

**August 15, 2007**

**To: Property owners within the proposed Old Greenwood Village Overlay**

**From: City of Greenwood Board of Architectural Review**

In an effort to provide needed information based on the questions posed during the Tuesday, August 7 public hearing held to receive comments on the proposed Old Greenwood Village overlay, the members of the City of Greenwood Board of Architectural Review (BAR) and staff of the City/County Planning Department have prepared the following summary of materials. More detailed information is provided on the City of Greenwood website – [www.cityofgreenwoodsc.com](http://www.cityofgreenwoodsc.com). You may also contact the City/County Planning Department <http://www.co.greenwood.sc.us/planning.aspx> at (864) 942-8636. ***A public hearing has been schedule for Tuesday, September 11, 2007 at 5:30 PM in the City Council Chambers, Room 207 of the Municipal Building (520 Monument Street) to hear additional comments on the proposed Old Greenwood Village overlay.***

The legal power to protect historic properties for the most part rests primarily with local governments. Thus, the decisions and actions of local governments and individuals often decide the fate of the irreplaceable historic properties that give South Carolina communities their special character and make them better places to live and visit. A local government may encourage preservation of the character of the community through a local Board of Architectural Review (South Carolina Code 6-29-870 <http://www.scstatehouse.net/code/t06c029.htm>; 6-29-940). Local historic preservation legislation may be a part of the zoning ordinance. It could be a separate ordinance that is incorporated into the zoning ordinance by reference to comply with S.C. Code 6-29-870(A). ***It is important to remember that the standards and guidelines in this publication are not always rigid. Instead, they are guiding principles intended to preserve the character and integrity of properties while allowing for active use.***

As a brief background of the proposed Old Greenwood Village Historic Overlay, there are presently 260 properties within the overlay boundary. Of those properties, 180 have a structure. According to the Tax Assessor, of these 180 properties 157 properties are residential and 23 are commercial. The average construction date of the structures within the boundary is 1929. The oldest structure was built in the 1800's.

The following information has been provided directly verbatim from the South Carolina Department of History and Archives website <http://www.state.sc.us/scdah>. The South Carolina Department of Archives and History is an independent state agency whose mission is to preserve and promote the documentary and cultural heritage of the Palmetto State.

## **What are Design Guidelines?**

*Design guidelines are both written and graphic standards for preservation commissions, and property owners to use when dealing with alterations, additions, demolitions, and new construction. They help the local board of architectural review and property owners understand what changes are appropriate for your local historic district(s). Design guidelines are key support materials for administering the preservation overlay zoning ordinance. Guidelines may also be created and used on a voluntary basis, before local historic districts and design review are in place.*

### **Design guidelines DO:**

- *help protect the distinct historic character and integrity of the district(s)*
- *provide guidance to property owners and design professionals*
- *identify important review concerns and recommend appropriate design approaches*
- *provide an objective basis for review, assuring consistency and fairness*
- *increase public awareness of the district and its significant characteristics*
- *help protect property owners' investments by encouraging compatible changes to neighboring properties*

### **Design guidelines DO NOT:**

- *limit growth or development within the district -- they only address the visual aspects of growth*
- *control how space is used within a building -- only the publicly visible portion of a building or site is governed by guidelines*
- *dictate stylistic design approaches, which are based on individual preference*
- *restrict creative design solutions*

### **SOME TIPS for useful guidelines**

- *Guidelines are community specific. Borrow ideas, concepts from other towns, but make sure your guidelines deal with your unique buildings and design needs.*
- *Well-illustrated with photos and drawings of both appropriate and inappropriate changes.*
- *Clear and concise, and free from jargon. A glossary of terms can be helpful.*
- *Develop guidelines with public participation and input.*
- *Balance importance of total streetscape with individual buildings (includes sections on landscape and site features, such as fences, vegetation, driveways, etc.)*

As of October 2006, 25 South Carolina communities have been certified by the National Park Service as meeting the criteria for Certified Local Governments. Because these communities have developed programs for preserving their historic properties, they are part of a federal/state/local network and qualify for federal grants set aside for Certified Local Governments.

