 9, Article I, 19-7.

(9) Other duties as assigned by this ordinance.

1705. - Historic property inventory.

The BAR HPC shall maintain a local inventory of historic properties more than fifty (50) years old. These records shall be held in the Horry County Planning Department and made available to the public. Based on the local inventory and criteria, individual properties may be proposed for the Horry County Historic Property Register and shall be reviewed by the BAR HPC and a recommendation forwarded to the Horry County Council. These records shall be held in the Horry County Planning Department and made available to the public. The process of review shall include property owner notification and a public hearing.

1706. - Designation of historic properties.

1706.1. Criteria for Historic Designation. The Board HPC shall review the local inventory and make recommendations for historic properties for local historic designation to the Horry County Council or the Horry County Planning Commission (for district designations) 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; or
(11) As allowed by the National Park Service standards for culturally significant properties.

1706.2 Owner Notification. Property owners of whose property is proposed for historic properties designation shall be notified in writing twenty-one (21) thirty (30) days prior to the date of the HPC public hearing. (Public hearings must be advertised at least once in a newspaper of general circulation in Horry County fifteen (15) days prior to the date scheduled for the public hearing in addition to normal meeting notices.) Owners may appear before the Board Commission and Horry County Council to voice approval or opposition to such designation.

1706.3 Designation as a Historic Property. The Horry County Council shall approve proposed historic properties or district designations with three (3) readings. Once approval has been given, the property shall be added to the Horry County Historic Property Register as an individual historic property or to the Official Zoning Maps as a historic district.

1706.4 Designation as a Historic Cemetery. When considering and upon the designation of a historic cemetery to the Horry County Historic Property Register, the following standards shall apply:

(1) The addition of a cemetery to the Historic Property Register shall in no way modify state law concerning cemeteries.

(2) For all cemeteries that have no defining border, such as a fence or naturally defined boundary the following shall apply:

a. Taking into account the nature, character and the typical arrangement of cemeteries in Horry County along a generally east/west line, a boundary shall be drawn encompassing all gravesites, including depressions or other indicators of probable gravesites, in such a way so as to adequately protect and preserve the gravesites therein without unnecessarily encumbering any more property than necessary.

b. If the property owner chooses to contest the boundary, or to propose an alternative boundary, the owner may do so at the public hearings held pursuant to Section 1706.2.

c. A map of the property depicting the proposed boundary shall be attached to the written notification sent to the property owner pursuant to Section 1706.2.

d. The proposed boundary shall be determined at the time the cemetery is added to the Historic Property Register.

1706.5 Designation as a Historic 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 HPC 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 HPC members. A member of the HPC shall serve as chairman of the committee. The committee shall prepare a preliminary report to be presented to the HPC, 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 the selection criteria for evaluation shown in 1706.1.**
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.**

The committee may choose to call upon outside agencies for assistance in developing the report and may pay outside agencies if funding is available.

**A public hearing will be held at which time the ordinance will be presented to the HPC.** Property owners of both contributing designated historic and non-designated properties within the proposed historic district shall be mailed notification thirty (30) days prior to the public hearing. The preliminary report and ordinance shall be made available to the public and a comment period shall be open for sixty (60) days following the public hearing. At the next regularly scheduled meeting, but not within two weeks to the close of the comment period, the HPC will vote to recommend the proposed historic district to Planning Commission. Owners may appear before the HPC, the Planning Commission and Horry County Council to voice approval or opposition to such designation.

The Commission shall give notice of the time and place of the public hearing which shall be published in a newspaper of general circulation in the County at least fifteen (15) days in advance of the scheduled hearing date. Conspicuous notice shall be posted on or adjacent to the properties affected, with at least one (1) notice being visible from each public thoroughfare that abuts the proposed historic district. At the hearing any party may appear in person or by agent or by attorney.

1707. - Nominations to the National Register of Historic Places.

