

AN ORDINANCE

No. 3370

AN ORDINANCE TO AMEND ORDINANCE NO. 3229, BEING THE OFFICIAL ZONING ORDINANCE AND MAP OF GREENVILLE COUNTY, SAID AMENDMENT BEING FOR THE PURPOSE OF ESTABLISHING LOCAL HISTORIC PROPERTY DESIGNATION AND DESIGN REVIEW OVERLAY DISTRICT.

BE IT ORDAINED by the County Council of Greenville County, South Carolina:

CZ-99-83B

Section 1. Purpose. The purpose of this ordinance is to adopt the Greenville County Historic Preservation Overlay District so as to protect, preserve and enhance the distinctive architectural and cultural heritage of Greenville County; to foster civic pride; to ensure harmonious, orderly and efficient growth and development of Greenville County; to strengthen the local neighborhood character; and to improve property values.

Section 2. Authority This Ordinance is enacted pursuant to Sections 6-29-870 through 6-29-950 of the South Carolina Code of Laws, 1976, as amended.

Section 3. Amendment. That the Greenville County Zoning Ordinance is amended by adding the Historic Preservation Overlay District. The provisions relating to the Historic Preservation Overlay District shall be inserted into the Greenville County Zoning Ordinance as Section 5:26 and are attached hereto and incorporated herein by reference as "EXHIBIT A."

Section 4. Amendment. That Article 4 of the Greenville County Zoning Ordinance is amended by adding the following definitions:

"Alteration - A change in the external architectural features of any historic structure or in the interior of any 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.

Certificate of Appropriateness - Document issued by the Historic Preservation Commission, following 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.

Historic District - An area, designated by Greenville County Council, upon the recommendation of the Historic Preservation Commission and pursuant to the provisions of this Ordinance.

Historic Property - Any site, building, structure, work of art, fixture or similar object that has been individually designated by Greenville County Council or designated as a contributing property within a historic district.

Public Space Within a Building - Spaces designated for use by the public, such as auditoriums, court rooms, lobbies, entrance halls, etc. These spaces are usually gathering places as opposed to corridors for public use.

Substantial Hardship - Hardship, caused by unusual or compelling circumstances, based on one or more of the following:

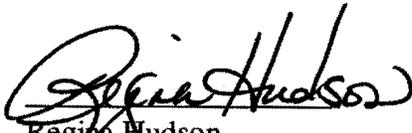
- 1) the property cannot reasonably be maintained in the manner dictated by this Ordinance,
- 2) there are no other reasonable means of saving the property from deterioration or collapse."

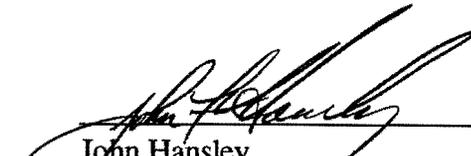
Section 5. Effective Date. This Ordinance shall take effect one (1) day after the next regularly scheduled Council meeting following final approval of this Ordinance.

DONE IN REGULAR MEETING THIS 16th DAY OF November, 1999.


Dozier Brooks, Chairman
Greenville County Council

ATTEST:


Regina Hudson
Acting Clerk to Council


John Hansley
Acting County Administrator

First Reading:	September 21, 1999
Second Reading:	October 5, 1999
Public Hearing:	September 20, 1999
Third Reading:	November 16, 1999

EXHIBIT A

Section 5:26 Historic Preservation Overlay District

5:26.1 THE HISTORIC PRESERVATION COMMISSION

5:26.1-1 Composition and Qualifications

There will be 9 members on this Commission, all of whom shall be appointed by Greenville County Council. All members of the Commission shall have a demonstrated interest in historic preservation. The Commission should have at least one member representing each of the following categories:

- 1) a historian, knowledgeable in local history,
- 2) an architect;
- 3) a member of one of the local historical preservation groups, such as, the Historic Greenville Foundation, Greenville Historic Society, or another accredited group representing the historic and cultural interest of Greenville County; and
- 4) an archaeologist.