**City of Aiken** - [http://www.aiken.net/uploads/documents/planning/historical\\_design\\_review\\_manual.pdf](http://www.aiken.net/uploads/documents/planning/historical_design_review_manual.pdf)

**City of Anderson** - [http://www.cityofandersonsc.com/boards\\_and\\_commissions/board\\_of\\_architectural\\_review/index.html](http://www.cityofandersonsc.com/boards_and_commissions/board_of_architectural_review/index.html)

**City of Beaufort** - <http://www.cityofbeaufort.org/>

**Town of Bennettsville**

**Town of Bluffton** - <http://www.townofbluffton.com/new/link.php?link=preservation>

**City of Charleston** - <http://www.charlestoncity.info/dept/content.aspx?nid=491&cid=655>

**Town of Charaw**

**City of Chester** - <http://www.chestersc.org/CityServices/BoardsCommissions.aspx#preservation>

**Town of Chesterfield**

**City of Columbia** - [http://www.columbiascdevelopment.com/boards\\_pz.asp](http://www.columbiascdevelopment.com/boards_pz.asp)

**City of Conway** - <http://www.cityofconway.com/>

**City of Darlington**

**City of Dillon** - [http://www.dilloncitysc.com/ds\\_cp\\_boa.html](http://www.dilloncitysc.com/ds_cp_boa.html)

**Town of Fort Mill**

**City of Georgetown** - <http://www.cityofgeorgetownsc.com/arb.aspx>

**City of Greenville** - [http://www.greatergreenville.com/city\\_government/listing\\_duties.asp#design\\_preserve\\_comm](http://www.greatergreenville.com/city_government/listing_duties.asp#design_preserve_comm)

**Horry County**

**City of Laurens**

**Town of Lexington** - <http://www.codepublishing.com/SC/Lexington/lexington15/lexington152.html>

**Town of McClellanville**

**Town of Mount Pleasant** - <http://www.townofmountpleasant.com/index.cfm?section=8&page=7>

**City of Rock Hill** - <http://www.ci.rock-hill.sc.us/boards/boardCommView.asp?brdID=19>

**City of Spartanburg** - [http://www.cityofspartanburg.org/City\\_Government/Boards\\_And\\_Commissions/Architectural\\_Review\\_Board.htm](http://www.cityofspartanburg.org/City_Government/Boards_And_Commissions/Architectural_Review_Board.htm)

**City of Sumter** - [http://www.sumter-sc.com/departments/planning\\_boards.aspx#hpdrc](http://www.sumter-sc.com/departments/planning_boards.aspx#hpdrc)

**City of York**

Other communities, including **Newberry** ([http://www.cityofnewberry.com/index.php?option=com\\_docman&task=cat\\_view&gid=95&Itemid=48](http://www.cityofnewberry.com/index.php?option=com_docman&task=cat_view&gid=95&Itemid=48)) and **Abbeville**, have some form of historic preservation regulations, however are not certified by SC History and Archives.

## **Old Greenwood Village Historic Overlay Q & A**

### **What is a Board of Architectural Review?**

The Board is a volunteer group of citizens that makes recommendations to City Council for the preservation and protection of historic and architecturally valuable properties. The Board makes decisions governing the right to construct, demolish, remove or alter the exterior appearance of all buildings within historic areas.

### **How are Board members chosen and who is currently on the Board?**

The members are appointed by the City Council, and are chosen for experience and professional qualifications in areas such as architecture, law, construction, history and business. The current members of the Board are: Welborn Adams (Chairman), Joe Prothro (Vice Chairman), Clementine Bryant, Glenda Edwards, Willie Lee, Robert McClinton, and Anne Norton.

### **What is an overlay district and how is this different than a zoning district?**

A zoning district ([http://www.cityofgreenwoodsc.com/Planning\\_ZoningOrdinance.aspx](http://www.cityofgreenwoodsc.com/Planning_ZoningOrdinance.aspx)) provides a list of land uses and development standards for future development and are generally grouped into residential, commercial and industrial categories. An overlay district is an additional set of development standards that deal with architectural style, construction details, or other issues of importance to a neighborhood or community. An overlay district has been established by the City of Greenwood for the Emerald Triangle area of Uptown Greenwood ([http://www.uptowngreenwood.com/emeraldtriangle\\_design.aspx](http://www.uptowngreenwood.com/emeraldtriangle_design.aspx)) based on its unique character.