Nominations to the National Register of Historic Places shall be reviewed and evaluated by the
A recommendation from the BAR HPC shall then be forwarded to South Carolina State Board of Review. The BAR HPC shall not nominate properties directly to the National Register.

1708. - Process for granting a Certificate of Appropriateness (COA).

1708.1. General. A Certificate of Appropriateness (COA) is required before a zoning compliance form or building permit can be issued. A COA is required for the demolition of, or any alteration, modification or addition to, as well as, any new construction to an individually designated historic property or to a contributing designated historic or non-designated property located in a County historic preservation district, or to any property with a special tax assessment, an individually designated historic property. Any zoning compliance form or building permit not issued in conformity with this Article shall be considered null and void. Any project in the County underway that does not have a Certificate of Appropriateness or a Certificate of No Effect (see Section 1709) shall have a stop work order issued by the Horry County Code Enforcement Department to prevent further work.

1708.2. Procedures.

(A) Application submission. Applications for a Certificate of Appropriateness (COA) shall be submitted to the Planning Department thirty (30) days prior to the regularly scheduled meeting of the BAR HPC in order to be considered. Only complete applications will be accepted and submitted to the BAR HPC for review. The owner of record must sign the application form. In the event the property owner designates an agent to appear before the Board Commission, a letter of agency must be supplied with the application.

(B) Board Commission action and time limits. The Board Commission shall review the application, using the design guidelines appearing in Section 1710 to decide whether or not the applicant's plans are appropriate. Upon review of the application, the Board Commission shall have forty-five (45) days in which to state it's decision - approval, denial, or approval with conditions – and the reasons for the decision. Written notification of the Board's Commission's decision and the reason for the decision shall be provided to the property owner or applicant. Individuals aggrieved by the decision of the Board Commission may appeal to the Courts of South Carolina.

1708.3. Contents of Application. The Board Commission shall, in its By-laws, require data as is reasonable and necessary to determine the nature of the application. An application shall not be considered complete until all the required data has been submitted.

1708.4. Notification of Affected Property Owners. Prior to the issuance of an approval or denial of a Certificate of Appropriateness, the Horry County Planning Department shall send out notification to the affected property owners who are adjacent to and within a historic district within five hundred (500) feet of the applicant's property.

1708.5. Submission of a New Application. If the Board Commission determines that a Certificate of Appropriateness should be denied, a new application affecting the same property may be submitted only if substantial change is made in the plans for the proposed work.

1708.6. Fines and Penalties for Violations. The system of fines applied by Horry County Code
Enforcement Department for violation of the building codes will apply to violations of this Article.

1708.7. Substantial Hardship. In the event a Certificate of Appropriateness is denied, the property owner may apply for an exemption based on the substantial hardship of maintaining the property according to the design guidelines for historic properties. Substantial hardship is to be considered by the Board of Architectural Review Historic Preservation Commission only if the applicant can meet one (1) or more of the criteria as defined in Section 1702.

The owner may be required to submit documents to show that he cannot comply with the design guidelines. Information required may include, but not limited to, one or more of the following:

1. Costs of the proposed development with and without modification needed to comply with the design guidelines as determined by the Board Commission.
2. Structural report and/or a feasibility report,
3. Market value of the property in its present condition and after completion of the proposed project,
4. Cost of the property, date purchased, relationship, if any between seller and buyer, terms of financing.
5. For the past two (2) years, annual gross income from the property with operating and maintenance expenses, depreciation, and annual cash flow before and after debt service during that time, and or
6. Other information considered necessary by the Board Commission to determine whether or not to grant the exemption.

1708.8. Demolition. It is the intent of this Section to establish minimum maintenance standards and criteria for the demolition of historic properties in Horry County.

1. Property Owner Maintenance Responsibilities. The property owner shall make every effort to preserve from deliberate or inadvertent neglect the exterior features of buildings or structures designated as contributing or significant (and the interior portions if designated). Routine maintenance is necessary to prevent the deterioration and decay of the exterior. Buildings or structures shall be preserved against such decline and deterioration and kept free from structural defects through prompt corrections of the following:
   a. Facades which may fall and injure persons or property;
   b. Deteriorated or inadequate foundation, defective or deteriorated flooring or flooring supports, deteriorated walls or other vertical structural supports;
   c. Members of ceilings, roofs, ceiling and roof supports, deteriorated walls or other vertical structural supports;
   d. Deteriorated or ineffective waterproofing or exterior walls, roofs, foundations, or floors, including broken windows or doors;
   e. Defective or insufficient weather protection for exterior wall covering, including lack of paint or weathering due to lack of paint or other protective
cover; or

(f) Any fault or defect in the building that renders it not properly watertight or structurally unsafe.

The owner will have to comply with all applicable building codes, laws and regulations governing any work on the property. Any owner who fails to maintain their building or structure in compliance with this Section will be subject to enforcement penalties.

(2) **Board Commission** Authorized Demolition. The **Board Commission** is authorized to approve the removal of dangerous or unsafe buildings and parts thereof if the building or structure is an historic landmark or is located in an historic district as defined in Section 1702 of this Article. The **Board Commission** shall not order or cause the building or structure or portion thereof to be removed or taken down, unless the **Board Commission** determines in consultation with the South Carolina Department of Archives and History and the Horry County Code Enforcement Department that:

(a) There is an extreme and immediate threat to public safety and welfare of the general public resulting from unsafe structural conditions; and,

(b) The building or structure cannot be made safe by the stabilizing, shoring or securing of the unit.

In instances where unsafe structural conditions have been identified in these buildings, the owner shall immediately make the building safe and secure.

1709. - Process for granting a certificate of no effect (COE).

1709.1. General. A Certificate of No Effect is required before any minor work to a designated historic property or to a contributing property located in a historic preservation district, or to any property with a special tax assessment, can occur. **Minor work to a non-designated property in a historic district, including interior, mechanical, repair, and ordinary maintenance, regardless of whether or not a Zoning Compliance or Building Permit is required, is considered exempt and does not need a Certificate of No Effect.** Minor work consists of any change modifying, restoring, rehabilitating, renovating, surfacing, or resurfacing of the features of a property that does not materially change the historic characteristics of the property or district. Minor work also incorporates landscaping, open spaces and the maintenance of a historic property or contributing properties located within a historic district. Any zoning compliance form or building permit not issued in conformity with this Section shall be considered null and void. Any project underway in the County that does not have a Certificate of Appropriateness (see section 1708) or a Certificate of No Effect shall have a stop work order issued by the Horry County Code Enforcement Department to prevent further work.

1709.2. Required Procedure. An application form must be submitted to the Planning Department in order to obtain a Certificate of No Effect (COE) whenever a property owner performs any minor work or repair to a historic property or to a contributing property in a
**historic district.** The owner of record must sign the application form. In the event the property owner designates an agent to apply for the form certificate, a letter of agency must be supplied with the application.

The Planning Department staff shall have fifteen (15) days to review the request. Upon review, a Certificate of No Effect shall be prepared or referred to the BAR HPC. The COE must state the decision of the Planning Department: approval, denial, approval with conditions, or referral to the Board Commission - and the reasons for the decision. Decisions of the Planning Department are appealed to the BAR HPC.

1709.3. Action on Applications. The Planning Department staff shall review the application, using the definition of "Minor Work" in Section 1702 to determine whether or not the application may be reviewed by staff or requires review by the BAR HPC. Any application that requires Planning Department review shall be reviewed according to the design guidelines appearing in Section 1710. Once approved, a Certificate of No Effect (COE) shall then be issued. A copy of the application, the COE and other pertinent data shall be kept on record in the files of the Planning Department. Applications requiring Board Commission review shall be added to the next deadline for submittals to the BAR HPC.

