

TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) PERTAINING TO SEC. 54-306, OLD CITY HEIGHT DISTRICTS.

BE IT ORDAINED BY THE MAYOR AND COUNCIL MEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) as it pertains to Sec. 54-306, Old City Height Districts, is hereby amended to read as follows:

“Sec. 54-306. Old City Height Districts

The requirements of this Section have resulted from a contextural study of building height and architectural patterns in the Old City Height District. The requirements of this Section reflect the predominant building height trends of the areas to which they are applied. The requirements of this Section are intended to clarify acceptable heights of buildings in areas of the Old City Height District, subject to the right of the Board of Architectural Review to allow for greater heights in limited circumstances when base on architectural merit.

General Requirements

1. Heights shall be measured in stories or feet, as specified. Notwithstanding the foregoing, height shall be measured in feet in the following districts: 3X, 85/200, 85/125, 85/30, 100/30, 80/30, 50W, W and WP.
2. Maximum height, if specified in feet, shall be taken from the highest curb elevation adjacent to the site to the highest point of the structure.
3. Where heights of stories are specified in feet, the measurement shall be from finished floor to finished floor.
4. If a building is required to be raised per FEMA requirements, that same height shall be applied to the maximum height allowed, up to a maximum of 6 feet.
5. Floors shall be measured in the following manner:
 - i. The maximum height of any residential floor shall be 12 feet, unless otherwise specified. Any dimension above this shall constitute a second floor.
 - ii. The minimum height of any residential floor shall not be less than 10 feet.
 - iii. The maximum height of any commercial story shall be 20 feet, unless otherwise specified. Any dimension above this shall constitute a second floor.
 - iv. The minimum height of any commercial floor shall not be less than 14 feet, unless otherwise specified.

- v. Parking area under a structure, regardless of height, shall be counted as a story.
6. Half stories shall be permitted as specified by zone. Half stories shall constitute a maximum 50% habitable use of the attic space.
7. Building height to roof eave shall not exceed twice the building width at frontage. The Board of Architectural Review may waive this provision based on architectural merit and context.
8. There shall be no minimum building height requirement.
9. Appurtenances shall not be permitted to exceed the maximum height, unless otherwise specified.
10. If any portion of a structure is within fifty (50) feet of an existing structure rated "exceptional" (Group 1) or "excellent" (Group 2) on the Historic Architecture Inventory, adopted by Section 54-235, or a Landmark structure or a structure in the National Register, no portion of that structure shall exceed the height of such existing structures unless approved by the Board of Architectural Review.
11. Mechanical equipment on a roof shall be visually screened from the street with parapets or other types of visual screens of the minimum height necessary to conceal the same.

Sec 54-306.A: Height District 2.5

Maximum building height shall be 2.5 stories, up to 35 feet maximum.

The Board of Architectural Review may permit an additional half story based on architectural merit and context.

Sec 54-306.B: Height District 3

Maximum building height shall be 3 stories.

The attic shall not be habitable, eave to roof peak shall be no greater than 7 feet.

The commercial ground floor shall not exceed 14 feet.

The Board of Architectural Review may waive the limitation on habitable attic space based on architectural merit and context.

Sec 54-306.C: Height District 2.5 - 3.5

On ROW's greater than 50 feet, the building height shall be limited to a maximum 3 stories and a maximum height of 45 feet.

On ROW's between 35 feet and 50 feet, the building height shall be limited to a maximum of 3 stories, and shall also be limited by the ROW width of the street at a maximum 1:1

ratio. In no event, shall maximum building height exceed 45 feet. (i.e.: if a ROW is 40ft, the building shall not be taller than 40ft).

On ROW's less than 35ft the building height shall be limited to a maximum 2.5 stories.

For multi-family buildings, the Board of Architectural Review may permit up to 4 stories and up to a maximum 45 feet, and in PUDs, and based on architectural merit and context.

Any new structure that requires the ground floor to be elevated more than 2 feet above the average sidewalk height as per FEMA requirements shall be allowed the equivalent in height up to a maximum of 50 feet overall.

The commercial ground floor shall not be less than 12 feet in height and no more than 16 feet in height.

Sec 54-306.D: Height District 3.5

Maximum building height shall be 3.5 stories, up to a maximum of 50 feet.

The Board of Architectural Review may permit an additional half story, based on architectural merit and context, up to a maximum of 50 feet overall.

Sec 54-306.E: Height District 4

Maximum building height shall not exceed 4 stories.

Sec 54-306.F: Height District 5

Maximum building height shall not exceed 5 stories.

The Board of Architectural Review may permit an additional story based on architectural merit and context.

Additional height for ornamental appurtenances exceed the maximum allowable height may be permitted by the Board of Architectural Review, based on architectural merit and context.

Additional height for utilitarian appurtenances related to mechanical equipment or structural systems (such as elevator and stair towers, exhaust fans, HVAC equipment) shall be permitted, based on the following standards:

Appurtenances shall not exceed nine feet in height.

Appurtenances shall be placed to the rear or side of the buildings where possible.

Structures erected to the maximum height allowed by this District shall be abutted by sidewalks no less than 8 feet in width.

Sec. 54-306 G. Height District 6

Maximum building height shall not exceed 6 stories.

The Board of Architectural Review may permit an additional story based on architectural merit and context.

Additional height for ornamental appurtenances that exceed the maximum allowable height may be permitted by the Board of Architectural Review, based on architectural merit and context.

Additional height for utilitarian appurtenances related to mechanical equipment or structural systems (such as elevator and stair towers, exhaust fans, HVAC equipment) shall be permitted, based on the following standards:

Appurtenances shall not exceed nine feet in height.

Appurtenances shall be placed to the rear or side of the buildings where possible.

Structures erected to the maximum height allowed by this District shall be abutted by sidewalks no less than 8 feet in width.

Sec 54-306.H: Height District 8

Maximum building height shall not exceed 8 stories.

The Board of Architectural Review may permit an additional story based on architectural merit and context.

Additional height for ornamental appurtenances that exceed the maximum allowable height may be permitted by the Board of Architectural Review, based on architectural merit and context.

Additional height for utilitarian appurtenances related to mechanical equipment or structural systems (such as elevator and stair towers, exhaust fans, HVAC equipment) shall be permitted, based on the following standards:

Appurtenances shall not exceed nine feet in height.

Appurtenances shall be placed to the rear or side of the buildings where possible.

Structures erected to the maximum height allowed by this District shall be abutted by sidewalks no less than 10 feet in width.

Sec 54-306.I: Height District 4-12

Maximum building height shall not exceed 4 stories. Additional stories, up to a maximum of 12 stories shall be permitted based on meeting specific performance standards as defined in Sec. 54- 201.

Additional height for ornamental appurtenances that exceed the maximum allowable height may be permitted by the Board of Architectural Review, based on architectural merit

and context.

Additional height for utilitarian appurtenances related to mechanical equipment or structural systems (such as elevator and stair towers, exhaust fans, HVAC equipment) shall be permitted, based on the following standards:

Appurtenances shall not exceed nine feet in height.

Appurtenances shall be placed to the rear or side of the buildings where possible.

Structures erected to the maximum height allowed by this District shall be abutted by sidewalks no less than 10 feet in width.

Sec. 54-306 J Height District 3X

In this district, no structure, including appurtenant parts of a structure, except for elevator penthouses, or mechanical penthouses, shall exceed a height equal to three (3) times the least dimension as measured from the center of the right-of-way to the face of the building. No structure fronting on any street shall be lower than the height of thirty (30) feet.

Sec. 54-306 K Height District 85/200

In this district:

1. No part of a structure, including elevator penthouses and mechanical penthouses, shall exceed the height of two hundred (200) feet, nor shall the principal structure be lower than thirty (30) feet.
2. All portions of a structure, except cornices, canopies, balconies, arcades and other non-habitable architectural elements, shall be set back at least forty (40) feet from the center of the street right-of-way, and a minimum of fifty (50) percent of the building's street frontage shall occur at this set back line, subject to provisions of Article 3: Part 10.
3. All portions of a structure above eighty-five (85) feet including elevator penthouses and mechanical penthouses, except cornices, canopies, balconies, arcades and other non-habitable architectural elements, shall be set back at least fifty-five (55) feet from the center of the street right-of-way. All such portions of a structure, except cornices, canopies, balconies, arcades and other non-habitable architectural elements, shall occupy no more than fifty (50) percent of the building site coverage area.

Sec. 54-306 L Height District 85/125

In this district:

1. No part of a structure, including elevator penthouses and mechanical penthouses, shall exceed the height of one hundred and twenty-five (125) feet, nor shall the principal structure be lower than thirty (30) feet.
2. All portions of a structure, except cornices, canopies, balconies, arcades and other non-habitable architectural elements, shall be set back at least forty (40) feet from

the center of the street right-of-way, and a minimum of fifty (50) percent of the building's street frontage shall occur at this set back line, subject to provisions of Article 3: Part 10.

