

ORDINANCE

AN ORDINANCE TO ADOPT, TITLE III: ADMINISTRATION, §35.02, SPECIAL PROPERTY TAX ASSESSMENTS FOR REHABILITATED HISTORIC PROPERTIES. THE REGULATIONS SET FORTH IN THIS SUBCHAPTER SUPPLEMENT OR MODIFY THE CITY OF BENNETTSVILLE CODE OF ORDINANCES.

WHEREAS, the South Carolina Code, Section 5-7-260 authorizes City Council to adopt by ordinance; Title III, Special property tax assessments for rehabilitated historic properties, Section 35.02,

BE IT ORDAINED by the Council of the City of Bennettsville, South Carolina that Title III, Land Usage, Section, 35.02, Code of Ordinance is hereby adopting by adding a certain section fully set forth as follows:

§35.02 SPECIAL PROPERTY TAX ASSESSMENTS FOR REHABILITATED HISTORIC PROPERTIES

(A) Special tax assessment created.

A special tax assessment is created for eligible rehabilitated historic properties for 20 years equal to the appraised value of the property at the time of preliminary certification.

(Ord. No. 02-09-01)

(B) Purpose.

It is the purpose of this division to:

- (1) Encourage the restoration 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.

(C) Eligible properties.

Certification to be eligible for the special tax assessment, historic properties must receive preliminary and final certification.

- (1) To receive preliminary certification a property must meet the following conditions:
 - a. The property has received historic designation.
 - b. The proposed rehabilitation work receives approval from the Board of Architectural Review (BAR).
 - c. Be a project that commenced by or after September 17, 2002, (Ord. No. 02-09-01) to the date of the adoption of this ordinance and work was permitted to have begun prior to receiving preliminary certification; or
 - d. Be a project that commences on or after the date of the adoption of this ordinance. Preliminary certification must be received prior to beginning work.
- (2) To receive final certification, a property must have met the following conditions:
 - a. The property has received preliminary certification.
 - b. The minimum expenditures for rehabilitation were incurred and paid.
 - c. 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.

(C) 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 an individual landmark or a contributing property in a local district as designated by city council as listed in section 152.028 of the City of Bennettsville Code of Ordinances.

(E) Eligible rehabilitation.

(1) Standards for 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 following standards: (See § 152.028 HPD, HISTORIC PRESERVATION. (1) Design guidelines. (2) The Secretary of the Interior's Standards for Rehabilitation.)

(F) 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.

(G) Minimum expenditures for rehabilitation mean the owner or the owner's estate rehabilitates the building, with expenditures for rehabilitation exceeding 20 percent of the fair market value of the building. Fair market value means the appraised value as certified to the BAR by a real estate appraiser licensed by the State of South Carolina or the sales price as delineated in a bona fide contract of sale within 12 months of the time it is submitted.

- (1) Expenditures for rehabilitation means the actual cost of rehabilitation relating to one or more of the following:
- (2) Improvements located on or within the historic building as designated.
- (3) 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.
- (4) Architectural and engineering services attributable to the design of the improvements.
- (5) 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.
- (2) Real property on which the building is located.

(F) Time limits. To be eligible for the special tax assessment, rehabilitation 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 continues to receive the special assessment until the project is completed or until the end of the special assessment period, whichever shall first occur.

(H) Process.

- (1) Fee required. There is a fee of \$150.00 required for final certification for each application for review of rehabilitation work of single-family and/or duplex structures and \$300.00 for all other structures. Fees are payable to the City of Bennettsville, and final certification will not be given without payment of this fee.
- (2) Plan required. Owners of property seeking approval of rehabilitation work must submit a rehabilitation historic property application with supporting documentation, such as architectural or engineering stamped plans and application fee prior to beginning work.
- (3) 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 subsection §152.028 (I) (2) above. After the BAR makes its determination, the owner shall be notified in writing. Upon receipt of this determination the owner may:
 - a. If the application is approved, begin rehabilitation.
 - b. If the application is not approved, he may revise such application in accordance with comments provided by the BAR.

(D) Substantive changes. Once preliminary certification is granted to an application, substantive changes must be approved by 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 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 §152.028 (I) (2). Final certification will be granted when the completed work meets the Standards and verification is made that expenditures have been made in accordance with subsection §35.02 (G) above. 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 national certification, the property owner shall notify the BAR of any additional work, other than ordinary maintenance. The BAR will 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 national certification and has been 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 from the owner to the BAR and the auditor requesting removal of the preferential assessment.
- (2) Removal of the historic designation by the Bennettsville City Council; or
- (3) Rescission of the approval of rehabilitation by the BAR because of alterations or renovation by the owner or the owner's estate which causes 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 Marlboro County Assessor, Auditor, and Treasurer.

(H) Notification. The city shall, upon national certification of a property, notify the Marlboro 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 led 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 Marlboro County Auditor for the special assessment provided for herein.

DONE AND RATIFIED IN COUNCIL DULY ASSEMBLED THIS 19 DAY OF May, 2022.

Dr. Carolyn A. Prince
Dr. Carolyn A. Prince, Mayor
Wanda Weaver

Tyler Adams
Margaret Scott
Tyler Adams
Allen Taylor

Council Members

ATTEST: Max Alderman
Max Alderman, City Administrator

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