1709.5. Contents of Application. The Planning Department staff shall require data as is reasonable and necessary to determine the nature of the application. Such data can include, but may not necessarily be restricted to, site or architectural plans, landscaping plans, materials lists, etc. Historical and documental information may also be requested. An application shall not be considered complete until all the required data has been submitted.

1710. - Design guidelines.

1710.1. Intent. It is the intent of this Section to ensure that properties designated as historic or located within a Historic Preservation District shall remain in harmony with the architectural and historical character of Horry County, South Carolina. In granting a Certificate of Appropriateness or a Certificate of No Effect, the Board Commission or Planning Department shall take into account the following:

1. The architectural and historical significance of the structure,
2. The exterior form and appearance of any proposed additions or modifications, and
3. The effect of such change or additions upon other structures in the vicinity.

1710.2. General Design Review Guidelines. When considering an application for a Certificate, the Secretary of the Interior's Standards for Rehabilitation shall be used as guidelines in making decisions. In addition, the Board Commission may recommend to Horry County Council the adoption of more specific guidelines for specific historic properties and districts. These guidelines shall serve as the minimum basis for determining the approval, approval with conditions, or denial of an application for all historic properties as well as all historic and contributing properties located within a Historic Preservation District.

The Secretary's Standards for Rehabilitation are:

1. 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.

(2) 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.

(3) 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.

(4) Changes to a designated property that have acquired historic significance in their own right will be retained and preserved.

(5) Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property will be preserved.

(6) Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

(7) Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

(8) Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

(9) New additions, exterior alterations, or related new construction will not destroy historic materials, features and spatial relationships that characterize the 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.

(10) New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

**1710.3. Maintenance, Repair, and Interior Projects.** Nothing in this document 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. Interior arrangements or alterations shall not be considered unless the interior is specifically described and designated as historic.

**1711. - Challenge of a staff or Board Commission decision.**

Any applicant may challenge a decision of the Planning Department staff to the BAR HPC. Decisions of the Board Commission must be appealed to the Courts of South Carolina pursuant to the South Carolina Code of Laws, Section 6-29-900 et sequitur.
1712. - Conditional use permitting for weddings/periodic events.

1. Said facilities shall be exempt from the parking requirements of Section 1100 of the Zoning Ordinance.

2. **Said facilities shall be exempt from the landscaping requirements of Section 527 of the Zoning Ordinance.**

2. The requirements of Chapter 13, Article 3 (Noise Control) of the County Code shall be met.

3. Any new structures erected for this purpose:
   a. Must be approved by the Horry County Board of Architectural Review **Historic Preservation Commission** under the Secretary of the Interior Standards of Historic Preservation;
   b. Must substantially reflect the character and harmony of the surrounding area and the historic parcel;
   c. Meet all requirements of the underlying zoning including any applicable Overlays;
   d. May not exceed four thousand five hundred (4,500) square feet in size;
   e. Shall meet applicable building code and be legally permitted.

4. Ingress, egress, and/or parking of vehicle traffic shall not create a hazard for traffic on an adjacent street.

5. Where the historic integrity of a designated structure will be potentially affected by the installation of commercial restroom facilities, ADA compliant, handicapped accessible portable restroom facilities may be substituted during all scheduled events.

6. All signage for the facility must be approved by the Board of Architectural Review **Historic Preservation Commission** and no off-site signage shall be permitted for such activities.

7. The Board of Architectural Review **Historic Preservation Commission** shall review the facility for appropriateness to host said events and may include or limit what events shall be allowed to be held, including, but not limited to:
   a. Weddings, receptions, bridal showers, baby showers;
   b. Reunions;
   c. Reenactments;
   d. House museums;
   e. Holiday/seasonal events;
   f. Similar social events that meet the requirements of this ordinance.

8. A conditional use permit shall be obtained prior to the commencement of the use. The fee for such permit shall be two hundred fifty dollars ($250.00) annually from the date of issuance. The conditional use permit for the event/wedding facility shall be renewed every
year to ensure that the facility is being used in compliance with these regulations.