3. All portions of a structure above eighty-five (85) feet including elevator penthouses and mechanical penthouses, except cornices, canopies, balconies, arcades and other non-habitable architectural elements, shall be set back at least fifty-five (55) feet from the center of the street right-of-way. All such portions of a structure, except cornices, canopies, balconies, arcades and other non-habitable architectural elements, shall occupy no more than seventy-five (75) percent of the building site coverage area.

Sec. 54-306 M Height District 85/30

In this district:

1. No part of a structure, including elevator penthouses and mechanical penthouses, shall exceed the height of eighty-five (85) feet, nor shall the principal structure be lower than thirty (30) feet.
2. All portions of a structure, except cornices, canopies, balconies, arcades and other non-habitable architectural elements, shall be set back at least forty (40) feet from the center of the street right-of-way, and a minimum of fifty (50) percent of the building's street frontage shall occur at this set back line, subject to provisions of Article 3: Part 10.

Sec. 54-306 N Height District M 100/30

In this district:

1. The minimum height for a structure fronting on a street is thirty (30) feet, and the minimum height on the ground floor of a structure fifteen (15) feet.
2. The maximum height of a structure along north-south oriented streets is four (4) stories. The height along north-south oriented streets shall be maintained from the edge of the right-of-way into the interior of the lot for a distance of one hundred (100) feet, except as provided in part 5 hereof.
3. The maximum height of a structure along east-west oriented streets is five (5) stories. The height along east-west oriented streets shall be maintained from the edge of the right-of-way into the interior of the lot a distance of twenty-five (25) feet, except as provided in part 5 hereof.
4. Within the interior of lots (one hundred (100) feet from the edge of north-south oriented streets and twenty-five (25) from the edge of east-west oriented streets), the maximum height for a structure is one hundred (100) feet.
5. To enable the incorporation of distinct architectural features and improve pedestrian activity at the street level, the height limits of parts 2 and 3 may be exceeded by an additional occupied story within the step-back areas set out in parts 2

and 3 and occupied or unoccupied architectural features along the right-of-way may exceed the height limits of parts 2 and 3 upon findings by the Board of Architectural Review that:

- a. The sidewalks widths along all streets abutting the project are widened by at least three (3) feet; and
- b. At least seventy-five (75) percent of the ground floor street frontages is devoted to non-residential use; and
- c. If applicable, the additional story and its proposed location in the step-back areas prescribed by parts 2 and 3 enhance the architectural approach of the project; and
- d. If applicable, proposed architectural features along the right-of-way that exceed the height limits of parts 2 and 3 enhance the architectural approach of the project and do not constitute, in the aggregate, more than twenty (20) percent of the square footage of the footprint of the structure at the street level.

Sec. 54-306 O Height District 80/30

In this district:

1. No structure, including appurtenant parts of a structure except for elevator penthouses, or mechanical penthouses, shall exceed a height of eighty (80) feet nor shall any structure fronting on any street be lower than the height of thirty (30) feet.
2. All portions of a structure above the fifty-five (55) foot level shall be set back at least twenty-five (25) feet from all street right-of-way lines.

Sec. 54-306 P Height District 50W

In this district:

1. No structure shall exceed a height of fifty feet (50').
2. All structures shall be set back from the high water mark a minimum of twenty-five feet (25'), except that water-dependent structures shall be allowed to encroach on the twenty-five foot (25') setback.
3. All structures shall be set back from the high water mark of manmade canals a minimum of ten feet (10'), except that water-dependent structures shall be allowed to encroach on the ten foot (10') setback.

Sec. 54-306 Q Height District W

In this district:

1. No structure shall be nearer to the nearest right-of-way lines of the street on which it fronts than a distance equal to the height of the building.

2. The ground coverage of all structures on a lot shall not exceed twenty-five (25) percent of the lot area; "ground coverage" being defined as the sum of the areas of the largest floors in each building.
3. No structure shall be nearer to an interior property line or side street right-of-way line than a distance equal to one-half-the height of the building.

Sec. 54-306 R Height District WP

In this district:

1. No structure shall exceed the height of sixty (60) feet.
2. The ground coverage of all structures on a lot shall not exceed twenty-five (25) percent of the lot area; "ground coverage" being defined as the sum of the areas of the largest floor in each building. Ground coverage shall not include paved parking areas or staging areas.

Section 2. The Old City Height District Map is replaced by the Old City Height District Map, attached to this Ordinance as Exhibit "A", and incorporated herein by reference.

Section 3. This Ordinance shall become effective upon ratification.

Ratified in City Council this ____ day of
_____ in the Year of Our Lord, 2017,
and in the ____th Year of the Independence of
the United States of America

John J. Tecklenburg
Mayor, City of Charleston

ATTEST:

Vanessa Turner Maybank
Clerk of Council

Max Height (stories)	Min / Max Height (ft)	Max Attainable Height	Min Permitted Height	
2.5	Res: 10ft / 12ft	35ft	N/A	35
3 (3.5)	Res: 10ft / 12ft	45ft (14, 12, 12, 7)	32ft (12, 10, 10)	50/25, 55/30
	Ground Floor Retail: 12ft / 14ft			
2.5/3.5	Res: 10ft / 12ft	50ft (14, 12, 12, 12)	44ft (14, 10, 10, 10)	50/25
	Ground Floor Retail: 12ft / 14ft			
3.5 (4)	Res: 10ft / 12ft	56ft (20, 14, 12, 10')	40ft (16, 10, 10, 4)	50/25, 55/30
	Off: 10ft / 14ft			
	Ground Floor Retail: 16ft / 20ft			
4	Res: 10ft / 12ft	62ft (20, 14, 14, 14)	50ft (16, 10, 10, 10, 4)	50/25, 55/30, 80/30
	Off: 12ft / 14ft			
	Ground Floor Retail: 16ft / 20ft			
5	Res: 10ft / 12ft	76ft (20, 14, 14, 14, 14)	56ft (16, 10, 10, 10, 10)	55/30
	Off: 12ft / 14ft			
	Ground Floor Retail: 16ft / 20ft			
6	Res: 10ft / 12ft	90ft (20, 14 x5)	66ft (16, 10 x5)	55/30
	Off: 12ft / 14ft			
	Ground Floor Retail: 16ft / 20ft			
8	Res: 10ft / 12ft	118ft (20, 14 x7)	86ft (16, 10 x7)	80/30, 100/30, 100/30 urban,
	Off: 12ft / 14ft			
	Ground Floor Retail: 16ft / 20ft			
5/12	Res: 10ft / 12ft	174ft (20, 14 x11)	126ft (16, 10 x11)	55/30
	Off: 12ft / 14ft			
	Ground Floor Retail: 16ft / 20ft			

The 5/12 needs to be changed to 4/12 and the feet adjusted accordingly.

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“Sec. 54-306. Old City Height Districts

The requirements of this Section have resulted from a contextual study of building height and architectural patterns in the Old City Height District. The requirements of this Section reflect the predominant building height trends of the areas to which they are applied. The requirements of this Section are intended to clarify acceptable heights of buildings in areas of the Old City Height District, subject to the right of the Board of Architectural Review to allow for greater heights in limited circumstances when based on architectural merit.

General Requirements

1. Heights shall be measured in stories or feet, as specified. Notwithstanding the foregoing, height shall be measured in feet in the following districts: 3X, 85/200, 85/125, 85/30, 100/30, 80/30, 50W, W and WP.
2. Maximum height, if specified in feet, shall be taken from the highest curb elevation adjacent to the site to the highest point of the structure.
3. Where heights of stories are specified in feet, the measurement shall be from finished floor to finished floor.
4. If a building is required to be raised per FEMA requirements, that same height shall be applied to the maximum height allowed, up to a maximum of 6 feet.
5. Floors shall be measured in the following manner:
 - i. The maximum height of any residential floor shall be 12 feet, unless otherwise specified. Any dimension above this shall constitute a second floor.
 - ii. The minimum height of any residential floor shall not be less than 10 feet.
 - iii. The maximum height of any commercial story shall be 20 feet, unless otherwise specified. Any dimension above this shall constitute a second floor.
 - iv. The minimum height of any commercial floor shall not be less than 14 feet, unless otherwise specified.

- v. Parking area under a structure, regardless of height, shall be counted as a story.
6. Half stories shall be permitted as specified by zone. Half stories shall constitute a maximum 50% habitable use of the attic space.
7. Building height to roof eave shall not exceed twice the building width at frontage. The Board of Architectural Review may waive this provision based on architectural merit and context.
8. There shall be no minimum building height requirement.
9. Appurtenances shall not be permitted to exceed the maximum height, unless otherwise specified.
10. If any portion of a structure is within fifty (50) feet of an existing structure rated "exceptional" (Group 1) or "excellent" (Group 2) on the Historic Architecture Inventory, adopted by Section 54-235, or a Landmark structure or a structure in the National Register, no portion of that structure shall exceed the height of such existing structures unless approved by the Board of Architectural Review.
11. Mechanical equipment on a roof shall be visually screened from the street with parapets or other types of visual screens of the minimum height necessary to conceal the same.