The Commission shall elect one of its members chair, who shall serve for one year or until he or she is reelected or a successor is elected. The Commission shall appoint a secretary who may be an officer of the governing authority, an appropriate staff person of Greenville County, or a member of the Historic Preservation Commission.

No member voting shall hold any other municipal or county office. S.C. Code 6-29-870(C).

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.

5:26.1-2 Removal

Any member of the Commission may be removed by Greenville County Council, for repeated failure to attend meetings of the Commission or for any other cause deemed detrimental to the Ordinance.

5:26.1-3 Appointment to Fill a Vacancy

If any place on the Commission becomes vacant for any reason, the vacancy shall be filled by County Council.

5:26.1-4 Conflicts of Interest

Any member of the Commission who has a personal or financial interest, either directly or indirectly, in

any property which is the subject of, or affected by, a decision of the Commission shall be disqualified from participating in the decision of the Commission concerning the property.

5:26.2 POWERS AND DUTIES

The responsibility of the Commission is to promote the purposes and objectives of this Ordinance, to review the designation of individual historic properties and historic districts, and to review plans and applications, as hereinafter provided, for all construction within historic districts and construction or demolition pertaining to duly designated districts and designated historic properties. The Commission shall have the power to approve, approve with modifications or deny approval of such applications in accordance with the prescribed procedures and guidelines. The Commission will also conduct first review and evaluation of all proposed nominations for the National Register of Historic Places for properties within its jurisdiction.

5:26.3 HISTORIC PROPERTY INVENTORY

The Commission shall develop and maintain a local inventory of buildings, structures, objects and sites more than 75 years old. These records shall be available to the public.

5:26.4 DESIGNATION OF HISTORIC PROPERTIES

5:26.4-1 Criteria for Historic Designation

The Commission shall review the local inventory and make recommendations for historic designation to the Greenville County Council based on the following criteria. A property may be designated historic if it is 75 years of age or older, and is covered by at least one of the following requirements:

1. has significant inherent character, interest or value as part of the development 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 a 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.

The Commission reserves the right to waive the 75 year requirement by a majority vote of a quorum meeting.

5:26.4-2 Owner Notification

Upon identification of properties to be proposed for designation, the Commission by majority approval, shall notify, in writing, the owners of said property and request their permission for such designation.

The process of property identification can be initiated by either the Commission or the property owner.

Owners of properties proposed to be designated historic shall be notified in writing of the Commission's desire to so designate. No property shall be designated without the owner's written consent.

Upon designation, County Council will be notified in writing of subject property's location and historic significance.

5:26.4-3 Identification on County Zoning Map

All locally designated historic properties and historic districts will be clearly shown on the official zoning map of Greenville County. A copy of this map is to be kept current in both the offices of the Greenville County Planning Commission and the Building Standards Department.

5:26.5 JURISDICTION OF THE HISTORIC PRESERVATION COMMISSION

The jurisdiction of the Commission is the unincorporated areas of Greenville County and does not intrude into the limits of any municipality within the County, unless such authorization is approved by said municipality. The jurisdiction of the Commission for the recommendation of properties to be designated historic is the same. The jurisdiction of the Commission for the review of proposed alteration to exteriors of buildings, new construction, and demolition is the individual properties and areas that have been designated by the County Council as historic.

5:26.6 NOMINATION TO THE NATIONAL REGISTER OF HISTORIC PLACES

The Commission shall conduct first review and evaluation of all proposed nominations for the National Register of Historic Places for properties that are within its jurisdiction, prior to consideration by the State Board of Review. The Commission may send its recommendations to the State Historic Preservation Office for consideration at the meeting of the State Board of Review. The Commission shall not nominate properties directly to the National Register; only the State Board of Review shall have this final review authority.

5:26.7 CERTIFICATE OF APPROPRIATENESS

5:26.7-1 General

A Certificate of Appropriateness is required before a building permit can be issued for the demolition, new construction, exterior alteration, modification or addition to a designated historic property. Any building permit not issued in conformity with this Ordinance shall be considered void.

