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# MEMORANDUM

TO: City Council

FROM: Frances I. Cantwell FC
Corporation Counsel

RE: BAR and Old City Height Ordinances

DATE: June 14, 2017

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On February 17, 2017, Council gave first reading to an Ordinance that amended Part 6 of the Zoning Ordinance, the part of the Zoning Ordinance that established the BARs and set out its duties and powers. The proposed amendments included adding definitions, the adoption of Construction Principles and codifying the BAR procedure, among other matters. At that same meeting, Council also gave first reading to an Ordinance that would amend Sec. 54-306 of the Zoning Ordinance that governs heights of structures in the Old City Height District. The amendments included adding new height districts and regulations applicable to those districts, including measuring heights of structures by floors instead of feet.

Council's charge to staff in February was to thoroughly vet the Ordinances with interested parties. Over the course of the last months, staff has met on numerous occasions with a myriad of interests, to include neighborhoods, the development community, the design community, the BARs and preservation groups. Those meetings resulted were productive and resulted in constructive comments, the majority of which have been incorporated into the Ordinances included in the agenda packet.

The Ordinances in the packet are those that the Planning Commission the Planning Commission reviewed and recommended that Council approve. Staff has, however, corrected scrivener's errors corrected and the included non-substantive stylistic changes recommended by neighborhood,

preservation and other interested parties. The changes to the Ordinances now on the books are shown in in red type.

Since the special meeting of the Planning Commission on May 25, 2017, staff has continued to meet and receive input from interested parties. These interactions have proven fruitful, resulting in further refinements to the height map and the addition of some language to the BAR Ordinances. Attached to this memo are the recommended refinements for your consideration.

Staff will be happy to answer any questions you may have regarding the Ordinances and proposed amendments at or before your meeting next week.

cc: Jacob Lindsey

AN ORDINANCE TO AMEND PART 6 – OLD AND HISTORICT DISTRICT AND OLD CITY DISTRICT REGULATIONS OF CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) TO, AMONG OTHER MATTERS, ADD THE HISTORIC CORRIDOR DISTRICT, ADD OR MODIFY DEFINITIONS, ADOPT PRINCIPLES TO GOVERN NEW CONSTRUCION AND RENOVATION, ESTABLISH AND APPLICATION PROCEDURE AND ADDRESSING THE POWERS AND DUTIES OF THE BOARDS OF ARCHITECTURAL REVIEW.

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

Section 1. Part 6 – Old and Historic District and Old City District Regulations of Chapter 54 of the Code of the City of Charleston is hereby amended to read as follows (amendatory language in red):

# PART 6 - OLD AND HISTORIC DISTRICT, OLD CITY DISTRICT AND HISTORIC CORRIDOR 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 height, scale and mass in relation to its immediate surroundings, 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 a substantial portion of a structure visible from the public right-of-way or a substantial portion of features of a structure that are visible from the public rights-of-way 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.

e. For purposes of this article, “height” means the vertical extent of a structure as described in Sec. 54-306 of this Chapter.

**f**. For purposes of this article, “scale” means building elements and details and the relationship of a building to itself, to humans, and to structures in its immediate surroundings in terms of its visual unity, continuity and proportions.

g. For purposes of this article, “mass” means the volume or bulk of a building expressed in its three-dimensional form, to include variations in the shape and form of the building and its relationship to the size of structures in its immediate surroundings.

**h.** For purposes of this article, “immediate surroundings” means abutting properties and those on both sides of the street of the block in which the building is located.

**i.** For purposes of this article, “block” means the aggregate (or sum) of privately owned lots passages, rear lanes and alleys lying between one public street and, as to that street, the next public street.

**j.** For purposes of this article, “visible from the public right-of-way” means only such portion of a structure that can be viewed by the naked eye from street level. In determining visibility, presence of vegetation shall be ignored.

k. For purposes of this article, “Certificate of Appropriateness” means the approval of a project by the Board that entitles the applicant to apply for a building permit.

**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 or 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 and Historic Corridor 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 10,000 square feet or less 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.

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 demonstrated experience 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, 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 **s**hall 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.

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, 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 Secretary of the Interior’s Standards for Historic Preservation and the 2017 BAR PRINCIPLES FOR NEW CONSTSRUCTION AND RENOVATION AND REPAIRS, said Standards and PRINCIPLES being incorporated herein by reference, and permanent copies 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 and Review 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 of 10,000 square feet or less 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, its immediate surroundings 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; and provided further that the BAR-S, in its discretion, may request to undertake Final Review. 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, subject to Rules of the Board if any, that limit the number of items on agenda.

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.**

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 reviewing any application before it, the Board of Architectural Review may approve, deny or conditionally approve an application. If in the opinion of the Board, an application requires further study, action on an application may be deferred. In passing on an administrative appeal, the Board may affirm, modify or reverse the decision.

b. In reviewing 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 historic or culturally important use of such structure and the importance to the city.

c. In reviewing an application for new construction in the Old and Historic District, Old City District or Historic Corridor District, the Board of Architectural Review shall consider, among other things, the general design, the character and appropriateness of design, the height, scale and mass of the structure, the arrangement, texture, materials and color of the structure in question, and the relation of such aspects, features and elements to similar aspects, features and elements of structures in the immediate surroundings. In passing upon an application, the Board of Architectural Review is empowered to require the use of architectural techniques such as building façade and mass modulations or adjustments to the footprint of a structure on a site to achieve appropriate form and proportion of a structure in relation to its immediate surroundings, so long as such techniques do not unreasonably restrict the use of a site in light of its underlying zoning. The Board of Architectural Review shall not consider interior arrangement or interior design; nor shall it make requirements except for the purpose of preventing designs of developments which are not in harmony with the prevailing character of Charleston, or which are obviously incongruous with this character.

d. Among other grounds for considering a design inappropriate and requiring denial or deferral 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, visual 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 immediate surroundings (in the case of a new structure).

d. In case of denial 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.

