

9.1 HISTORIC OVERLAY DISTRICT

9.1.1 Purpose

It is the intent and purpose of the Historic Overlay District to encourage and promote the educational, cultural, and economic welfare of the citizens of the City of Anderson by preserving and protecting historic structures, sites, monuments, streets, areas and neighborhoods which serve as visible reminders of the history and cultural heritage of the community. Furthermore, it is the purpose of this district to strengthen the economy of the City by stabilizing and improving property values in historic areas, and to encourage construction and development that will be harmonious with existing historic structures and areas.

The Historic Preservation Overlay District shall operate in conjunction with any other zoning district over which it is imposed, and that such areas may be used as permitted by the underlying zoning districts except as may be specifically restricted by this section. Where the regulations and permitted/conditional uses of a zoning district conflict with those of the Overlay District, the more restrictive standards apply.

9.1.2 Board of Architectural Review

The Board of Architectural Review (BAR) (established by Ordinance Number 86-04) is responsible for the preservation and protection of historically and architecturally significant structures, and to preserve the cultural and historical heritage of the City within the designated historical zones.

9.1.3 Conditional Use Review

The Board of Architectural Review (BAR) shall review and approve all conditional uses which are to be located within a historic overlay district. In the event that a proposed conditional use requires review and approval by the BZA, the BAR shall issue its recommendations to the BZA.

9.1.4 Imposing or Extending an Historic Overlay

An Historic Overlay District shall be imposed or extended in a manner similar to other zoning changes, except that a public hearing shall be conducted by the BAR, and a recommendation by that Board shall be made to the Anderson City Council. The public hearing shall be advertised in a newspaper of general circulation in the City of Anderson, for a period of not less than fifteen (15) days prior to the hearing date.

9.1.5 Exterior Alterations of Historic Structures and Sites

In order to protect and preserve the distinctive characteristics of historic buildings, structures and sites included in this overlay district, all exterior alterations and additions to such structures and sites shall be subject to review by the Board of Architectural Review. Review is not required for repair, maintenance, and replacement with comparable materials. Trees located within the historic overlay district shall not be removed or altered significantly without first obtaining a tree removal permit.

9.1.6 Demolition and Moving of Historic Structures

In order to ensure that historical and culturally distinctive structures are moved or destroyed only after all other alternatives have been considered, all moving and demolition permits for historic structures in this overlay district shall be approved by the Board of Architectural Review.

9.1.7 Non-Historic Structures

Structures which are not historic landmarks themselves, but are located within an historic area can and often do have a significant impact upon surrounding historic structures and sites. Therefore, in order to preserve the historic character of the district, all exterior alterations and additions to such structures and sites shall be subject to review by the Board of Architectural Review. Review is not required for repair, maintenance, and replacement with comparable materials.

It is just as vital, that any development and construction of new structures within historic overlay districts be compatible with the historic character of the area. Therefore, building permits for such structures located within historic overlay districts shall be subject to review by the Board of Architectural Review.

9.1.8 Procedures

A special historic district application for new construction, alterations, moving, or demolition shall be submitted to the Building Official along with the required building permit application. Applications shall be reviewed by the City Planning Staff, and a staff recommendation issued to the Board of Architectural Review. (Applications must be submitted no less than thirty (30) days prior to the regularly scheduled Board meeting in order to be placed on the agenda). Incomplete applications may be returned, or may require additional information.

At a minimum, the historic preservation overlay district application shall include:

- A.** A description of the location of the property, address, tax parcel number, and site of proposed work.
- B.** A detailed site plan showing the location of the structure on the site, setback dimensions, the location of driveways, streets and alleyways, landscape areas, and the general location of structures on adjacent lots. Photographs may be used in addition to the site plan.
- C.** A description of the proposed construction or alteration detailing the objectives of the work, listing the proposed changes as well as the materials and design (wood, brick, stucco, paint color, lighting etc.)

Upon receipt of an application, the board may request that a public hearing be conducted prior to rendering a decision on the application. The public hearing may be held in conjunction with the next scheduled meeting of the Board or scheduled separately. In either case, notice of the hearing must be given in a newspaper of general circulation in the City, at least fifteen (15) days in advance of the hearing.

9.1.9 Review Criteria

A. *Alterations and New Construction*

The Board must find that one of the following criteria has been met in order to approve an alteration or new construction request on all structures in the historic overlay area.

1. The proposed alteration will cause the structure to more closely approximate the historical character, appearance, or material composition of the original structure than it's current state. For non-historic structures, the proposed alteration will cause the structure to more closely resemble the historic structures in the area than it's current state.*
2. The proposed alteration will not further deviate from the historical character, appearance, or material composition than it's current state.*
3. The materials and design of proposed new construction will not conflict with or detract from nearby historic structures or the district as a whole.*

* **Note:** City Planning Staff shall ensure that reasonable assistance is provided to the applicant as well as a general listing of appropriate materials, design guidelines, and these regulations.