### **Is this proposal to preserve historical character or to encourage special architectural design?**

The intent of this ordinance is to both preserve the current historical character while encouraging similar architectural design in new construction. Demolition or moving of historic structures within the area may be limited. New construction will blend in with neighboring structures.

### **Would the adoption of this overlay district be considered a “taking” of property? Would eminent domain be used?**

A taking is deemed to occur when all or substantially all of the use of a property is prohibited, leaving the owner no financial benefit from the property. The overlay district does not identify any uses of land beyond those identified by the current zoning. Therefore, adoption of an overlay would not be considered a taking of property. Eminent domain is the acquiring of property by the government for public use where the property owner is compensated. No property will be acquired for public use and therefore eminent domain will not be used.

### **How were the overlay district maps outlined and the district standards proposed?**

A group of property owners formed a neighborhood association which held several meetings to formalize their concerns and set up the overlay boundaries. The association approached the city with their concerns at which time the City staff prepared a draft overlay document based on those concerns and presented it to

the Board of Architectural Review as well as the citizen group. The citizens group then rewrote the language highlighting many of their concerns. This new document was amended by City staff in order to remove those items covered by current regulations, and to ensure that the remaining language is both legal and feasible. The current document is the result of these efforts.

**What is the legal process for adoption of an overlay? How can I express my approval, opposition or amendment of this proposal?**

In order to be approved, the overlay ordinance is reviewed and a recommendation made by the Board of Architectural Review in order to be forwarded on to the Greenwood City/County Planning Commission. The Planning Commission then makes a recommendation to approve or deny the document or a revision. If the Planning Commission approves the document, it is then sent to the City Council for final approval. Both the Board of Architectural Review and the Planning Commission are appointed advisory bodies of the City Council. Their vote is a non-binding recommendation to the City Council. Citizen input is possible at each step of the process before both the Board of Architectural Review and the Planning Commission at public hearings where comment is encouraged. Public hearings are announced through the local newspaper, through letters sent to adjacent property owners and through signs placed on the property. Letters of either support or opposition can be sent to the planning office and are kept on file and given to the members of each decision making body before any vote is taken.

**How can I “opt-out” of the overlay district?**

City Council makes the final decision regarding the creation of the overlay district. Anyone wishing to have their property removed from the overlay should write a letter stating their intent to the Planning Office which will then forward all letters on to the City Council. The submission of such a request does not automatically remove a property from the district, only City Council may remove a property by redrawing the district boundaries. Removing individual properties, especially on the interior of the district, tends to diminish the effectiveness of the proposed standards and harmony of the district.

**If adopted, can the ordinance be changed over time?**

The current proposed overlay ordinance, like all other City ordinances, is subject to change and revision at any time after it is adopted. Individuals may apply for an ordinance amendment through the Greenwood City/County Planning Department. The application would be presented to the Board of Architectural Review, which would make a recommendation and forward the changes on to the Greenwood City/County Planning Commission, which in turn would make their own recommendation. The proposed amendments and both advisory body recommendations are forwarded on to City Council and a final determination is made, either to amend the overlay ordinance or to leave it unchanged. Public hearings are held at each step of the process in order to allow public comment before the Board, Commission and Council.

**The following questions and answers are based on the proposed ordinance being adopted. Each question is answered in general, but it should be noted that if the ordinance is adopted, the BAR will apply the standards for each property on a case-by-case basis.**

**What land uses can I use my property for?**

Property within the Old Greenwood Village overlay district can be permitted for any use allowed by the current zoning. The overlay district does not dictate the use allowed on a property beyond the current zoning. Information on the zoning ordinance can be accessed through the following link [www.cityofgreenwoodsc.com/Planning.aspx](http://www.cityofgreenwoodsc.com/Planning.aspx) or you may contact the Planning Office at (864) 942-8636.

**What if I want to build a new home or commercial building in the district?**

Plans for any new construction within the district are brought to the city planning staff for review, after which the planning staff makes a recommendation to the Board of Architectural Review. The Board reviews the plan and staff recommendations and makes a determination, either issuing a Certificate of Appropriateness or recommending denial of the plans as submitted. If the Certificate is approved, a building permit may be obtained from the City. If denied, the BAR and the property owner will work together to modify the plan accordingly to ensure compatibility with the surrounding properties.