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 historic character and public interest of the city.

f. Upon receiving an application for the demolition or removal of a structure over fifty (50) 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 application 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 or removal of a structure, before granting approval or requiring a postponement, the Board of Architectur**al** 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 or removal 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, partial demolition or removal 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, partial 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 not experience demolition by neglect and 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 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. 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.**

Section 2. This Ordinance shall become effective upon ratification.

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

_____

John J. Tecklenburg
Mayor, City of Charleston

ATTEST:

Vanessa Turner Maybank
Clerk of Council

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, and reinforce the principles cited in the Downtown Plan, adopted in 1999, that higher structures be located along spine streets of the Peninsula, with heights of structures tapering down towards the waters' edges. 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 adjust 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, 55/30S, 55/30, 56/30V, 120/30, 50W, W and WP.
2. For maximum height specified in feet, the measurement shall be taken from the highest curb elevation adjacent to the site to the highest point of the structure. For maximum height specified in stories, the measurement shall be taken from the main floor finished elevation.
3. Where heights are specified in stories or 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 added to the maximum height allowed, up to a maximum of 6 feet.
5. Any area under a structure in excess of six feet shall be counted as a story.
6. The BAR is empowered to require a downward adjustment of one-half story in the number of stories based on the number of stories of structures that predominate in the structure's immediate surroundings, as defined in Sec. 54-231.

7. 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. The BAR may grant a waiver up to 14 feet on the main floor, based on architectural merit and context.

   ii. The minimum height of any residential floor shall not be less than 10 feet; however, there is no minimum height for floors in a single family residence, duplex or townhouse.

   iii. The maximum height of any nonresidential story shall be 20 feet, unless otherwise specified. Any dimension above this height shall constitute a second floor. The BAR may grant a waiver up to 25 feet on the main floor based on architectural merit and context.

   iv. The minimum height of any nonresidential floor shall not be less than 14 feet, unless otherwise specified.

   v. The BAR is empowered to require downward adjustments to floor heights, based on context of the structure with its immediate surroundings, as defined in Sec. 54-231.

8. Half stories shall be permitted as specified by zone. Half stories shall constitute a maximum 50% habitable use of the attic space or 50% of the buildable area, whichev**er is** l**ess**. For purposes of this section a half-story means an area no larger than 50% of the footprint of the structure, regardless of whether that area is under a roof or not.

9. Building height to roof eave shall not exceed twice the building width at frontage; provided Board of Architectural Review may waive this provision based on architectural merit and context.

10. There shall be no minimum building height requirement, unless required by the applicable height district.

11. Appurtenances to a building shall not be permitted to exceed the maximum height, unless otherwise specified.

12. If any portion of a structure subject to the jurisdiction of the BAR 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 structure in the Landmark Overlay district, such portion of that structure shall not exceed the height of such existing structures unless approved by the Board of Architectural Review based on architectural merit and context.

13. 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.

14. Additional buildings that are not accessory buildings, additions to buildings, and accessory buildings that include dwelling units that are subject to the jurisdiction of the BAR shall be subordinate in height, scale and mass to the existing building; provided this provision may be waived by the Board of Architectural Review when it deems such

appropriate based on architectural merit and context.

15. Parking garages shall not exceed the height of the principal building on the site. Parking garages shall not be constrained by floor to floor height requirements, but stand-alone parking garages shall appear from the street to conform to the number of stories permitted in the height district in which it is located.

16. In the height districts where additional height may be awarded on the basis of architectural merit and context, if the property is not subject to the jurisdiction of the Board of Architectural Review, the owner requesting the additional height must submit the plans to the Board of Architectural Review for review and approval.

17. An applicant seeking a height rezoning shall only be able to request a rezoning to the next higher height district.

18. Applicant requesting additional height as may be authorized per the applicable height district shall adhere to submittal requirements as adopted by the Board of Architectural Review.

19. Communication towers shall not exceed the maximum building height limits of districts that include a maximum height limit in feet, or a height limit equal to 10 feet per story for districts that do not specify a maximum height in feet.

20. "Architectural merit" means a project that reflects exemplary architectural and urban design, utilizes the highest level of materials and finishes and contributes to the public realm.

**Sec 54-306.A: Height District 2.5**

Maximum building height shall be 2.5 stories.

The Board of Architectural Review may permit an additional half story on buildings subject to its jurisdiction based on architectural merit and context.

Within residential zone districts, accessory buildings shall not exceed one and one-half stories and an eave height of eleven feet, except where applicable regulations of the Zoning Ordinance allow an additional dwelling unit in an accessory building.

**Sec 54-306.B: Height District 3**

Maximum building height shall be 3 stories.

The attic shall not be habitable.

The nonresidential 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.

Within residential zone districts, accessory buildings shall not exceed one and one-half stories and an eave height of eleven feet, except where applicable regulations of the Zoning Ordinance allow an additional dwelling unit in an accessory building.

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

On rights-of way greater than 50 feet, the building height shall be limited to a maximum 3 stories and a maximum height of 45 feet.

On rights-of-way 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 rights-of-way less than 35ft the building height shall be limited to a maximum 2.5 stories.

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

Any new structure that requires the main 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 nonresidential main floor shall not be less than 12 feet in height and no more than 16 feet in height, unless a waiver is granted for additional height of the floor per the requirements of Sec. 54-306 (7) hereof.

Within residential zone districts, accessory buildings shall not exceed one and one-half stories and an eave height of eleven feet, except where applicable regulations of the Zoning Ordinance allow an additional dwelling unit in an accessory building.

**Sec 54-306.D: Height District 3.5**

Maximum building height shall be 3.5 stories..

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.

The Board of Architectural Review may permit an additional one-half story, based on

architectural merit and context, up to a maximum of 50 feet overall.

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

Utilitarian appurtenances related to mechanical equipment or structural systems (such as elevator and stair towers, exhaust fans, HVAC equipment) may exceed the maximum height, 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 that are 5 or more stories shall be abutted by sidewalks no less than 10 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.

Utilitarian appurtenances related to mechanical equipment or structural systems (such as elevator and stair towers, exhaust fans, HVAC equipment) may exceed the maximum height, 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 that are 6 stories or more shall be abutted by sidewalks no less than 10 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.

Utilitarian appurtenances related to mechanical equipment or structural systems (such as elevator and stair towers, exhaust fans, HVAC equipment) may exceed the maximum height, 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 that are 8 stories or more shall be abutted by sidewalks no less than 10 feet in width.

The provisions of Sec. 54-306 (12) do not apply in this height district.

**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.

Utilitarian appurtenances related to mechanical equipment or structural systems (such as elevator and stair towers, exhaust fans, HVAC equipment) may exceed the maximum height when their visual impact is minimized, based on the following standards:

Utilitarian appurtenances shall not exceed nine feet in height.

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

Structures more than 4 stories 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 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 exceed 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.

Sec. 54-306 S Height District 56/30 V

In this district:

1. FEMA Velocity Zone regulations impose significant restrictions on the developable volume of properties that fall within its influence, and are particularly restrictive regarding street-level development. The success of the traditional urban fabric of Charleston is highly dependent upon the activation of the public realm, and street-level uses are a key element of this activity. The 56/30V Height District is intended to encourage a continuation of Charleston's urban traditions by providing incentive for development of street-level activity within FEMA Velocity Zones.

2. No part of a structure shall exceed the height of fifty-six (56) feet unless permitted as a result of the following clauses, nor shall any principal structure be lower than thirty (30) feet.

3. Allowances for additional enclosed habitable space above fifty-six (56) feet but not to exceed a height of seventy (70) feet shall be permitted when the development in question provides for contributory occupation of the ground floor at the street frontage(s) of the property. Such contributory occupation must be designed to abide by FEMA requirements for development in Velocity Zones as approved by the city's Floodplain Administrator. For every square foot of approved contributory occupation of the ground floor, the development will be permitted an equivalent square foot of habitable space above fifty-six (56) feet, up to a limit of 25 percent of the total rooftop area. Contributory occupation is defined as any activity that is deemed by the Zoning Administrator to be consistent with and supportive of the goal of street-level activation within the FEMA V-Zone. Such activity might include, but is not limited to: outdoor dining (covered or open-air), temporary shops or merchant stands; manned vending carts; green spaces (physically open to the sky); building access stairs or lobbies, storefront displays, etc. In addition, the areas dedicated to contributory occupation must be located with a majority of its frontage on the street or public sidewalk, and must be specifically designed to support contributory occupation. Under no circumstances will parking, *mechanical* or storage areas be considered contributory occupation.

4. Allowances for additional height above fifty-six (56) feet but not to exceed seventy (70) feet may be permitted for architectural features such as parapets, towers, pergolas, or other roof elements, and mechanical rooms, elevator penthouses and stair towers. Mechanical rooms, elevator penthouses and stair towers must be designed as integrated architectural elements. The design of such features is further limited as follows: they shall not contain enclosed habitable spaces (unless such habitable spaces are permitted as a result of the previous clause); the total rooftop occupation (including allowed enclosed habitable spaces and uninhabitable architectural features) shall not exceed 50 percent of the total rooftop area; the existence and design of any such features is subject to review and approval of the Board of Architectural Review.

5. Notwithstanding the above, no portion of a structure, which structure is within fifty (50) feet of an existing building rated "exceptional" (Group 1) or "excellent" (Group 2) on the Historic Architecture Inventory adopted by Section 54-235 shall

exceed the height of such existing building unless approved by the Board of Architectural Review.

**Sec. 54-306 T 120/30**

In this district**:**

1. No structure, including appurtenant parts of a structure, except for elevator penthouses, or mechanical penthouses, shall exceed a height of one hundred twenty (120) 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 seventy (70) foot height level shall set back at least thirty (30) feet from all street right-of-way lines.
3. All principal structures fifty (50) feet or less in height shall have no set back from street right-of-way lines, subject to provisions of Article 3: Part 10; except such structures may be set back from street right-of-way a distance no greater than the least such set back of the two adjoining buildings on either side.
4. Notwithstanding the above, no portion of a structure, which structure is within fifty (50) feet of an existing building rated "exceptional" (Group 1) or "excellent" (Group 2) on the Historic Architecture Inventory adopted by Section 54-235 shall exceed the height of such existing buildings unless approved by the Board of Architectural Review.

**Sec. 54-306U 55/30 S**

In this district:

1. No part of a structure shall exceed the height of fifty-five (55) feet, nor shall the principal structure be lower than thirty (30) feet.
2. All structures shall have no minimum set back from street right-of-way lines, subject to provisions of Article 3: Part 10.

**Sec. 54-306V 55/30**

In this district:

1. No part of a structure shall exceed the height of fifty-five (55) feet, nor shall the principal structure be lower than thirty (30) feet.
2. All structures shall have no set back from street right-of-way lines, subject to provisions of Article 3: Part 10.

| Charleston Heights Proposed Districts | | | | |
|---|---|---|---|---|
| New Zoning | | | | Old HD's |
| 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<br>Ground Floor Retail: 12ft / 14ft | 45ft (14, 12, 12, 7) | 32ft (12, 10, 10) | 50/25, 55/30 |
| 2.5/3.5 | Res: 10ft / 12ft<br>Ground Floor Retail: 12ft / 14ft | 50ft (14, 12, 12, 12) | 44ft (14, 10, 10, 10) | 50/25 |
| 3.5 (4) | Res: 10ft / 12ft<br>Off: 10ft / 14ft<br>Ground Floor Retail: 16ft / 20ft | 56ft (20, 14, 12, 10*) | 40ft (16, 10, 10, 4) | 50/25, 55/30 |
| 4 | Res: 10ft / 12ft<br>Off: 12ft / 14ft<br>Ground Floor Retail: 16ft / 20ft | 62ft (20, 14, 14, 14) | 50ft (16, 10, 10, 10, 4) | 50/25, 55/30, 80/30 |
| 5 | Res: 10ft / 12ft<br>Off: 12ft / 14ft<br>Ground Floor Retail: 16ft / 20ft | 76ft (20, 14, 14, 14, 14) | 56ft (16, 10, 10, 10, 10) | 55/30 |
| 6 | Res: 10ft / 12ft<br>Off: 12ft / 14ft<br>Ground Floor Retail: 16ft / 20ft | 90ft (20, 14 x5) | 66ft (16, 10 x5) | 55/30 |
| 8 | Res: 10ft / 12ft<br>Off: 12ft / 14ft<br>Ground Floor Retail: 16ft / 20ft | 118ft (20, 14 x7) | 86ft (16, 10 x7) | 80/30, 100/30, 100/30 urban, |
| 4/12 | Res: 10ft / 12ft<br>Off: 12ft / 14ft<br>Ground Floor Retail: 16ft / 20ft | 174ft (20, 14 x11) | 126ft (16, 10 x11) | 55/30 |

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. The provision of this Ordinance, including the Old City Height Map, shall be reviewed by the Department of Planning, Preservation and Sustainability, in consultation with the Boards of Architectural Review, during the six month period immediately following ratification of this Ordinance. Should such review suggest modifications to this Ordinance to improve its efficacy or operation, such modifications shall be submitted to the Planning Commission and City Council for consideration.

Section 4. This Ordinance shall become effective upon ratification.

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

_____
John J. Tecklenburg
Mayor, City of Charleston

ATTEST: _____
Vanessa Turner Maybank
Clerk of Council

# 2017 BOARD OF ARCHITECTURAL REVIEW PRINCIPLES FOR NEW CONSTRUCTION AND RENOVATIONS AND REPAIRS

## NEW CONSTRUCTION

Charleston is a city of international acclaim due to a myriad of factors, but particularly because of the steadfast commitment of its citizens and leaders to maintain and promote architectural principles that document its history, culture and heritage and encourage new construction that is compatible with that culture and heritage, but also reflective of its time. These Principles are intended to provide guidance and suggested techniques for new construction. They are not intended to be exclusive, and because each building has its own context, they are not to be construed as giving rise to by-right entitlement of approval of an application.

PRINCIPLES:

A principl**e** activated by "shall" is a mandatory rule, unless applicant makes a compelling argument to the contrary.

A principle *a*ctivated by "should" is *a generally acceptable practice encouraged by* the BAR.

A principle activated by "may" is an option that can be requested by the BAR.

***Principl*e: Higher ceiling heights present a more gracious façade to the street. On the interior, taller ceilings provide better light and ventilation.**

Building height shall be measured in number of stories, not in feet. The main floor shall be higher than the other floors; a minimum of 14 feet, measured from floor to floor, for nonresidential buildings and 10 feet, measured from floor to floor, for residential buildings.

***Principle*: A building should present a high quality tactile and visual experience to the passerby and articulated at a human scale. Better materials and workmanship are especially critical at street level as it is within eye level and reach of pedestrians.**

A means of achieving this principle may be by way of a base, wherein the bottom is of the building is articulated differently from the rest of the building, either by a change of material, or a setback above the base. Material and craftsmanship on the base should be more durable and of higher quality than the materials on higher levels. For buildings less than six stories, the base consists of the ground floor. For buildings more than six stories, the base shall be taller and proportionally appropriate to the building.

***Principle:* Narrow frontages permit a larger number and variety of structures to line the sidewalk, thereby enlivening the pedestrian experience. Additionally, vertical orientation reinforces Charleston's visual character, which has always tended towards the vertical.**

A means of achieving this principle are buildings that are narrow towards the frontage—even commercial buildings, which may be massed as a single bar or as a series of wings.

***Principle***: **To work in harmony with surrounding buildings, buildings should not pretend to be isolated objects, but rather work together with their surroundings to define and enhance the public realm.**

A means of achieving this principle is by way of building frontages, on both large and small buildings that reflect the rhythm of the adjacent or fronting buildings. This may be achieved either by breaking up the project into several buildings or articulating a single mass as a series of smaller forms.

***Principle:*** **The visual appearance of parking lots and garages should be mitigated to support pedestrian experience.**

A means of achieving this principle is shielding the frontage of Parking Garages and ground level parking in habitable buildings in A-Zones to a minimum depth of 30 feet of habitable space. In V-Zones and residential areas in A-Zones where flood elevation precludes habitable space at the street level, parking should be shielded by louvers, landscaped trellises, crafted ornamental metal screens or other comparable architectural masking features. Open parking lots *must* screened by walls between 4.5 and five feet in height. The walls shall be masonry matching the principle building if such exists.

***Principle:*** Street life on the sidewalk should be supported.

A means of achieving this principle may be the inclusion of a primary entrance to all buildings that is located on street frontage and not directly on a parking lot or garage.

***Principle:*** **The authenticity of Charleston should be supported by the use of materials that are authentic in their appearance and function.**

A means of achieving this principle may be through the use of *e*xterior materials as brick, cut stone, smooth stucco (stucco over frame is discouraged, but if proposed shall be held to strict deflection criteria) and clapboard. Composite and processed materials, steel sections, cast stone, and cementitious boards, in limited quantity, may be acceptable upon submittal of a sample to the BAR. Vinyl, Styrofoam, GFRP and other synthetic materials should be avoided, or if not avoided, concentrated on the higher levels of the structure.

***Principle:*** **The authenticity of construction should be supported and the architectural language of the building legible.**

A means of achieving this principle may be by way of tectonic*s.* For example: heavier materials below lighter materials, wood and metal above brick, and all above stone.

***Principle:*** **The harmony of building facades and the streetscape should be enhanced.**

A means of achieving this principle may be by way of a unified design among storefront glazing, doors, and building signage.

***Principle:*** **Glazing increases interest and security for pedestrians. Dark, opaque and/or reflective glass is not in the local vernacular.**

This principle may be achieved by limiting glazing on storefronts on the ground level to less than a majority of the storefront.

***Principle:*** **Vertical windows allow greater depth of light into a room and, by providing a frame in proportion with the human body, express the human occupation within.**

This principle may be achieved by way of wall openings, with the exception of storefronts and transoms that are vertical in proportion, generally displaying a ratio between 2/1 and 3 /1.

***Principle:*** **The size and frequency of windows is one of the most significant visual characteristics of a building. They should provide repetitive rhythm horizontally, but not be too repetitive vertically.**

A means of achieving this principle may be by way of facades that have more than one window size, with smaller sizes above. Three sizes should be provided for buildings taller than four stories and two sizes for buildings four stories or less.

***Principle:*** **The achievement of small-scale texture, visual structure and relief to otherwise large, unsupported pieces of glazing.**

Thin mullions or muntins may be required on windows larger than two feet in any direction and cannot be located between or behind the outer glass surface. The depth of the mullion should not be less than the width.

***Principle:*** **The achievement of a building with relief and the avoidance of the impression of cheap, paper-thin facades.**

This principle may be achieved with glazed openings that **s**how a minimum wall depth of four inches clear to the frontage.

***Principle:*** **The use of detail provides points of visual interest to pedestrians and enhances the articulation of the human scale of a building.**

This principle may be achieved through the use of an array of small scale detail derived from the modularity of the material (brick or clapboard), elements such as mullions, louvers, string courses, trim details, brackets, cornices, and/or column details.

***Principle:*** **A Charleston tradition is the adaptation of buildings to its climate which has established the City's aesthetic identity and enhanced the sustainability of its building stock.**

A means of achieving this principle may be by the use of shade fenestration facing south and west, with elements such as roof overhangs, arcades, porches, awnings, loggias, balconies and piazzas.

| GENERALLY EASIER TO APPROVE < ..... > MORE DIFFICULT TO APPROVE |
|---|
| **URBAN GUIDELINES** |
| TALLER CEILING HEIGHTS < ..... > SHORTER CEILING HEIGHT |
| NARROW TO THE FRONTAGE < .....> WIDER TO THE FRONTAGE |
| BASE DIFFERENTIATED < ..... > BASE CONTINUOUS |
| MANY SMALL BUILDINGS < ..... > FEW LARGE BUILDINGS |
| PARKING MASKED FROM FRONTAGE < ..... > PARKING VISIBLE FROM |
| PARKING PROVIDED <.....> EXCESS PARKING PROVIDED |
| **ARCHITECTURAL GUIDELINES** |
| NATURAL & INTEGRAL MATERIALS <..... > COMPOSITE & CLADDING MATERIALS |
| STRUCTURAL EXPRESSION <..... > SURFACE EXPRESSION |
| APPLICATION OF LOCAL CRAFT <..... > ABSENCE OF CRAFT |
| UNIFIED STOREFRONT DESIGN < ..... > STOREFRONT BY COMPONENT |
| CLEAR GLAZING < ..... > DARK OR MIRROR GLAZING |
| VERTICAL PROPORTIONS <..... > HORIZONTAL PROPORTIONS |
| REPETITIVE FENESTRATION < ..... > MIXED FENESTRATION |
| SMALL MULLIONS < ..... > LARGE OR NO MULLIONS |
| THICKER WALL DEPTH <..... > THINNER WALL DEPTH |
| SIMPLE MASSING <..... > COMPLEX MASSING |
| SHADING ELEMENTS PROVIDED<.....> NO SHADING ELEMENTS |

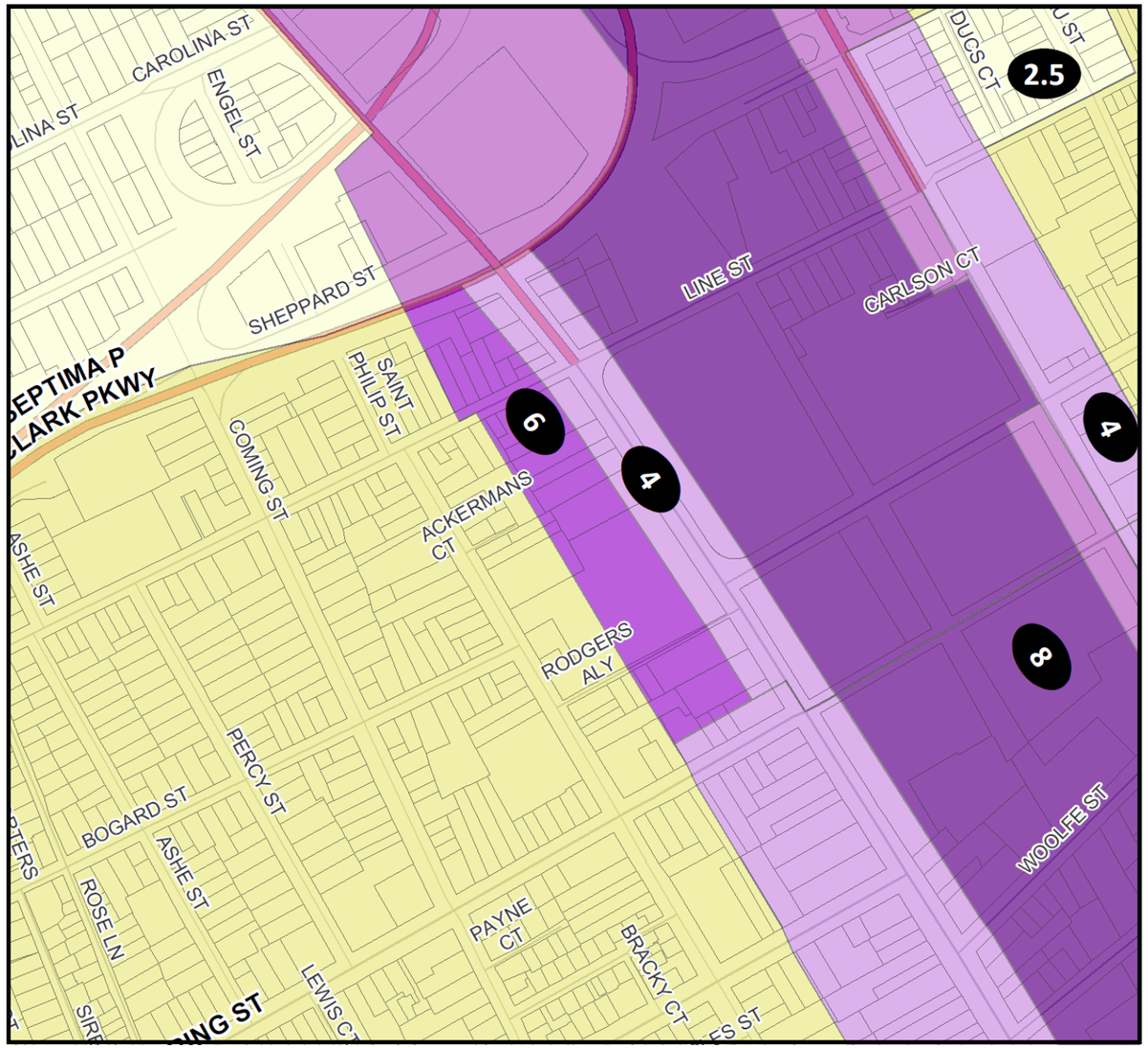
RENOVATION AND REPAIR:

The renovation and repair of existing structures shall be in accordance with the Secretary of the Interior's Standards for Historic Preservation.

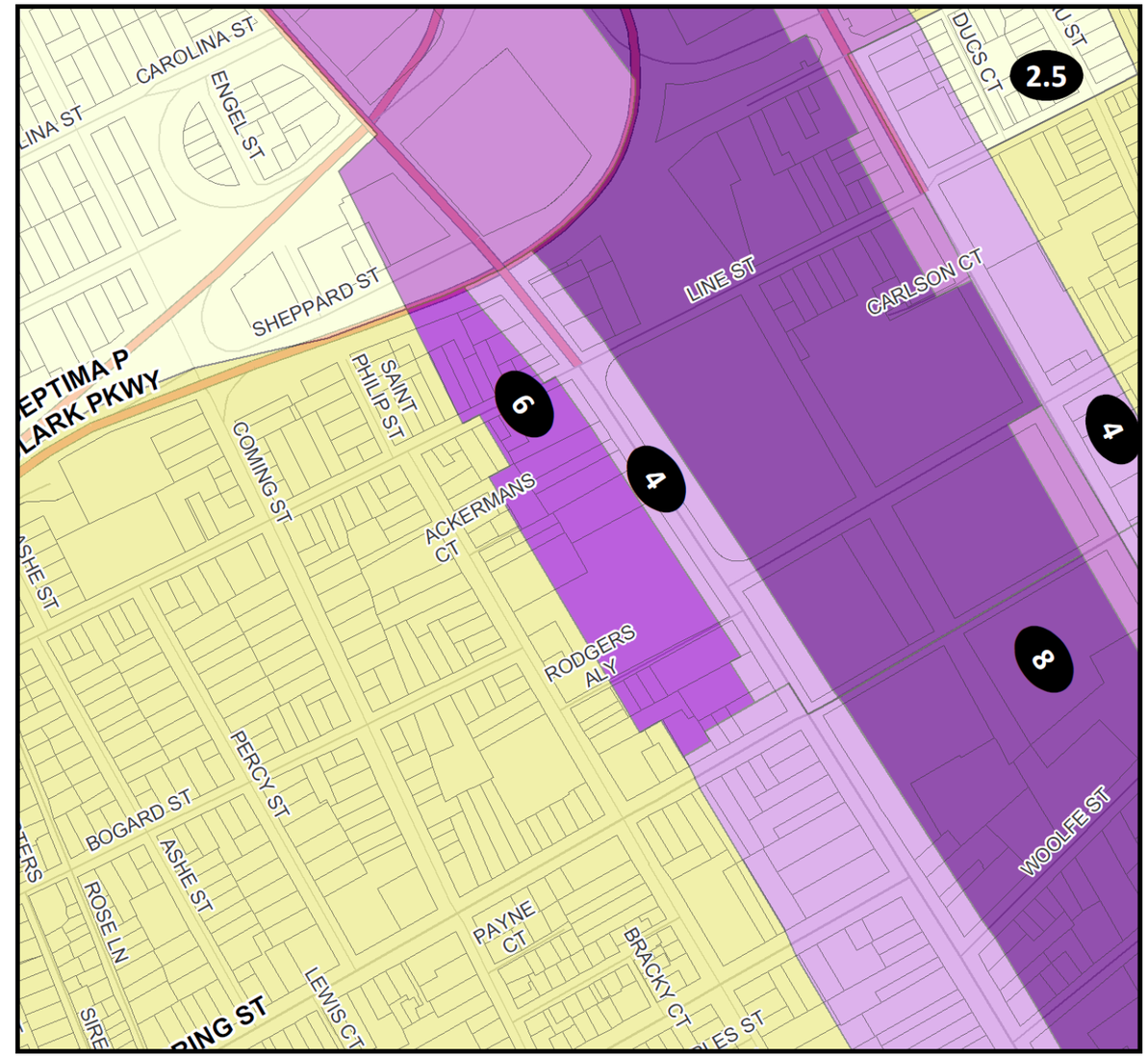
Places of Public Use or Assembly:

These places and buildings are generally large. The predominant standard in the review of these buildings, to performance halls, museums, libraries or other places of public assembly (excluding churches) should be the architectural expression of the structure's intended use.

# HEIGHT MAP CHANGE - 1




BEFORE

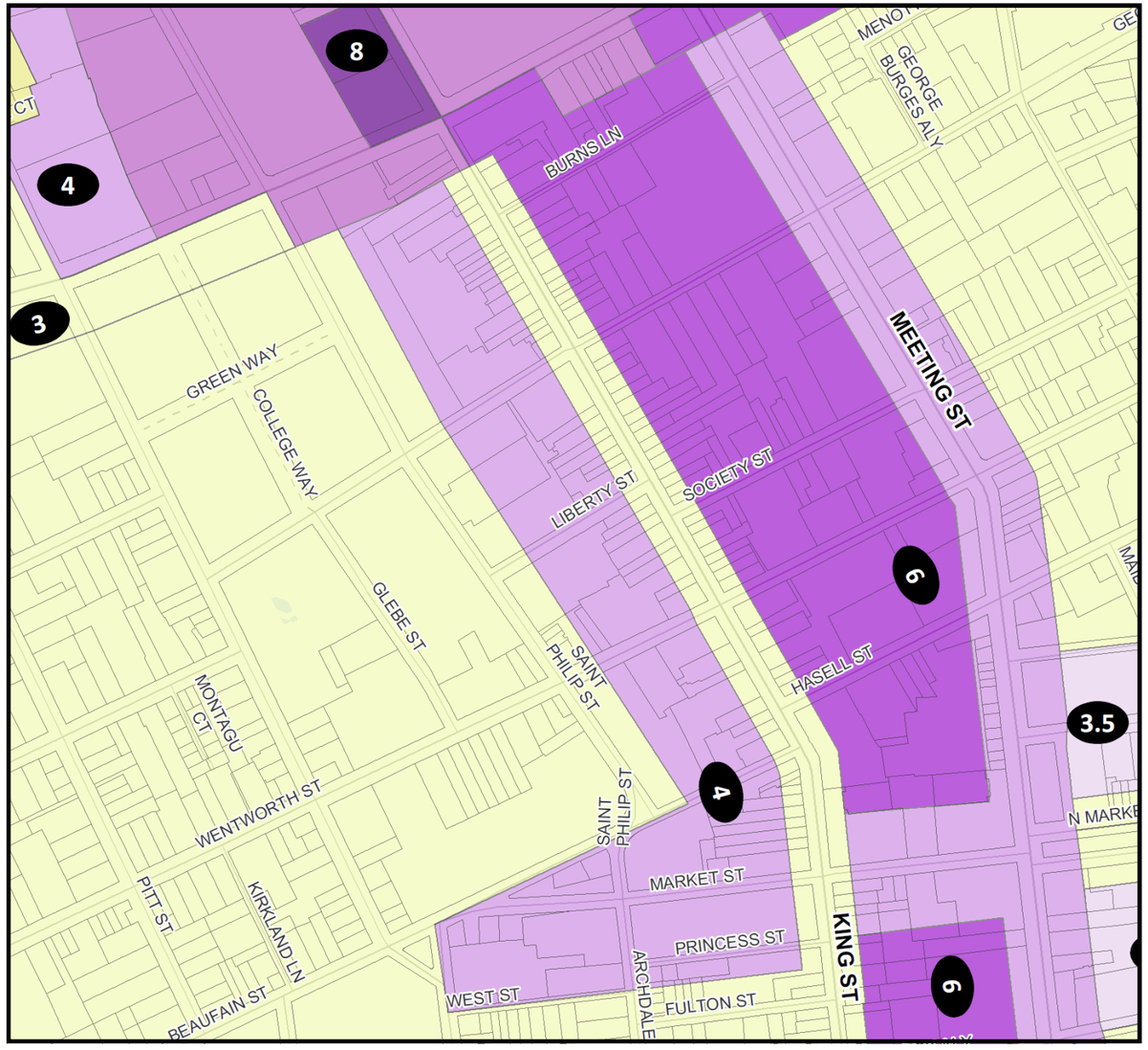



AFTER

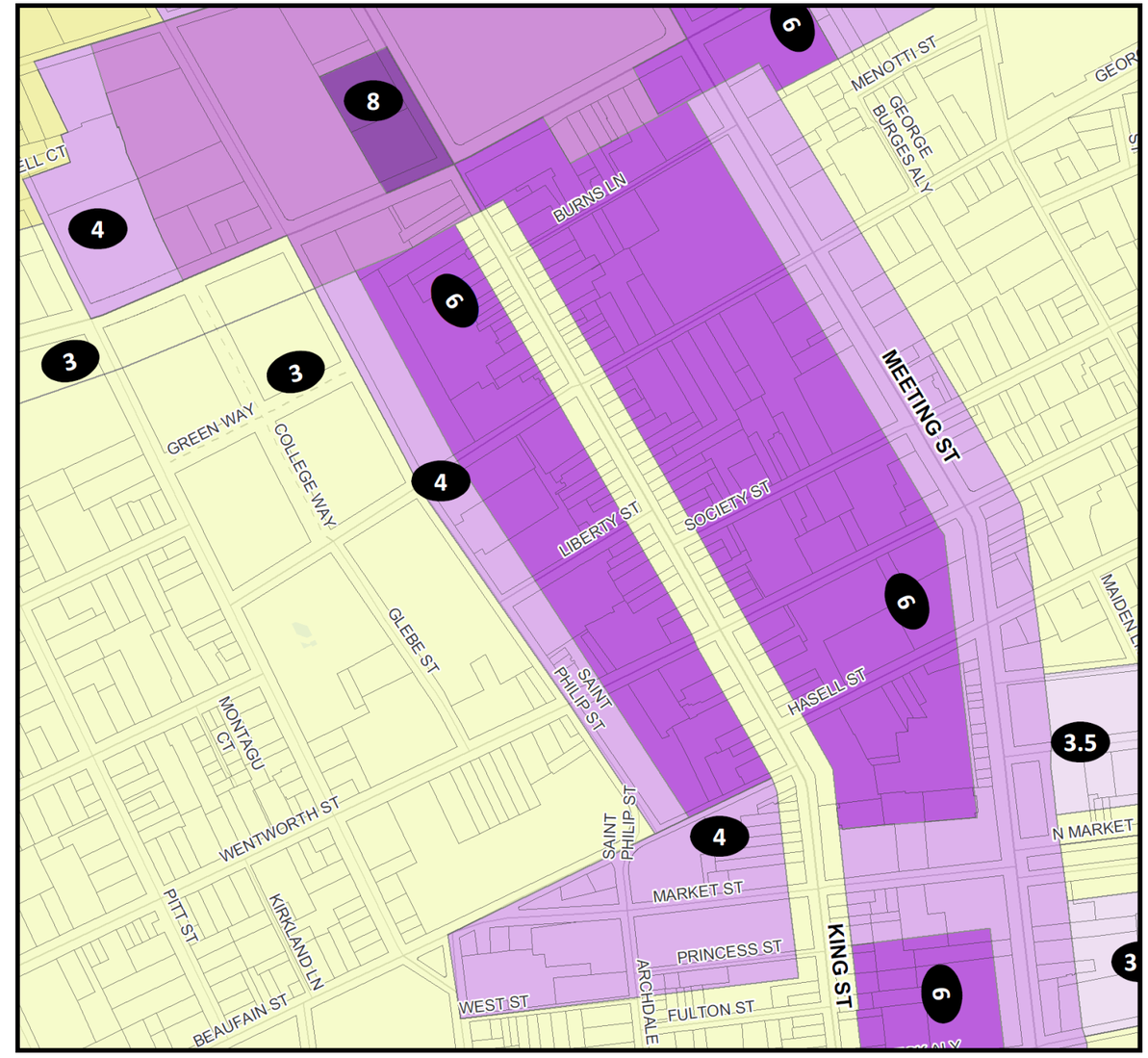
**Area: Block bounded by Line Street, Spring Street, King Street and Saint Philip Street.**