B. *Moving or Demolition*

The Board may approve a request to move or demolish a structure in an historic district if all of the following criteria are met:

1. The structure cannot be economically rehabilitated on the site to provide a reasonable income or residential environment compared to other structures in the general area.
2. There is a demonstrated public need for the new use which outweighs any public benefit which might be gained by preserving the subject buildings on the site.
3. The proposed development, if any, is compatible with the surrounding area considering such factors as location, use, bulk, landscaping, and exterior design.
4. If the building is proposed to be moved, the new site and surrounding area will benefit from the move.

9.1.10 Design Standards

The Board of Architectural Review shall construct and maintain a set of specific design standards for each individual Historic Preservation Overlay District. Such standards shall be presented to the Anderson City Council for adoption by ordinance. The design standards should be tailored to reflect the historic character of each individual overlay district.

9.1.11 Designated Historic Districts

The following Districts have been designated by the Board of Architectural Review and Anderson City Council as being historic in nature (for a complete description of the districts as well as all applicable design standards, see the specified ordinance):

- | | |
|--------------------------------|-----------------|
| A. Anderson Historic District | Ordinance 74-24 |
| B. Boulevard Historic District | Ordinance 90-30 |
| C. Downtown Historic District | Ordinance 06-28 |
| C. Westside Historic District | Ordinance 90-30 |

9.1.12 Board Membership

The Board of Architectural Review shall consist of nine (9) members appointed as follows:

Anderson Historic District
Boulevard Historic District
Downtown Historic District
Westside Historic District
Field of Architecture/Design
Field of Real Estate
Licensed Contractor
Anderson County Historical Society or Anderson Heritage
At-Large

9.2 ENVIRONMENTAL PRESERVATION OVERLAY DISTRICT

9.2.1 Relationship to the Land Use Plan

The Environmental Preservation Overlay District (EPOD) implements in part, the City of Anderson Land Use Plan regarding Land Use, Urban Form, and Environment. Specifically, the EPOD implements Goal A on page 14, " To encourage an attractive community that represents the natural environment, provides for land uses located in proper relationship to each other, and to land, energy, water and air resources, and to further development at an orderly pace."

The purpose and intent of the EPOD is to conserve parks, recreational areas, open space, flood plains and unique environmental features. Additionally, the EPOD is designed to protect environmentally sensitive and erosion prone areas along stream and lake shores.

9.2.2 Map Applications

This overlay district shall be appropriately located in areas of environmental, physical, and/or biological significance and habitats, as designated by the City Council.

9.2.3 Regulation of Uses

The EPOD shall operate in conjunction with any other zoning district over which it is imposed, and that such areas may be used as permitted by the underlying zoning districts except as may be specifically restricted by this section. Where the regulations and permitted/conditional uses of a zoning district conflict with those of the Overlay District, the more restrictive standards apply.

9.2.4 Imposing or Extending an EPOD

An EPOD shall be imposed or extended in a manner similar to other zoning changes, except that a public hearing shall be conducted by the Planning Commission, and a recommendation by that Commission shall be made to the Anderson City Council. The public hearing shall be advertised in a newspaper of general circulation in the City of Anderson, for a period of not less than fifteen (15) days prior to the hearing date.

9.2.5 Exempt Uses

Bona fide farms, including land held for forestry practices are exempt from the provisions of this section, provided that farming constitutes the primary use of the property. Any use of farm property for non-farm/agricultural/forestry purposes, is subject to these regulations.

9.2.6 Development Standards

The standards of both the overlay district and the underlying district shall apply. Where the standards of the overlay district and the underlying district differ, the more restrictive standard shall control.

All new construction, additions, or other land uses not specifically exempt, shall adhere to the following standards:

- A. A seventy-five (75) foot wide water impoundment buffer shall be maintained around water bodies included within the boundaries of this overlay district. Such water impoundment buffers shall be measured perpendicular from all points along the normal full pool shoreline of the impoundment.
- B. Vegetation within such buffers shall remain undisturbed except as may be necessary to accommodate any of the following uses:
 - 1. Boat docks, ramps, piers, or similar structures;
 - 2. Greenways, pedestrian paths, path shelters and benches, and related recreational uses;
 - 3. Reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places;
 - 4. Drainage of facilities or utilities;
 - 5. Roads and driveways provided that they cross the buffer at a horizontal angle of at least sixty (60) degrees.
 - 6. Forestry and husbandry activities that eliminate diseased, infected or damaged timber, and nuisance vegetation.
 - 7. Sedimentation and erosion control measures and devices.
 - 8. Grassed yards;
 - 9. Construction of new water impoundments provided that applicable buffers shall be designated around such impoundments.