**Will I be required to make any changes in my current home or commercial building to meet the guidelines set out in the proposed ordinance?**

No changes to your current home or business are required in relation to the proposed ordinance. Only if you choose to modify the structure or add to the property would the overlay district standards apply.

**What is the process if I want to remodel my current home or business?**

Interior changes are not governed by the proposed overlay ordinance other than a stipulation that no residential structure may be remodeled to accommodate more than one family at a time.

**Can I change the landscaping of my home or business?**

Landscaping within the overlay district is governed under existing City landscaping regulations and no additional standards will be added with the creation of the overlay district. Current City regulation does not govern residential landscaping, so homeowners within the district will be able to landscape their homes in any manner they desire. Commercial landscaping is tied to the amount of parking required for the business. Should a business wish to replace their existing parking, no additional landscaping is required. If parking is to be added, the current City landscaping regulations will apply just as they do in all other areas of the City.

**What do I do if I want to build a deck, a porch, a fence, or an outbuilding such as a shed or garage?**

Plans for the addition should be submitted to the Planning Office for review, after which staff will make a recommendation to the Board of Architectural Review. The Board will consider the plans based on the criteria outlined in the ordinance, ensuring that the planned addition or outbuilding is in keeping with the architectural style of the area and does not destroy or cover significant details of the existing structure. If

the Board approves the plans, a Certificate of Appropriateness is issued and a building permit may be obtained from the City.

**What if I want to paint my home or business or change any of the architectural details on the exterior?**

There are no restrictions on paint color for either residential or business owners.

**What if I want to demolish my home or any other property I own within the district?**

Any demolition plan should be submitted to the Board of Architectural Review for approval. The Board will seek to avoid the demolition of any structure of historic or architectural significance when at all possible. Approval of the Board is necessary in order to receive a demolition permit from the City.

**What happens if my home or business is destroyed by fire or natural disaster?**

Structures that have been destroyed may be rebuilt according to provisions already established in Chapter 10 Article 7 of the City Zoning Ordinance

([http://www.cityofgreenwoodsc.com/client\\_resources/planning/zoning/cityofgwd\\_zoning\\_chapter10\\_123106.pdf](http://www.cityofgreenwoodsc.com/client_resources/planning/zoning/cityofgwd_zoning_chapter10_123106.pdf)). The property owner would work with the BAR to produce a replacement structure that is a reproduction of the original structure or another structure that is in harmony with the design of surrounding properties.

**Where can I park my car?**

All current parking arrangements are allowed to continue with the exception of parking either on the lawn of a residential lot. Parking on the sidewalk is not allowed under the current City code. Parking on the street is allowed. Parking for non-residential uses is “grandfathered” for current businesses and required in the rear of new businesses.

**How will parking be determined for businesses within the district?**

Parking for commercial businesses within the district will be determined through the plan review process currently in place with the underlying zoning designation. Planning staff will review the commercial plans and make a recommendation to the Board of Architectural Review, at which point the Board may either approve or deny the request.

**What is the appeal process if I don’t agree with the decision of the Board?**

Should a request be denied by the Board of Architectural Review, the applicant may appeal the decision to the Greenwood City/County Board of Zoning Appeals (BZA). The BZA is an appointed body meeting on a monthly basis to hear appeals. Their decision is final and may only be appealed through Circuit Court. The BZA makes their determination based on standards mandated by the state of South Carolina.

**Will the value of my property increase or decrease if the overlay is adopted?**

The adoption of an overlay zoning district will not directly affect property values either positively or negatively. Property values will either rise or fall dependent on the state of repair of the property itself and that of its neighbors, both close by and throughout the area.

**Will there be any costs or expenses that I will incur directly from the adoption of the overlay?**

No additional costs or expenses are incurred as a direct result of the adoption of the historic overlay.

**Will my taxes increase directly from the adoption of the overlay?**

Tax increases occur over time as property values increase and the cost of public services necessitate. However, no automatic tax increase is attached to the adoption of the overlay district.

**Will grant funding be available for properties in the district?**

There is no guarantee that grant funding would be available for the district or individual properties. Funds are appropriated on an annual basis and are subject to funding approvals at the state and federal levels. If funding is available, grant applications are reviewed on a competitive basis and are awarded to properties or districts that meet specific conditions relative to the agency awarding the grant.