Sec 54-306.A: Height District 2.5

Maximum building height shall be 2.5 stories, up to 35 feet maximum.

The Board of Architectural Review may permit an additional half story based on architectural merit and context.

Sec 54-306.B: Height District 3

Maximum building height shall be 3 stories.

The attic shall not be habitable, eave to roof peak shall be no greater than 7 feet.

The commercial ground floor shall not exceed 14 feet.

The Board of Architectural Review may waive the limitation on habitable attic space based on architectural merit and context.

Sec 54-306.C: Height District 2.5 - 3.5

On ROW's greater than 50 feet, the building height shall be limited to a maximum 3 stories and a maximum height of 45 feet.

On ROW's between 35 feet and 50 feet, the building height shall be limited to a maximum of 3 stories, and shall also be limited by the ROW width of the street at a maximum 1:1

ratio. In no event, shall maximum building height exceed 45 feet. (i.e.: if a ROW is 40ft, the building shall not be taller than 40ft).

On ROW's less than 35ft the building height shall be limited to a maximum 2.5 stories.

For multi-family buildings, the Board of Architectural Review may permit up to 4 stories and up to a maximum 45 feet, and in PUDs, and based on architectural merit and context.

Any new structure that requires the ground floor to be elevated more than 2 feet above the average sidewalk height as per FEMA requirements shall be allowed the equivalent in height up to a maximum of 50 feet overall.

The commercial ground floor shall not be less than 12 feet in height and no more than 16 feet in height.

Sec 54-306.D: Height District 3.5

Maximum building height shall be 3.5 stories, up to a maximum of 50 feet.

The Board of Architectural Review may permit an additional half story, based on architectural merit and context, up to a maximum of 50 feet overall.

Sec 54-306.E: Height District 4

Maximum building height shall not exceed 4 stories.

Sec 54-306.F: Height District 5

Maximum building height shall not exceed 5 stories.

The Board of Architectural Review may permit an additional story based on architectural merit and context.

Additional height for ornamental appurtenances exceed the maximum allowable height may be permitted by the Board of Architectural Review, based on architectural merit and context.

Additional height for utilitarian appurtenances related to mechanical equipment or structural systems (such as elevator and stair towers, exhaust fans, HVAC equipment) shall be permitted, based on the following standards:

Appurtenances shall not exceed nine feet in height.

Appurtenances shall be placed to the rear or side of the buildings where possible.

Structures erected to the maximum height allowed by this District shall be abutted by sidewalks no less than 8 feet in width.

Sec. 54-306 G. Height District 6

Maximum building height shall not exceed 6 stories.

The Board of Architectural Review may permit an additional story based on architectural merit and context.

Additional height for ornamental appurtenances that exceed the maximum allowable height may be permitted by the Board of Architectural Review, based on architectural merit and context.

Additional height for utilitarian appurtenances related to mechanical equipment or structural systems (such as elevator and stair towers, exhaust fans, HVAC equipment) shall be permitted, based on the following standards:

Appurtenances shall not exceed nine feet in height.

Appurtenances shall be placed to the rear or side of the buildings where possible.

Structures erected to the maximum height allowed by this District shall be abutted by sidewalks no less than 8 feet in width.

Sec 54-306.H: Height District 8

Maximum building height shall not exceed 8 stories.

The Board of Architectural Review may permit an additional story based on architectural merit and context.

Additional height for ornamental appurtenances that exceed the maximum allowable height may be permitted by the Board of Architectural Review, based on architectural merit and context.

Additional height for utilitarian appurtenances related to mechanical equipment or structural systems (such as elevator and stair towers, exhaust fans, HVAC equipment) shall be permitted, based on the following standards:

Appurtenances shall not exceed nine feet in height.

Appurtenances shall be placed to the rear or side of the buildings where possible.

Structures erected to the maximum height allowed by this District shall be abutted by sidewalks no less than 10 feet in width.

Sec 54-306.I: Height District 4-12

Maximum building height shall not exceed 4 stories. Additional stories, up to a maximum of 12 stories shall be permitted based on meeting specific performance standards as defined in Sec. 54- 201.

Additional height for ornamental appurtenances that exceed the maximum allowable height may be permitted by the Board of Architectural Review, based on architectural merit

and context.

Additional height for utilitarian appurtenances related to mechanical equipment or structural systems (such as elevator and stair towers, exhaust fans, HVAC equipment) shall be permitted, based on the following standards:

Appurtenances shall not exceed nine feet in height.

Appurtenances shall be placed to the rear or side of the buildings where possible.

Structures erected to the maximum height allowed by this District shall be abutted by sidewalks no less than 10 feet in width.

Sec. 54-306 J Height District 3X

In this district, no structure, including appurtenant parts of a structure, except for elevator penthouses, or mechanical penthouses, shall exceed a height equal to three (3) times the least dimension as measured from the center of the right-of-way to the face of the building. No structure fronting on any street shall be lower than the height of thirty (30) feet.

Comment [CF1]: All of the following districts are now a part of the current ordinance.

Sec. 54-306 K Height District 85/200

In this district:

1. No part of a structure, including elevator penthouses and mechanical penthouses, shall exceed the height of two hundred (200) feet, nor shall the principal structure be lower than thirty (30) feet.
2. All portions of a structure, except cornices, canopies, balconies, arcades and other non-habitable architectural elements, shall be set back at least forty (40) feet from the center of the street right-of-way, and a minimum of fifty (50) percent of the building's street frontage shall occur at this set back line, subject to provisions of Article 3: Part 10.
3. All portions of a structure above eighty-five (85) feet including elevator penthouses and mechanical penthouses, except cornices, canopies, balconies, arcades and other non-habitable architectural elements, shall be set back at least fifty-five (55) feet from the center of the street right-of-way. All such portions of a structure, except cornices, canopies, balconies, arcades and other non-habitable architectural elements, shall occupy no more than fifty (50) percent of the building site coverage area.

Sec. 54-306 L Height District 85/125

In this district:

1. No part of a structure, including elevator penthouses and mechanical penthouses, shall exceed the height of one hundred and twenty-five (125) feet, nor shall the principal structure be lower than thirty (30) feet.
2. All portions of a structure, except cornices, canopies, balconies, arcades and other non-habitable architectural elements, shall be set back at least forty (40) feet from

the center of the street right-of-way, and a minimum of fifty (50) percent of the building's street frontage shall occur at this set back line, subject to provisions of Article 3: Part 10.

3. All portions of a structure above eighty-five (85) feet including elevator penthouses and mechanical penthouses, except cornices, canopies, balconies, arcades and other non-habitable architectural elements, shall be set back at least fifty-five (55) feet from the center of the street right-of-way. All such portions of a structure, except cornices, canopies, balconies, arcades and other non-habitable architectural elements, shall occupy no more than seventy-five (75) percent of the building site coverage area.

Sec. 54-306 M Height District 85/30

In this district:

1. No part of a structure, including elevator penthouses and mechanical penthouses, shall exceed the height of eighty-five (85) feet, nor shall the principal structure be lower than thirty (30) feet.
2. All portions of a structure, except cornices, canopies, balconies, arcades and other non-habitable architectural elements, shall be set back at least forty (40) feet from the center of the street right-of-way, and a minimum of fifty (50) percent of the building's street frontage shall occur at this set back line, subject to provisions of Article 3: Part 10.

Sec. 54-306 N Height District M 100/30

In this district:

1. The minimum height for a structure fronting on a street is thirty (30) feet, and the minimum height on the ground floor of a structure fifteen (15) feet.
2. The maximum height of a structure along north-south oriented streets is four (4) stories. The height along north-south oriented streets shall be maintained from the edge of the right-of-way into the interior of the lot for a distance of one hundred (100) feet, except as provided in part 5 hereof.
3. The maximum height of a structure along east-west oriented streets is five (5) stories. The height along east-west oriented streets shall be maintained from the edge of the right-of-way into the interior of the lot a distance of twenty-five (25) feet, except as provided in part 5 hereof.
4. Within the interior of lots (one hundred (100) feet from the edge of north-south oriented streets and twenty-five (25) from the edge of east-west oriented streets), the maximum height for a structure is one hundred (100) feet.
5. To enable the incorporation of distinct architectural features and improve pedestrian activity at the street level, the height limits of parts 2 and 3 may be exceeded by an additional occupied story within the step-back areas set out in parts 2

and 3 and occupied or unoccupied architectural features along the right-of-way may exceed the height limits of parts 2 and 3 upon findings by the Board of Architectural Review that:

- a. The sidewalks widths along all streets abutting the project are widened by at least three (3) feet; and
- b. At least seventy-five (75) percent of the ground floor street frontages is devoted to non-residential use; and
- c. If applicable, the additional story and its proposed location in the step-back areas prescribed by parts 2 and 3 enhance the architectural approach of the project; and
- d. If applicable, proposed architectural features along the right-of-way that exceed the height limits of parts 2 and 3 enhance the architectural approach of the project and do not constitute, in the aggregate, more than twenty (20) percent of the square footage of the footprint of the structure at the street level.

Sec. 54-306 O Height District 80/30

In this district:

1. No structure, including appurtenant parts of a structure except for elevator penthouses, or mechanical penthouses, shall exceed a height of eighty (80) feet nor shall any structure fronting on any street be lower than the height of thirty (30) feet.
2. All portions of a structure above the fifty-five (55) foot level shall be set back at least twenty-five (25) feet from all street right-of-way lines.

Sec. 54-306 P Height District 50W

In this district:

1. No structure shall exceed a height of fifty feet (50').
2. All structures shall be set back from the high water mark a minimum of twenty-five feet (25'), except that water-dependent structures shall be allowed to encroach on the twenty-five foot (25') setback.
3. All structures shall be set back from the high water mark of manmade canals a minimum of ten feet (10'), except that water-dependent structures shall be allowed to encroach on the ten foot (10') setback.

Sec. 54-306 Q Height District W

In this district:

1. No structure shall be nearer to the nearest right-of-way lines of the street on which it fronts than a distance equal to the height of the building.

2. The ground coverage of all structures on a lot shall not exceed twenty-five (25) percent of the lot area; "ground coverage" being defined as the sum of the areas of the largest floors in each building.
3. No structure shall be nearer to an interior property line or side street right-of-way line than a distance equal to one-half-the height of the building.

Sec. 54-306 R Height District WP

In this district:

1. No structure shall exceed the height of sixty (60) feet.
2. The ground coverage of all structures on a lot shall not exceed twenty-five (25) percent of the lot area; "ground coverage" being defined as the sum of the areas of the largest floor in each building. Ground coverage shall not include paved parking areas or staging areas.

Section 2. The Old City Height District Map is replaced by the Old City Height District Map, attached to this Ordinance as Exhibit "A", and incorporated herein by reference.

Section 3. This Ordinance shall become effective upon ratification.

Ratified in City Council this _____ day of
_____ in the Year of Our Lord, 2017,
and in the ____th Year of the Independence of
the United States of America

John J. Tecklenburg
Mayor, City of Charleston

ATTEST:

Vanessa Turner Maybank
Clerk of Council

Max Height (stories)	Min / Max Height (ft)	Max Attainable Height	Min Permitted Height	
2.5	Res: 10ft / 12ft	35ft	N/A	35
3 (3.5)	Res: 10ft / 12ft	45ft (14, 12, 12, 7)	32ft (12, 10, 10)	50/25, 55/30
	Ground Floor Retail: 12ft / 14ft			
2.5/3.5	Res: 10ft / 12ft	50ft (14, 12, 12, 12)	44ft (14, 10, 10, 10)	50/25
	Ground Floor Retail: 12ft / 14ft			
3.5 (4)	Res: 10ft / 12ft	56ft (20, 14, 12, 10')	40ft (16, 10, 10, 4)	50/25, 55/30
	Off: 10ft / 14ft			
	Ground Floor Retail: 16ft / 20ft			
4	Res: 10ft / 12ft	62ft (20, 14, 14, 14)	50ft (16, 10, 10, 10, 4)	50/25, 55/30, 80/30
	Off: 12ft / 14ft			
	Ground Floor Retail: 16ft / 20ft			
5	Res: 10ft / 12ft	76ft (20, 14, 14, 14, 14)	56ft (16, 10, 10, 10, 10)	55/30
	Off: 12ft / 14ft			
	Ground Floor Retail: 16ft / 20ft			
6	Res: 10ft / 12ft	90ft (20, 14 x5)	66ft (16, 10 x5)	55/30
	Off: 12ft / 14ft			
	Ground Floor Retail: 16ft / 20ft			
8	Res: 10ft / 12ft	118ft (20, 14 x7)	86ft (16, 10 x7)	80/30, 100/30, 100/30 urban,
	Off: 12ft / 14ft			
	Ground Floor Retail: 16ft / 20ft			
5/12	Res: 10ft / 12ft	174ft (20, 14 x11)	126ft (16, 10 x11)	55/30
	Off: 12ft / 14ft			
	Ground Floor Retail: 16ft / 20ft			

The 5/12 needs to be changed to 4/12 and the feet adjusted accordingly.

PART 6 - OLD AND HISTORIC DISTRICT AND OLD CITY DISTRICT REGULATIONS

Sec. 54-230. - Purpose of creating districts.

In order to promote the economic and general welfare of the city and of the public generally, and to insure the harmonious, orderly and efficient growth and development of the city, it is deemed essential by the city council of the city that the qualities relating to the history of the city and a harmonious outward appearance of structures which preserve property values and attract tourist and residents alike be preserved; some of these qualities being the continued existence and preservation of historic areas and structures; continued construction of structures in the historic styles and a general harmony as to style, form, color, proportion, texture and material between structures of historic design and those of more modern design. These purposes are advanced through the preservation and protection of old historic or architecturally worthy structures and quaint neighborhoods which impart a distinct aspect to the city and which serve as visible reminders of the historical and cultural heritage of the city, the state, and the nation.

Sec. 54-231. - Designation of Old City District and Old and Historic Districts; definitions.

- a. For the purpose of this article, three types of special districts are established, as follows:
 1. Old and Historic District and Old City District. The boundaries of the Old and Historic District and Old City District are as delineated upon the zone map, a part of the zoning ordinance of the city.
 2. Historic Corridor District. The boundaries of the Historic Corridor District are as delineated upon the zone map, a part of the city zoning ordinance.
- b. For the purposes of this article, "exterior architectural appearance" shall include architectural character, general composition and general arrangement of the exterior of a structure, its shape, form and proportion, the kind, color and texture of the building material and type and character of all windows, doors, light fixtures, signs and appurtenant elements that are visible from a street or public thoroughfare.
- c. For the purposes of this article, "structure" shall include, in addition to buildings, walls, fences, signs, light fixtures, steps or appurtenant elements thereof.
- d. For purposes of this article, "demolition" means the removal of an entire structure or portions or features of a structure that define its historic architectural character, such as roofs, columns, balustrades, chimneys, siding, windows, doors, shutters, site walls, fences and other unique architectural features, which if lost, would compromise the historic architectural character of the structure.

Sec. 54-232. - Construction or demolition of structures in districts; permit required; certificate of approval.

- a. No structure which is within the Old and Historic District shall be erected, demolished or removed in whole or in part, nor shall the exterior architectural appearance of any structure which is visible from a public right-of-way be altered until after an application for a permit has been submitted to and approved by the Board of Architectural Review.
- b. No structure in the Old City District or the Historic Corridor District that is either more than 50 years old or listed in Categories 1, 2, 3 and 4 on the Inventory Map as adopted by Sec. 54-235 shall be demolished, removed in whole or part, or relocated until after an application for a permit has been submitted to the Board of Architectural Review and either has been approved by it or the period of postponement in the case of application for partial or total demolition hereafter provided for in Sec. 54-240, d., has expired.
- c. The exterior architectural appearance of any structure, either more than one hundred years old or listed in Categories 1,2,3 and 4 on the Inventory Map adopted by Sec. 54-235 which is within the Old City District and which is visible from a public right-of-way, shall not be changed until after an application for a permit has been submitted to and approved by the Board of Architectural Review. In the Historic Corridor District, the exterior architectural appearance of structures visible from a public right-of-way, except for residential structures with fewer than eight units, shall not be changed until an application has been submitted to and approved by the Board of Architectural Review.
- d. Within the Old City District, no new structure which will be visible from a public right-of-way upon its completion shall be erected until after an application for a permit has been submitted to and approved by the Board of Architectural Review.
- e. Evidence of the approval required above shall be a certificate of appropriateness issued by the Board of Architectural Review as created herein. Such certificate shall be a statement signed by the chairman of the Board of Architectural Review or administrative officer, as applicable, stating that the new construction, demolition, relocation or the changes in the exterior architectural appearance for which application has been made are approved by the Board of Architectural Review; provided, however, that repairs and renovations to existing structures which do not alter the exterior appearance and are so exempted by the administrative officer as herein provided need not be approved by the Board of Architectural Review.
- f. Any person requesting a permit under this section and article shall be entitled to a hearing on such request before the Board of Architectural Review.

(Ord. No. 2003-93, §§ 1, 2, 9-23-03)

Sec. 54-233. - Board of Architectural Review created; composition; appointment and terms of office.

- a. Two Boards of Architectural Review are hereby established, to be known as the Board of Architectural Review – Small (the “BAR-S”) and the Board of Architectural Review – Large (the “BAR-L”). The BAR-S shall hear and decide applications for projects that are up to 10,000 square feet in size and minor modifications to projects over 10,000 square feet. The BAR-L shall hear and decide applications for projects that exceed 10,000 square feet. Demolition applications shall be assigned to either the BAR-S or BAR-L, as determined by staff.

ARTICLE 2 - LAND USE REGULATIONS
PART 6 - OLD AND HISTORIC DISTRICT AND OLD CITY DISTRICT REGULATIONS

b. Each Board of Architectural Review shall consist of **five (5)** members and two (2) alternates who do not hold any other public office or position in the City of Charleston and are appointed by City Council. Board members shall be citizens of the City of Charleston, or non-citizen owners or principals of businesses located in the City. Each Board shall include two (2) registered architects, an attorney, a licensed professional involved in construction or engineering and a lay person. The members and alternates shall have a demonstrated interest in historic design or preservation and at least one of the following fields: fine arts, architecture, structural engineering, landscape architecture, civil engineering, urban design, city planning, preservation, construction, real estate development, law or associated disciplines. Each board shall elect one of its members chairman, who shall serve for a term of one year or until reelected or a successor is elected and qualified. Each board shall appoint a secretary who may be an officer of the governing authority. Each board shall adopt rules of procedure.”

c. The initial term of three (3) of the five (5) members and one (1) alternate first appointed to the BAR-S and BAR-L shall expire on the date of the first regular City Council meeting in January following their appointment, and the initial term of the other two (2) of the five (5) members and the other alternate first appointed to the BAR-S and BAR-L shall expire on the date of the first regular City Council meeting in January two years thereafter. Following the initial term, the terms of all members and alternates shall be three (3) years. No member shall serve more than two successive three-year terms. A member who has served two successive three-year terms on the BAR-S is not disqualified from serving two successive three-year terms on the BAR-L, and *vice versa*. An appointment to fill a vacancy shall be only for the expired portion of the term.

d. Meetings of the board may be held at the call of the chairman and at such other times as the board may determine. The chairman or, in his or her absence, the acting chairman, may administer oaths and compel the attendance of witnesses by subpoena. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating the fact, and shall keep records of its examinations and other official actions, all of which immediately must be filed in the office of the board and must be a public record.

e. Alternate members, when seated, have all the powers and duties of regular members. Alternate members may always attend meetings but shall only participate in board deliberations and debate, make motions and vote in the absence or voting disqualification of a regular member or the vacancy of a regular member's seat. When necessary to achieve a quorum, an alternate of one Board may serve on the other Board.

(Ord. No. 1999-54, § 2A, 4-27-99; Ord. No. 2000-35, § 1, 3-14-00; Ord. No. 2007-60, § 1, 3-6-07)

Sec. 54-234. - Meeting of board.

a. The Board of Architectural Review may meet at any time upon call of the chairman and, in addition, shall within fifteen (15) days after notification by the administrative officer of the filing of an application for a permit to demolish any structure in whole or in part, hold a public hearing upon each application. At least five (5) days' notice of the time and place of each such hearing shall be given by the administrative officer as follows:

1. In writing to the applicant.

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2. In writing to all persons or organizations that have filed an annual written request for such notices and have paid an annual fee, not to exceed twenty-five dollars (\$25.00), to cover the costs involved.
3. By publication in the form of an advertisement in a newspaper of general circulation within the city.

Sec. 54-235. - Adoption of inventory map; procedure for revision.

In order to identify structures within peninsula Charleston which should be preserved, maintained and protected in the public interest and to provide guidance for the Board of Architectural Review there hereby is adopted as an official public document the inventory map entitled "Historic Architecture Inventory, 1972-73, Peninsula City, Charleston, S.C.," prepared for the city by Carl Feiss, FAIA, AIP, City Planning and Architectural Associates, and Russell Wright, AIP, consisting of peninsula Charleston south of Highway 17, and additional sheets being dated September 4, 1973, with revisions September 11, 1973, October 16, 1973, November 14, 1973, February 20, 1974 and March 27, 1974, as amended by the inventory map entitled "South Carolina Inventory of Historic Places Survey Report, City of Charleston, S.C." prepared for the city by Geier Brown Renfrow Architects and dated August 1985, and as amended by the inventory entitled "A Historic Architectural Resources Survey of the Upper Peninsula, Charleston, South Carolina" prepared by Brockington and Associates, dated 2004 consisting of the peninsula Charleston north of Line Street and south of Mount Pleasant Street (collectively "Inventory Map"). The original of the said Inventory Map shall be filed in the Department of Planning, Preservation and Sustainability as a public record and shall be available for public inspection during normal business hours. Based on changed conditions, the Board of Architectural Review from time to time may recommend to the City Council additional revisions of said Inventory Map, but none shall become effective until the Zoning Ordinance has been appropriately amended.

Sec. 54-236. - Guidance standards; maintenance of consistent policy.

In order to provide guidance and insight into desirable goals and objectives for the Old City District and the Old and Historic District and Historic Corridor District for desirable types of development, and for the maintenance of consistent policies in guiding the building public toward better standards of design, the Board of Architectural Review shall be guided by the 2017 BAR GUIDELINES FOR NEW CONSTRUCTION AND RENOVATION AND REPAIRS, said GUIDELINES being incorporated herein by reference, a permanent copy of which shall be maintained by the Department of Planning, Preservation and Sustainability, or its successor department, and copies of which shall be made available to interested persons on request

Sec. 54-237. – Application Procedure

Pre-Application Conference: Applicants are required to meet with staff prior to applying for Conceptual Approval for projects exceeding 10,000 square feet to assure the applicant is acquainted with and has an understanding of the Board's Guidelines. Applicants for projects less than 10,000 square feet are encouraged, but not required, to likewise meet with staff prior to applying for Conceptual Approval.

Conceptual: Review of the general height, scale, mass and three dimensional form of a building, or an addition to an existing building, and the general architectural direction and quality of the project as it relates to its site, its neighborhood, and the City of Charleston. This phase defines the overall quality and architectural character of the project.

Preliminary: Review of the development of the conceptual design and its relationship to its context in terms of the project's details, finishes and materials. This phase defines the level of quality of construction, and the relationship of the building's components to surrounding buildings and to one another.

Final: Review of the completion of the preliminary design based on completed construction documents and material specifications for consistency with the level of quality of the previous phases. Final Review of BAR-L projects shall be by the Board, unless the Board delegates the review to staff. Final Review of BAR-S projects shall be by staff; provided however, at its discretion, staff may require Final Review to be undertaken by the Board. Any final review that is delegated to staff is for the purpose of assuring that for-permit construction drawings comply with the approved design.

Comparative Reviews: For each review after Conceptual approval, or if the applicant is required to submit more than one conceptual submittal, the applicant shall show on the same sheet the previous proposal for comparison to the current proposal

Courtesy Review: At the discretion of staff, an applicant may be requested to submit to a courtesy review of a project by the Board to receive informal initial feedback as to the direction of the project.

Affordable/Workforce Housing Projects; Projects which include affordable or workforce housing units that are submitted by the application deadline and which comply with all submittal requirements shall be placed on the agenda of the next regularly scheduled meeting of the Board.

In the case of very minor projects involving repair or alterations to existing structures, the Board of Architectural Review, if the preliminary drawings and other data are sufficiently clear and explicit, may grant preliminary and final approval at one review session. Should said data indicate alterations, remodeling, or repairs not changing the exterior appearance, the administrative officer may exempt the application from provisions of this section and approve a Certificate of Appropriateness..

Sec. 54-238. - Contents of application.

Contents of applications for demolition, relocation, new construction, or alterations and/or additions or renovations to existing structures shall include such drawings, photographs or other information as may from time to time be adopted by the Board of Architectural Review, copies of which shall be maintained in the Office of Planning, Preservation and Sustainability or such successor office thereto.

Sec. 54-239. - Public notice requirements.

Upon the filing of an application with the Board of Architectural Review, the property to which such application applies shall be posted with a sign at least five (5) days prior to any public hearing when the application will be considered and said sign shall specify the appropriate city department to contact concerning information regarding the application. The Board of Architectural Review shall adopt and implement rules of procedure by which the posting of signing shall be conducted, and may make recommendations to City Council of fees to be charged therefore. Any fee schedule established hereunder shall be approved by City Council.

Sec. 54-240. - Board of Architectural Review; powers and duties.

a. In passing upon an application to demolish, or demolish in part, or remove, or alter the exterior architectural appearance of any existing structure, the Board of Architectural Review shall consider, among other things, the historic, architectural and aesthetic features of such structure, the nature and

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character of the surrounding area, the culturally important use of such structure and the importance to the city.

b. In passing upon an application for new construction in the Old and Historic district or Old City District, the Board of Architectural Review shall consider, among other things, the general design, the character and appropriateness of design, the scale, form, proportion and height of the structure of the structure, the arrangement, texture, materials and color of the structure in question, and the relation of such elements to similar features of structures in the immediate surroundings. The Board of Architectural Review shall not consider interior arrangement or interior design; nor shall it make requirements except for the purpose of preventing developments which are not in harmony with the prevailing character of Charleston, or which are obviously incongruous with this character. For purposes of this section, immediate surroundings means both sides of the street or streets that adjoin the property that is subject to the application for a distance of one full block in either direction from the property.

c. Among other grounds for considering a design inappropriate and requiring disapproval and resubmission are the following effects: Arresting and spectacular effects, violent contrasts of materials or colors and intense or lurid colors, a multiplicity or incongruity of details resulting in a restless and disturbing appearance, the absence of unity, compatibility and coherence in composition, form and proportion not in consonance with the dignity and character of the present structure (in the case of repair, remodeling or enlargement of an existing structure) or with the prevailing character of the neighborhood **[or immediate surroundings]** (in the case of a new structure).

d. In case of disapproval of an application, the Board of Architectural Review shall state the reasons therefore in a written statement to the applicant and make recommendations in regard to appropriateness of design, arrangement, texture, material, color and the like of the property involved.

e. The Board of Architectural Review may refuse a permit or Certificate of Appropriateness for the erection, reconstruction, alteration, demolition, partial demolition, or removal of any structure within the Old and Historic District, which in the opinion of the Board of Architectural Review, would be detrimental to the interests of the Old and Historic District and against the public interests of the city.

f. Upon receiving an application for the demolition or removal of a structure over fifty years old and within the limits of the Old City District, the Board of Architectural Review, within forty-five (45) days after receipt of the application, shall either approve or deny such application, or find that the preservation and protection of historic places and the public interest will best be served by postponing the demolition or alteration for a designated period, which shall not exceed one hundred eighty (180) days from the receipt of the application, and notify the applicant of such postponement.

g.. In any case involving the demolition or partial demolition of a structure, before granting approval or requiring a postponement, the Board of Architecture Review may call on the chief building official to provide it with a report on the state of repair and structural stability of the structure under consideration.

h. In all applications involving the demolition or partial demolition of a structure, provision shall be made for a public hearing as set forth in this article.

i. Within the period of postponement of such demolition or alteration of any structure, the Board of Architectural Review shall take steps to ascertain what the City Council can or may do to preserve such structure, including consultation with private civic groups, interested private citizens and other public boards or agencies and including investigation of the potential use of the power of eminent domain when the preservation of a given structure is clearly in the interest of the general welfare of the community and of certain historic and architectural significance. The Board of Architectural Review shall then make such

recommendations thereabout to the City Council as the board may determine to submit.

j. The Board of Architectural Review shall have the power to delay for a period of 180 days or deny outright the demolition or removal of a structure over 50 years old in the area bounded to the north by Mount Pleasant Street or the extensions thereof into the waters of the Ashley and Cooper Rivers, to the east by the waters of the Cooper River to the south by the Old City District and to the west by the waters of the Ashley River.

k. The approval of an application by the Board of Zoning Appeals—Zoning or the Board of Zoning Appeals—Site Design pertaining to dimensional requirements of a proposed project shall not be binding on the Board of Architectural Review in its review, or of any power granted to it in this ordinance..

(Ord. No. 1998-148, § 1, 8-18-98; Ord. No. 1999-54, § 4, 4-27-99)

Sec. 54-241. - Powers of board to require repair of structures.

The Board of Architectural Review, on its own initiative, may file a petition with the chief building official requesting that said officer proceed under the public safety and housing ordinance to require correction of defects or repairs to any structure covered by this article so that such structure shall be preserved and protected in consonance with the purpose of this article and the public safety and housing ordinance.

Sec. 54-242. - Exemptions from article.

Nothing in this article shall be construed to prevent the ordinary maintenance or repair of any exterior elements of any structure described in section 54-232; nor shall anything in this article be construed to prevent the construction, reconstruction, alteration or demolition of any such elements which the chief building official shall certify as required by public safety.

Sec. 54-243. - Report to administrative officer; issuance of certificate of appropriateness.

Upon approval of the plans, the Board of Architectural Review shall forthwith transmit a report to the administrative officer stating the basis upon which such approval was made, and if no further action is required of the Board or staff, cause a certificate of appropriateness to be issued to the applicant. [If the Board of Architectural Review shall fail to take final action upon any case within forty-five (45) days after the receipt of application for permit, the application shall be deemed to be disapproved, except where mutual agreement has been made for an extension of time limit.]

When a certificate of appropriateness has been issued, a copy thereof shall be transmitted to the city building inspector, who shall from time to time inspect the alteration or construction approved by such certificate and shall make a report of such inspection to the Board of Architectural Review of any work not in accordance with such certificate or violating any ordinances of the city.

Sec. 54-244. - Time limitations on certificates of appropriateness.

Certificates of Appropriateness shall remain valid for two (2) years from the date of approval, unless extended in accordance with Section 54-962 hereof.

(Ord. No. 1999-24, § 1, 3-10-99; Ord. No. 2005-99, § 2, 6-21-05)

Sec. 54-245. - Appeals to Board of Architectural Review.

Appeals to the Board of Architectural Review may be taken by any person aggrieved or by any officer,

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department, Board or bureau of the city. Such appeal shall be taken within a reasonable time as provided by the rules of the Board by filing with the officer from whom the appeal is taken and with the Board of Architectural Review a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

(Ord. No. 1999-54, § 2B, 4-27-99)

Sec. 54-246. - Effect of an appeal.

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Architectural Review or a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

(Ord. No. 1999-54, § 2B, 4-27-99)

Sec. 54-247. - Hearing an appeal.

The Board shall fix a reasonable time for the hearing of the appeal, or other matter referred to it, and give public notice of it, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or by attorney.

(Ord. No. 1999-54, § 2B, 4-27-99)

Sec. 54-248. - Appeal from Board of Architectural Review to Circuit Court.

A person who may have a substantial interest in any decision of the Board or any officer or agent of the appropriate governing authority may appeal from a decision of the Board to the circuit court in the county by filing with the clerk of court a petition in writing setting forth plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within thirty days after the affected party receives actual notice of the decision of the Board.

(Ord. No. 1999-54, § 2B, 4-27-99)

Sec. 54-249. - Reserved.

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Sec. 54-230. - Purpose of creating districts.

In order to promote the economic and general welfare of the city and of the public generally, and to insure the harmonious, orderly and efficient growth and development of the city, it is deemed essential by the city council of the city that the qualities relating to the history of the city and a harmonious outward appearance of structures which preserve property values and attract tourist and residents alike be preserved; some of these qualities being the continued existence and preservation of historic areas and structures; continued construction of structures in the historic styles and a general harmony as to style, form, color, proportion, texture and material between structures of historic design and those of more modern design. These purposes are advanced through the preservation and protection of old historic or architecturally worthy structures and quaint neighborhoods which impart a distinct aspect to the city and which serve as visible reminders of the historical and cultural heritage of the city, the state, and the nation.

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2. Historic Corridor District. The boundaries of the Historic Corridor District are as delineated upon the zone map, a part of the city zoning ordinance.

b. For the purposes of this article, "exterior architectural appearance" shall include architectural character, general composition and general arrangement of the exterior of a structure, its shape, form and proportion, the kind, color and texture of the building material and type and character of all windows, doors, light fixtures, signs and appurtenant elements that are visible from a street or public thoroughfare.

c. For the purposes of this article, "structure" shall include, in addition to buildings, walls, fences, signs, light fixtures, steps or appurtenant elements thereof.

d. For purposes of this article, "demolition" ~~means~~ means the removal of an entire structure or portions or features of a structure that define its historic architectural character, such as roofs, columns, balustrades, chimneys, siding, windows, doors, shutters, site walls, fences and other unique architectural features, which if lost, would compromise the historic architectural character of the structure.

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Sec. 54-232. - Construction or demolition of structures in districts; permit required; certificate of approval.

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b. No structure in the Old City District or the Historic Corridor District that is either more than 50 years old or listed in Categories 1, 2, 3 and 4 on the Inventory Map as adopted by Sec. 54-235 shall be demolished, removed in whole or part, or relocated until after an application for a permit has been submitted to the Board of Architectural Review and either has been approved by it or the period of postponement in the case of application for partial or total demolition hereafter provided for in Sec. 54-240, d., has expired.

c. The exterior architectural appearance of any structure, either more than one hundred years old or listed in Categories 1,2,3 and 4 on the Inventory Map adopted by Sec. 54-235 which is within the Old City District and which is visible from a public right-of-way, shall not be changed until after an application for a permit has been submitted to and approved by the Board of Architectural Review. In the Historic Corridor District, designated corridors north of Fishburne Street and Line Street, as shown on _____, on file in the Department of Planning, Preservation and Sustainability, the exterior architectural appearance of structures visible from a public right-of-way, except for residential structures with fewer than eight units, shall not be changed until an application has been submitted to and approved by the Board of Architectural Review.

d. Within the Old City District, no new structure which will be visible from a public right-of-way upon its completion shall be erected until after an application for a permit has been submitted to and approved by the Board of Architectural Review.

e. Evidence of the approval required above shall be a certificate of appropriateness issued by the Board of Architectural Review as created herein. Such certificate shall be a statement signed by the chairman of the Board of Architectural Review or administrative officer, as applicable, stating that the new construction, demolition, relocation or the changes in the exterior architectural appearance for which application has been made are approved by the Board of Architectural Review; provided, however, that repairs and renovations to existing structures which do not alter the exterior appearance and are so exempted by the administrative officer as herein provided need not be approved by the Board of Architectural Review.

f. Any person requesting a permit under this section and article shall be entitled to a hearing on such request before the Board of Architectural Review.

(Ord. No. 2003-93, §§ 1, 2, 9-23-03)

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applications for projects that exceed 10,000 square feet. Demolition applications shall be assigned to either the BAR-S or BAR-L, as determined by staff.:

b. Each Board of Architectural Review shall consist of five (5) members and two (2) alternates who do not hold any other public office or position in the City of Charleston and are appointed by City Council. Board members shall be citizens of the City of Charleston, or non-citizen owners or principals of businesses located in the City. Each Board shall include two (2) registered architects, an attorney, a licensed professional involved in construction or engineering and a lay person. The members and alternates shall have a demonstrated interest in historic design or preservation and at least one of the following fields: fine arts, architecture, structural engineering, landscape architecture, civil engineering, urban design, city planning, preservation, construction, real estate development, law or associated disciplines. Each board shall elect one of its members chairman, who shall serve for a term of one year or until reelected or a successor is elected and qualified. Each board shall appoint a secretary who may be an officer of the governing authority. Each board shall adopt rules of procedure.”

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c. The initial term of three (3) of the five (5) members and one (1) alternate first appointed to the BAR-S and BAR-L shall expire on the date of the first regular City Council meeting in January following their appointment, and the initial term of the other two (2) of the five (5) members and the other alternate first appointed to the BAR-S and BAR-L shall expire on the date of the first regular City Council meeting in January two years thereafter. Following the initial term, the terms of all members and alternates shall be three (3) years. No member shall serve more than two successive three-year terms. A member who has served two successive three-year terms on the BAR-S is not disqualified from serving two successive three-year terms on the BAR-L, and vice versa. An appointment to fill a vacancy shall be only for the expired portion of the term.

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d. Meetings of the board may be held at the call of the chairman and at such other times as the board may determine. The chairman or, in his or her absence, the acting chairman, may administer oaths and compel the attendance of witnesses by subpoena. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating the fact, and shall keep records of its examinations and other official actions, all of which immediately must be filed in the office of the board and must be a public record.

e. Alternate members, when seated, have all the powers and duties of regular members. Alternate members may always attend meetings but shall only participate in board deliberations and debate, make motions and vote in the absence or voting disqualification of a regular member or the vacancy of a regular member's seat. ~~The alternate member shall continue to serve until a final determination is made in the matter to which the alternate member was initially called to serve. When necessary to achieve a quorum, an alternate of one Board may serve on the other Board.~~

(Ord. No. 1999-54, § 2A, 4-27-99; Ord. No. 2000-35, § 1, 3-14-00; Ord. No. 2007-60, § 1, 3-6-07)

Sec. 54-234. - Meeting of board.

a. The Board of Architectural Review may meet at any time upon call of the chairman and, in addition, shall within fifteen (15) days after notification by the administrative officer of the filing of an application for a permit to demolish any structure in whole or in part, hold a public hearing upon each application. At

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least five (5) days' notice of the time and place of each such hearing shall be given by the administrative officer as follows:

1. In writing to the applicant.
2. In writing to all persons or organizations that have filed an annual written request for such notices and have paid an annual fee, not to exceed twenty-five dollars (\$25.00), to cover the costs involved.
3. By publication in the form of an advertisement in a newspaper of general circulation within the city.

Sec. 54-235. - Adoption of inventory map; procedure for revision.

In order to identify structures within peninsula Charleston which should be preserved, maintained and protected in the public interest and to provide guidance for the Board of Architectural Review there hereby is adopted as an official public document the inventory map entitled "Historic Architecture Inventory, 1972-73, Peninsula City, Charleston, S.C.," prepared for the city by Carl Feiss, FAIA, AIP, City Planning and Architectural Associates, and Russell Wright, AIP, consisting of peninsula Charleston south of Highway 17, and additional sheets being dated September 4, 1973, with revisions September 11, 1973, October 16, 1973, November 14, 1973, February 20, 1974 and March 27, 1974, as amended by the inventory map entitled "South Carolina Inventory of Historic Places Survey Report, City of Charleston, S.C." prepared for the city by Geier Brown Renfrow Architects and dated August 1985, and as amended by the inventory entitled "A Historic Architectural Resources Survey of the Upper Peninsula, Charleston, South Carolina" prepared by Brockington and Associates, dated 2004 consisting of the peninsula Charleston north of Line Street and south of Mount Pleasant Street (collectively "Inventory Map"). The original of the said Inventory Map shall be filed in the Department of Planning, Preservation and Sustainability as a public record and shall be available for public inspection during normal business hours. Based on changed conditions, the Board of Architectural Review from time to time may recommend to the City Council additional revisions of said Inventory Map, but none shall become effective until the Zoning Ordinance has been appropriately amended.

Sec. 54-236. - Guidance standards; maintenance of consistent policy.

In order to provide guidance and insight into desirable goals and objectives for the Old City District and the Old and Historic ~~Charleston~~ District and Historic Corridor District ~~or~~ for desirable types of development, and for the maintenance of consistent policies in guiding the building public toward better standards of design, the Board of Architectural Review shall be guided by the 2017 BAR GUIDELINES FOR NEW CONSTRUCTION AND RENOVATION AND REPAIRS, said GUIDELINES being incorporated herein by reference, a permanent copy of which shall be maintained by the Department of Planning, Preservation and Sustainability, or its successor department, and copies of which shall be made available to interested persons on request~~shall maintain a file containing records of all applications brought before the board for review, the action taken by the board, drawings submitted and amendments of drawings approved pertaining thereto, and drawings and photographs or reproductions thereof showing structures in authentic Charleston character which, in its opinion, may serve as general guides to appropriateness or as expression of objectives to prospective developers or property owners. Such documents shall remain the property of the city but be held in the custody of the Board of Architectural Review.~~

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Sec. 54-237. — Application Procedure

Pre-Application Conference: Applicants are required to meet with staff prior to applying for Conceptual Approval for projects exceeding 10,000 square feet to assure the applicant is acquainted with and has an understanding of the Board's Guidelines. Applicants for projects less than 10,000 square feet are encouraged, but not required, to likewise meet with staff prior to applying for Conceptual Approval.

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Conceptual: Review of the general height, scale, mass and three dimensional form of a building, or an addition to an existing building, and the general architectural direction and quality of the project as it relates to its site, its neighborhood, and the City of Charleston. This phase defines the overall quality and architectural character of the project.

Preliminary: Review of the development of the conceptual design and its relationship to its context in terms of the project's details, finishes and materials. This phase defines the level of quality of construction, and the relationship of the building's components to surrounding buildings and to one another.

Final: Review of the completion of the preliminary design based on completed construction documents and material specifications for consistency with the level of quality of the previous phases. Final Review of BAR-L projects shall be by the Board, unless the Board delegates the review to staff. Final Review of BAR-S projects shall be by staff; provided however, at its discretion, staff may require Final Review to be undertaken by the Board. Any final review that is delegated to staff is for the purpose of assuring that for-permit construction drawings comply with the approved design.

Comparative Reviews: For each review after Conceptual approval, or if the applicant is required to submit more than one conceptual submittal, the applicant shall show on the same sheet the previous proposal for comparison to the current proposal.

Courtesy Review: At the discretion of staff, an applicant may be requested to submit to a courtesy review of a project by the Board to receive informal initial feedback as to the direction of the project.

Affordable/Workforce Housing Projects; Projects which include affordable or workforce housing units that are submitted by the application deadline and which comply with all submittal requirements shall be placed on the agenda of the next regularly scheduled meeting of the Board.