Application for a Certificate of Appropriateness must be signed by the owner or his/her authorized representative and the form must be signed by the Chair or the Vice Chair of the Commission stating its approval, denial or approval with conditions and the reasons for the decision.

5:26.7-2 Required Procedure

Application for a Certificate of Appropriateness shall be obtained from, and when completed, filed with the Clerk of County Council.

5:26.7-3 Time Limits

Applications for a Certificate of Appropriateness shall be considered by the Commission at its next regular meeting, provided they have been filed at least 7 calendar days before the regularly scheduled meeting of the Commission. If the Commission fails to take action upon application within 45 days after the completed application is received, the application shall be considered approved, except in cases where the Commission has postponed an application to demolish a structure under the provisions of this Ordinance.

5:26.7-4 Commission Action on Applications

The Commission shall review the application, using the design guidelines given in Section 12 of this Ordinance to make findings of fact to decide whether or not the applicant's plans are appropriate. The decision of the Commission with the reasons for each decision will be recorded in the minutes that will be available as a public reference for preservation procedures.

5:26.7-5 Contents of Application

The Commission shall in its Rules of Procedure, require data as necessary to determine the nature of the application. An application shall not be considered complete until all the required data has been submitted.

5:26.7-6 Notification of Affected Property Owners

Prior to the issuance of an approval or denial of a Certificate of Appropriateness, the Commission shall inform the owners of any property likely to be materially affected by the application, and shall give the

applicant and such owners an opportunity to be heard.

5:26.7-7 Submission of a New Application

If the 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 construction, alteration or restoration.

5:26.7-8 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, or defining characteristics of the structure. The Commission shall not consider the interior arrangements or alterations to the interior of a building unless the interior of a public building or the public space of a private building, is specifically described and designated as historic. The Commission may authorize a Commission member to approve minor projects involving repairs and ordinary maintenance that do not alter design, material or defining characteristics of a structure or interior projects not subject to design review.

5:26.7-9 Fines and Penalties

The system of fines and penalties applied by the county for violation of a building code will apply to violations of this Ordinance.

5:26.7-10 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.

The owner may be required to submit documents to show that he cannot comply with the design guidelines and earn a reasonable rate of return on his investment in the property. Information required may include:

1. costs of the proposed development with and without modification needed to comply with the design guidelines as determined by the 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. for the past 2 years, annual gross income from the property with operating and maintenance expenses, depreciation an annual cash flow before and after debt service during that time, and
5. other information considered necessary by the Commission to determine whether or not the property yields a reasonable return.

5:26.8 DESIGN GUIDELINES

5:26.8-1 Intent

It is the intent of this Ordinance to ensure, insofar as possible, that buildings or structures designated as historic shall be in harmony with the architectural and historical characteristics of the county. In granting a Certificate of Appropriateness, the Commission shall take into account the architectural and historical significance of the structure under consideration and exterior form and appearance of any proposed additions or modifications to that structure, as well as the effect of such change or additions upon other structures in the vicinity.

5:26.8-2 The Secretary of the Interior's Standards for Rehabilitation

When considering an application for a Certificate of Appropriateness for new construction, alteration, repair or restoration, the Commission shall use the U.S. Secretary of the Interior's Standards for Rehabilitation as guidelines in making its decisions. In addition, the Commission may adopt more specific guidelines for local historic districts and local historic buildings. These guidelines serve as the basis for determining the approval with modifications or denial of an application. The Secretary's Standards for Rehabilitation are:

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterized a property shall be avoided.
3. Each property shall 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 architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature(s) shall match the old in design, color, texture and other visual qualities and where possible, materials. Replacement of missing features shall be substantiated by documentary, pictorial, or physical evidence.
7. 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.
8. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. 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 property and its environment.

10. New additions and adjacent or related 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.

5:26.9 APPEALS

Any person may appeal a decision of the Commission pursuant to the South Carolina Code of Laws, Section 6-29-900 et sequitur.