

Greenville-Spartanburg International Airport is surrounded by an Airport Environs Area, which prohibits certain future land uses. This area is delineated on the Official Zoning Map of Greenville County. The land uses allowed within the Environs Area are stated in the Greenville-Spartanburg Airport Environs Area Zoning Ordinance, which is on file with the Greenville County Planning Commission and the Greenville-Spartanburg Airport Commission.

8:6.11 Airport Zoning Related to Sanitary Landfill Location

Various studies and observations have resulted in the conclusion that sanitary landfills attract birds, and that birds in the vicinity of airports create potential hazards to aircraft operations (see FAA order SO 5200.5). Aircraft accidents have resulted when aircraft collided with low-flying birds, particularly during takeoff and landing.

In order to prevent such an occurrence in Greenville, the following regulations shall apply with regard to location of landfills:

- A. No landfill shall be located within 10,000 feet from a runway of any airport.
- B. Landfills located further than 10,000 feet, but within five miles of a runway of any airport will be reviewed on a case by case basis by the respective airport Commission staff, who may in turn contact the Bird Hazard Group and the Federal Aviation Administration. If in the opinion of the airport Commission staff, the landfill poses a threat to safe aircraft operations, then the landfill shall be considered an incompatible land use.

8:6.12 Enforcement

It shall be the duty of the Zoning Administrator to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Building Safety Department upon a form published for that purpose. Applications required by this Ordinance to be submitted to the Zoning Administrator shall be promptly considered and granted or denied. Application for action by the Board of Zoning Appeals shall be forthwith transmitted by the secretary.

Section 8:7 HP, Historic Preservation District

8:7.1 The Historic Preservation Commission

8:7.1-1 Composition and Qualifications

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

A historian, knowledgeable in local history;

An architect;

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

An archaeologist.

The Historic Preservation 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 Historic Preservation 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.

8:7.1-2 Removal

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

8:7.1-3 Appointment to Fill a Vacancy

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

8:7.1-4 Conflicts of Interest

Any member of the Historic Preservation 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 Historic Preservation Commission shall be disqualified from participating in the decision of the Historic Preservation Commission concerning the property.

8:7.1-5 Powers and Duties

The responsibility of the Historic Preservation 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 Historic Preservation 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 Historic Preservation Commission will also conduct first review and evaluation of all proposed nominations for the National Register of Historic Places for properties within its jurisdiction.

8:7.1-6 Historic Property Inventory

The Historic Preservation 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.

8:7.1-7 Designation of Historic Properties

8:7.1-8 Criteria for Historic Designation

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

8:7.1-9 Owner Notification

Upon identification of properties to be proposed for designation, the Historic Preservation 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 Historic Preservation Commission or the property owner.

Owners of properties proposed to be designated historic shall be notified in writing of the Historic Preservation 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.

8:7.1-10 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 Safety Department.

8:7.1-11 Jurisdiction of the Historic Preservation Commission

The jurisdiction of the Historic Preservation Commission is the unincorporated areas of Greenville County and does not intrude into the limits of any municipality within the County, unless said municipality approves such authorization. The jurisdiction of the Historic Preservation Commission for the recommendation of properties to be designated historic is the same. The jurisdiction of the Historic Preservation 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.

8:7.1-12 Nomination to the National Register of Historic Places

The Historic Preservation 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 Historic Preservation Commission may send its recommendations to the State Historic Preservation Office for consideration at the meeting of the State Board of Review. The Historic Preservation Commission shall not nominate properties directly to the National Register; only the State Board of Review shall have this final review authority.

8:7.2 Certificate of Appropriateness

8:7.2-1 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.

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

8:7.2-2 Required Procedure

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

8:7.2-3 Time Limits

Applications for a Certificate of Appropriateness shall be considered by the Historic Preservation Commission at its next regular meeting, provided they have been filed at least 7 calendar days before the regularly scheduled meeting of the Historic Preservation Commission. If the Historic Preservation 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 Historic Preservation Commission has postponed an application to demolish a structure under the provisions of this Ordinance.

8:7.2-4 Commission Action on Applications

The Historic Preservation Commission shall review the application, using the design guidelines given in Section 8:7.3 of this Ordinance to make findings of fact to decide whether or not the applicant's plans are appropriate. The decision of the Historic

Preservation Commission with the reasons for each decision will be recorded in the minutes that will be available as a public reference for preservation procedures.

8:7.2-5 Contents of Application

The Historic Preservation 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.

8:7.2-6 Notification of Affected Property Owners

Prior to the issuance of an approval or denial of a Certificate of Appropriateness, the Historic Preservation 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.

8:7.2-7 Submission of a New Application

If the Historic Preservation 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.

8:7.2-8 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 Historic Preservation 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 Historic Preservation Commission may authorize a Historic Preservation 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.

8:7.2-9 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.

8:7.2-10 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 Historic Preservation 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 and annual cash flow before and after debt service during that time, and
5. Other information considered necessary by the Historic Preservation Commission to determine whether or not the property yields a reasonable return.

8:7.3 Design Guidelines

8:7.3-1 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 Historic Preservation 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.

8:7.3-2 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 Historic Preservation Commission shall use the U.S. Secretary of the Interior's Standards for Rehabilitation as guidelines in making its decisions. In addition, the Historic Preservation 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.

8:7.4 Appeals

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

Section 8:8 FRD, Flexible Review District

8:8.1 Intent

The intent of the FRD district is to provide a way for inventive design to be accomplished and to permit development that cannot be achieved through conventional zoning districts due to the parameters required therein.

It is recognized that some concepts will be more appropriate than others and the approval of an application in one location does not necessarily indicate the development will be applicable in other locations.

8:8.2 Minimum Site Size

There is no minimum site size for the FRD district.

8:8.3 General Requirements

The provisions of the zoning ordinance regulating minimum lot area, parking, landscaping, and lighting shall serve as a general guide. However, variations to these standards included in the approved Statement of Intent or Final Development Plan shall supersede the other provisions of this ordinance.

8:8.4 Minimum Lot Width, Minimum Yard Requirements, Maximum Lot Coverage, Maximum Height of Structures

No structure shall be erected within 25 feet from any external lot line of any FRD district with the following exceptions: