

APPENDIX D - Rules of Procedure of the Board of Architectural ~~Review~~[Review](#) ^[1]

Article I. Organization

Section 1. - Rules.

These Rules of Procedure are adopted by the City of Charleston Board of Architectural Review – Large and City of Charleston Board of Architectural Review – Small (herein “Board”) in accordance with the provisions of S. C. Code § 6-29-870 and Sec. 54-233 (b) of the City of Charleston Zoning Ordinance..

Section 2. - Office of the Board.

The office of the Board shall be the [Urban](#) Design and Preservation Division of the Department of Planning, Preservation and Sustainability.

Section 3. - Officers.

The officers of the Board shall be a chairman and a vice-chairman elected at the first meeting of the Board in each calendar year, and [a staff](#) member of the City who shall serve as the secretary of the Board.

- 3.1 **Chairman.** The chairman, or in his absence, the vice-chairman, shall be a voting member of the board and shall:
 - a. Call meetings of the Board;
 - b. Preside at meetings and hearings;
 - c. Act as spokesman for the board;
 - d. Sign documents for the Board;
 - e. Have, or cause to have, decisions of the Board served on parties;
 - f. [Manage discussion at meetings to assure that it remains pertinent to matters subject to the jurisdiction of the Board; and](#)
 - g. Perform other duties approved by the Board.
- 3.2 **Vice-Chairman.** The vice-chairman shall exercise the duties of the chairman in the absence, disability, or disqualification of the chairman. In the absence of the chairman and the vice-chairman, an acting chairman shall be designated by the members present.
- 3.3 **Secretary.** The secretary shall:
 - a. Provide and publish notice of applications, appeals, and meetings;
 - b. Prepare the agenda;
 - c. Properly post the agenda;
 - d. Keep [m](#)inutes of hearings and meetings;
 - e. Maintain Board records as public records;
 - f. Notice parties of Board decisions;
 - g. Attend to Board correspondence; and
 - h. Perform other duties normally carried out by a secretary.

Section 4. - Terms of Office.

The chair and vice-chair shall serve for one year or until they are re-elected, or their successors are elected and qualified.

Article II. Meetings

Section 1. - Time and Place.

The Board of Architectural Review - Large shall meet on the second and fourth Wednesdays of each month at 4:30 p.m., unless such day is a legal holiday. An annual schedule of regular meetings shall be published and posted at the [Urban](#) Design and Preservation Division office in January of each year. Special meeting may be called by the Board upon 24 hours' notice, posted and delivered to all members and local news media. Meetings shall be held at the offices of the Department of Planning, Preservation and Sustainability, unless otherwise noted, and shall [be](#) open to the public.

The Board of Architectural Review - Small shall meet on the second and fourth Thursdays of each month at 4:30 p.m., unless such day is a legal holiday. An annual schedule of regular meetings shall be published and posted at the [Urban](#) Design and Preservation Division office in January of each year. Special meeting may be called by the Board upon 24 hours' notice, posted and delivered to all members and local news media. Meetings shall be held at the offices of the Department of Planning, Preservation and Sustainability, unless otherwise noted, and shall open to the public.

Section 2. - Agenda.

A written agenda shall be furnished by the secretary to each member of the Board and the news media, and shall be posted at least five (5) days prior to each regular meeting, and at least 24 hours prior to a special meeting. Items may be removed from the agenda, or postponed at a meeting, by a majority vote. An agenda for the BAR-L shall contain no more than [8](#) applications, and an agenda for the BAR-S shall contain no more than [15](#) applications. The Board may waive these limitations, upon the request of the [secretary](#).

Section 3. - Quorum.

A majority of the members of the Board shall constitute a quorum. A quorum shall be present before any business is conducted other than rescheduling the meeting.

Section 4. - Rules of Order.

Robert's Rules of Order shall govern the conduct of meetings except as otherwise provided by these Rules of Procedure.

Section 5. - Public Notice.

Each applicant whose application is to be heard will be notified of the date of the meeting at least five (5) days prior to the meeting by letter from the secretary. The property that is the subject of the [application](#) ~~shall~~[application shall](#) be posted with a sign at least five (5) days prior to the meeting. The sign shall contain a description of the matter to be heard and specify the appropriate city department to contact concerning information regarding the application. The sign shall also specify the time, date and location of the meeting.

Article III. Appeals Procedure

Section 1. - Form of Appeal of an Administrative Decision.

Appeals to the Board from an administrative decision may be taken by any person aggrieved or by an officer, department, board, or bureau of the City of Charleston. Appeals shall be filed on forms approved by the Board and provided by the secretary of the Board. Appeal forms shall be made available in the City of Charleston Department of Planning, Preservation and Sustainability. A detailed narrative must accompany the appeal, specifying the grounds of appeal. The Board may require additional information deemed necessary. The failure to submit adequate information may be grounds for dismissal.

Section 2. - Time for Appeal for an Administrative Decision.

An appeal from an administrative decision must be filed within fifteen (15) calendar days from the making of such decision, order, requirement or determination.

Section 3. - Calendar.

Appeals shall be marked with the date of receipt and placed on the hearing calendar.

Section 4. - Withdrawal of Appeal.

Any appeal may be withdrawn by written notice delivered to the secretary prior to action by the Board. An appeal may not be re-filed after the fifteen (15) day time for appeal has expired.

Section 5. - Continuances.

The hearing of an appeal may be continued one time by the Board for good cause shown.

Section 6. - Notice of Appeal.

Public notice of an appeal to the Board shall be published and posted on or adjacent to the property affected at least five (5) days prior to the hearing. The notice shall contain a description of each matter to be heard, and identify the property affected.

Section 7. - Appeal of Board Decision to Circuit Court.

A person who may have 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 the law. The appeal must be filed within thirty (30) days after the affected party receives actual notice of the decision of the Board.

Article IV. Hearing Procedure

Section 1. - Compliance with Zoning. Neighborhood Meetings.

Except as may be otherwise provided by Ordinance, applications are not to be considered by the Board unless they satisfy all zoning requirements concerning the use of the property, parking, setbacks or other

zoning requirements that would affect the size and placement of building. Any Board approval of plans that are determined not to comply with zoning shall render the Board approval null and void; provided however, this rule may be waived in special circumstances if the Board of Zoning Appeals-Zoning or Zoning Administrator requests a recommendation by the Board prior to rendering a zoning decision.

Applicants are encouraged to meet with relevant neighborhood associations and adjacent property owners prior to filing applications with the Board.

The deadline for applications is noon, no later than ten days prior to the requested review date. Schedules, application forms and additional information regarding applications are on file in the Department of Planning, Preservation and Sustainability and at <http://www.charleston-sc.gov/BAR>

Section 2. - ~~Application Phases.~~ ****PLEASE NOTE THAT THIS WHOLE SECTION REGARDING APPLICATION PHASES HAS BEEN MOVED TO THE ORDINANCE.**

~~**Demolition and Partial Demolition:** Demolition is defined as the removal of an entire building or significant portion of a building, the removal of which may compromise the structure's architectural character.~~

~~**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 by staff 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. At its discretion, staff may require Final Review to be undertaken by the Board.~~

~~**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:** Prior to submitting for Conceptual Review an applicant may request 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 shall receive priority review status from the Board.~~

~~Section 3.~~ - Appearances.

The applicant or any party may appear in person or by agent or by attorney. The Board may postpone, or proceed to dispose of a matter on the record before it in the absence of an applicant, or his representative.

Section 3. - Conduct of Hearing.

The normal order of hearing, subject to modification by the Chairman, shall be:

- a. Statement of matter to be heard (Chairman or Secretary);
- b. Staff introduction of the project, providing the context and historic background (5minutes)~~(not applicable to Courtesy Review)~~;
- c. Presentation of the project by the applicant, or in the case of an appeal, the administrative officer (10-15 minutes);
- d. Board and staff questions to, and responses from, the applicant;
- ~~e-e.~~ Public comment (20-minute limit total, or as determined by the Chairman), followed by responses from Applicant;
- f. Staff recommendation ~~(not applicable to Courtesy Review)~~;
- g. Full Board discussion;
- h. Applicant points of clarification;
- i. Board action ~~(not applicable to Courtesy Review)~~

Section 4. - Disposition.

The Board may deliberate and make a final disposition of a matter by majority vote of members present at the hearing and qualified to vote; provided that no less than a quorum are qualified to vote. The vote may be taken at the same or subsequent meeting. ~~A member may not vote on a matter which the member has not heard.~~ Deliberations shall be conducted and votes taken in public. When a member has a conflict of interest in a matter being heard, that member shall complete a conflict of interest form for that matter, abstain from voting and leave the room until the matter is disposed of.

Section 5. - Decisions of the Board.

A decision of the Board shall be issued disposing of a matter by granting approval, denying approval or granting approval with such conditions as may be deemed necessary, or affirming, modifying, or reversing an administrative decision. The secretary shall notify the applicant upon execution of the decision of the Board. The Board may defer action on an application when, in its discretion, a project requires additional study.

Section 6. - Staff Approvals.

Board Policy statement dated November 28, 2001 (revised from February 8, 1984), on file in the Department of Planning, Preservation and Sustainability, is a written list of criteria for applications that the Preservation Officer or designee may process and for which the Officer may grant a Certificate of Appropriateness. For such staff approvals, a copy of the Certificate of Appropriateness must be posted on

the property by the applicant for a minimum of ~~fifteen seven (157)~~ days, with proof of such posting being submitted to the ~~secretary. eservation-Officer.~~

Article V. Records

Section 1. - Minutes.

The Clerk of Council shall record all meetings and hearings of the Board. The Clerk shall prepare minutes of each meeting, which shall be maintained as public records.

Section 2. - Decisions.

The secretary shall assist in the preparation and notice of all decisions of the Board in appropriate form. Copies of all notices, correspondence, documentary evidence, decisions and forms shall be maintained as public records.

Section 3. - Policies of the board.

The Board may adopt guidelines and policies at its discretion, which will be kept on file at the office of the Board.

Article VI. Amendment, Conflicts and Adoption

Section 1. - Amendment.

These rules may be amended at any regular meeting of the Board by majority vote of the members of the Board.

Section 2. - Conflicts.

These Rules of Procedure are intended to complement and supplement State law and City ordinances pertaining to design review. To the extent of any inconsistency between these Rules and applicable State law and City ordinances, the hierarchy of application shall be State law first, followed by City ordinance, followed by the provisions of these Rules.

Section 3. - Adoption.

These rules and regulations were adopted by vote of a majority of the members of the BAR-L at a regular public meeting on _____, and by the BAR-S on _____.