~~Preapplication review of plans by board required; procedure—~~

~~Prior to the preparation of working drawings and specifications or calling for proposals or bids from contractors, prospective property developers, owners or agents shall prepare preliminary scale drawings and outline specifications, including color samples for outside work, for review and informal discussion with the Board of Architectural Review. The purpose of this review shall be to acquaint the developer, owner or agent with standards of appropriateness of design that are required of his proposed development.—~~

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~~The required preapplication review shall not require formal application but does require notice to be given to the administrative officer and subsequent notification of the chairman of the Board of Architectural Review at least ten (10) days before the date of the meeting at which the preliminary drawings are to be discussed. All documents submitted at this meeting shall be in triplicate prepared in a form suitable for filing in a standard size office filing cabinet.—~~

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In the case of very minor projects involving repair or alterations to existing structures, the Board of Architectural Review, if the preliminary drawings and other data are sufficiently clear and explicit, may grant preliminary and final approval at one review session. Should said data indicate alterations, remodeling, or repairs not changing the exterior appearance, the administrative officer may exempt the application from provisions of this section and approve a [Certificate of Appropriateness permit](#).

Sec. 54-238. - Contents of application.

Contents of applications for demolition, relocation, new construction, or alterations and/or additions or renovations to existing structures shall include such drawings, photographs or other information as may from time to time be adopted by the Board of Architectural Review, ~~and published in its rules of procedure~~, copies of which shall be maintained in the Office of Planning, Preservation and Sustainability or such successor office thereto.

Sec. 54-239. - Public notice requirements.

Upon the filing of an application with the Board of Architectural Review, the property to which such application applies shall be posted with a sign at least five (5) days prior to any public hearing when the application will be considered and said sign shall specify the appropriate city department to contact concerning information regarding the application. The Board of Architectural Review shall adopt and implement rules of procedure by which the posting of signing shall be conducted, and may make recommendations to City Council of fees to be charged therefore. Any fee schedule established hereunder shall be approved by City Council.

Sec. 54-240. - Board of Architectural Review; powers and duties.

a. In passing upon an application to demolish, or demolish in part, or remove, or alter the exterior architectural appearance of any existing structure, the Board of Architectural Review shall consider, among other things, the historic, architectural and aesthetic features of such structure, the nature and character of the surrounding area, the [culturally important](#) use of such structure and the importance to the city.

b. In passing upon an application for new construction in the Old and Historic district or Old City District, the Board of Architectural Review shall consider, among other things, the general design, the character and appropriateness of design, the scale, form, proportion and height of the structure of the structure, the arrangement, texture, materials and color of the structure in question, and the relation of such elements to similar features of structures in the immediate surroundings. The Board of Architectural Review shall not consider interior arrangement or interior design; nor shall it make requirements except for the purpose of preventing developments which are not in harmony with the prevailing character of Charleston, or which are obviously incongruous with this character. [For purposes of this section, immediate surroundings means both sides of the street or streets that adjoin the property that is subject to the application for a distance of one full block in either direction from the property.](#)

c. Among other grounds for considering a design inappropriate and requiring disapproval and resubmission are the following effects: Arresting and spectacular effects, violent contrasts of materials or colors and intense or lurid colors, a multiplicity or incongruity of details resulting in a restless and disturbing appearance, the absence of unity, [compatibility](#) and coherence in composition, [form and proportion](#) ~~not~~ in consonance with the dignity and character of the present structure (in the case of repair, remodeling or enlargement of an existing structure) or with the prevailing character of the neighborhood **[or immediate surroundings]** (in the case of a new structure).

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d. In case of disapproval of an application, the Board of Architectural Review shall state the reasons therefore in a written statement to the applicant and make recommendations in regard to appropriateness of design, arrangement, texture, material, color and the like of the property involved.

e. The Board of Architectural Review may refuse a permit or Certificate of Appropriateness for the erection, reconstruction, alteration, demolition, partial demolition, or removal of any structure within the Old and Historic District, which in the opinion of the Board of Architectural Review, would be detrimental to the interests of the Old and Historic District and against the public interests of the city.

~~f. The Board of Architectural Review may refuse to approve a permit for demolition, removal or alteration of any structure within the Old and Historic District or within the Old City District if it deems the structure of such architectural or historical interest that the removal will be detrimental to the public interest.~~

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~~g.~~ Upon receiving an application for the demolition or removal of a structure over fifty years old and within the limits of the Old City District, the Board of Architectural Review, within forty-five (45) days after receipt of the application, shall either approve or deny such application, or find that the preservation and protection of historic places and the public interest will best be served by postponing the demolition or alteration for a designated period, which shall not exceed one hundred eighty (180) days from the receipt of the application, and notify the applicant of such postponement.

~~g.h.~~ In any case involving the demolition or partial demolition of a structure, before granting approval or requiring a postponement, the Board of Architecture Review may call on the chief building official to provide it with a report on the state of repair and structural stability of the structure under consideration.

~~h.i.~~ In all applications involving the demolition or partial demolition of a structure, provision shall be made for a public hearing as set forth in this article.

~~ij.~~ Within the period of postponement of such demolition or alteration of any structure, the Board of Architectural Review shall take steps to ascertain what the City Council can or may do to preserve such structure, including consultation with private civic groups, interested private citizens and other public boards or agencies and including investigation of the potential use of the power of eminent domain when the preservation of a given structure is clearly in the interest of the general welfare of the community and of certain historic and architectural significance. The Board of Architectural Review shall then make such recommendations thereabout to the City Council as the board may determine to submit.

~~jk.~~ The Board of Architectural Review shall have the power to delay for a period of 180 days or deny outright the demolition or removal of a structure over 50 years old in the area bounded to the north by Mount Pleasant Street or the extensions thereof into the waters of the Ashley and Cooper Rivers, to the east by the waters of the Cooper River to the south by the Old City District and to the west by the waters of the Ashley River.

~~kl.~~ The approval of an application by the Board of Zoning Appeals—Zoning or the Board of Zoning Appeals—Site Design pertaining to dimensional requirements of a proposed project shall not be binding on the Board of Architectural Review in its review, or of any power granted to it in this ordinance..

(Ord. No. 1998-148, § 1, 8-18-98; Ord. No. 1999-54, § 4, 4-27-99)

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Sec. 54-241. - Powers of board to require repair of structures.

The Board of Architectural Review, on its own initiative, may file a petition with the chief building official requesting that said officer proceed under the public safety and housing ordinance to require correction of defects or repairs to any structure covered by this article so that such structure shall be preserved and protected in consonance with the purpose of this article and the public safety and housing ordinance.

Sec. 54-242. - Exemptions from article.

Nothing in this article shall be construed to prevent the ordinary maintenance or repair of any exterior elements of any structure described in section 54-232; nor shall anything in this article be construed to prevent the construction, reconstruction, alteration or demolition of any such elements which the chief building official shall certify as required by public safety.

Sec. 54-243. - Report to administrative officer; issuance of certificate of appropriateness.

Upon approval of the plans, the Board of Architectural Review shall forthwith transmit a report to the administrative officer stating the basis upon which such approval was made, and if no further action is required of the Board or staff, cause a certificate of appropriateness to be issued to the applicant. [If the Board of Architectural Review shall fail to take final action upon any case within forty-five (45) days after the receipt of application for permit, the application shall be deemed to be disapproved, except where mutual agreement has been made for an extension of time limit.]

When a certificate of appropriateness has been issued, a copy thereof shall be transmitted to the city building inspector, who shall from time to time inspect the alteration or construction approved by such certificate and shall make a report of such inspection to the Board of Architectural Review of any work not in accordance with such certificate or violating any ordinances of the city.

Sec. 54-244. - Time limitations on certificates of appropriateness.

~~Conceptual and Preliminary approvals, as may be set out in the Rules of Procedure of the Board of Architectural Review, and~~ Certificates of Appropriateness shall remain valid for two (2) years from the date of approval, unless extended in accordance with Section 54-962 hereof.

(Ord. No. 1999-24, § 1, 3-10-99; Ord. No. 2005-99, § 2, 6-21-05)

Sec. 54-245. - Appeals to Board of Architectural Review.

Appeals to the Board of Architectural Review may be taken by any person aggrieved or by any officer, department, Board or bureau of the city. Such appeal shall be taken within a reasonable time as provided by the rules of the Board by filing with the officer from whom the appeal is taken and with the Board of Architectural Review a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

(Ord. No. 1999-54, § 2B, 4-27-99)

Sec. 54-246. - Effect of an appeal.

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property.

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In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Architectural Review or a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

(Ord. No. 1999-54, § 2B, 4-27-99)

Sec. 54-247. - Hearing an appeal.

The Board shall fix a reasonable time for the hearing of the appeal, or other matter referred to it, and give public notice of it, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or by attorney.

(Ord. No. 1999-54, § 2B, 4-27-99)

Sec. 54-248. - Appeal from Board of Architectural Review to Circuit Court.

A person who may have a substantial interest in any decision of the Board or any officer or agent of the appropriate governing authority may appeal from a decision of the Board to the circuit court in the county by filing with the clerk of court a petition in writing setting forth plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within thirty days after the affected party receives actual notice of the decision of the Board.

(Ord. No. 1999-54, § 2B, 4-27-99)

Sec. 54-249. - Reserved.