**Description of Change: Minor adjustment of the 6 Story Height District Boundary.**

# HEIGHT MAP CHANGE - 2




BEFORE




AFTER

**Area: Block bounded by Calhoun Street, King Street, Beaufain Street and Saint Philip Street**

**Description of Change: Correction to the translation of the existing 80/30 Old City Height District to the 6 Story Height District within the mid-block condition.**

# HEIGHT MAP CHANGE - 3

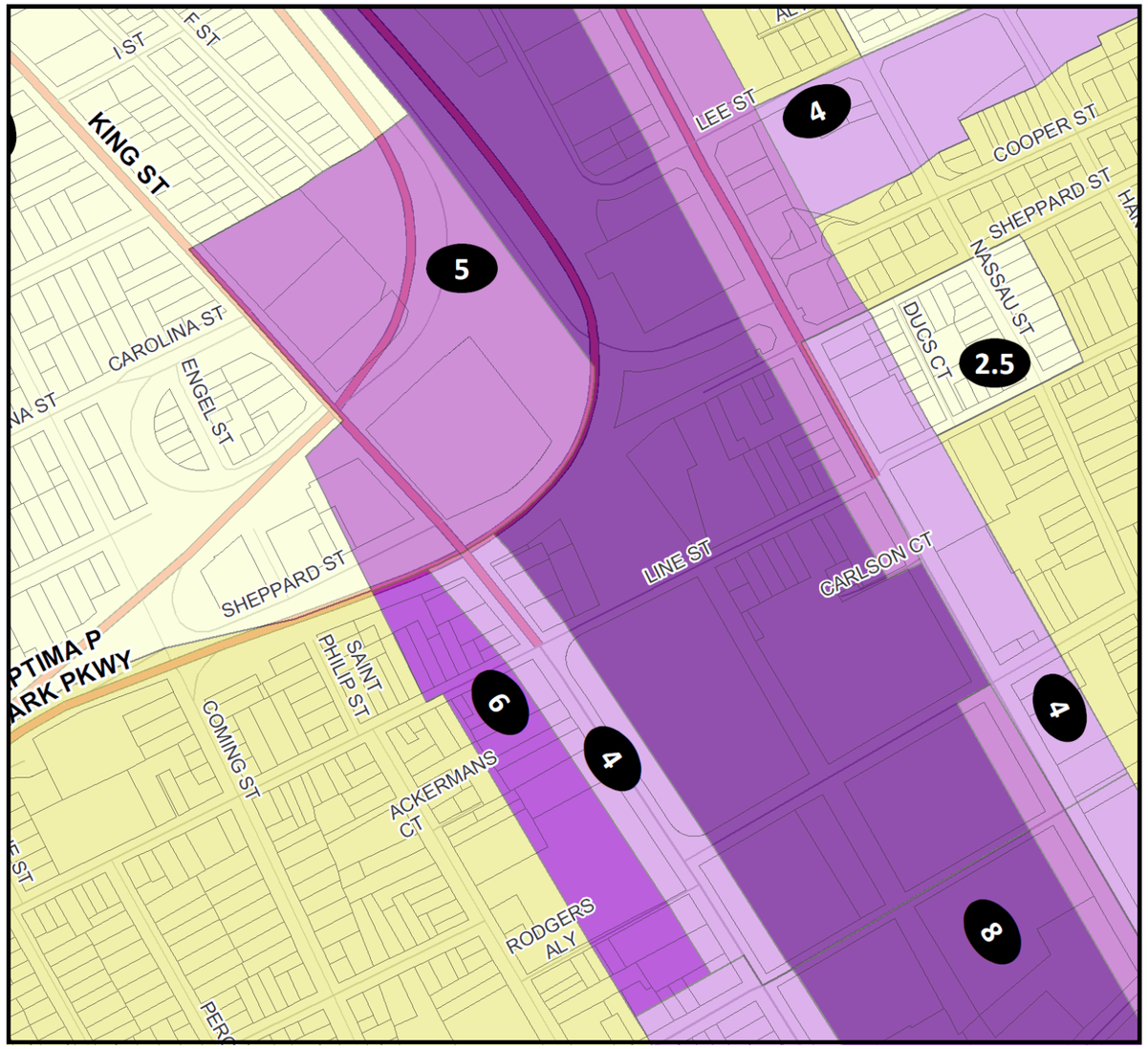
BEFORE

AFTER

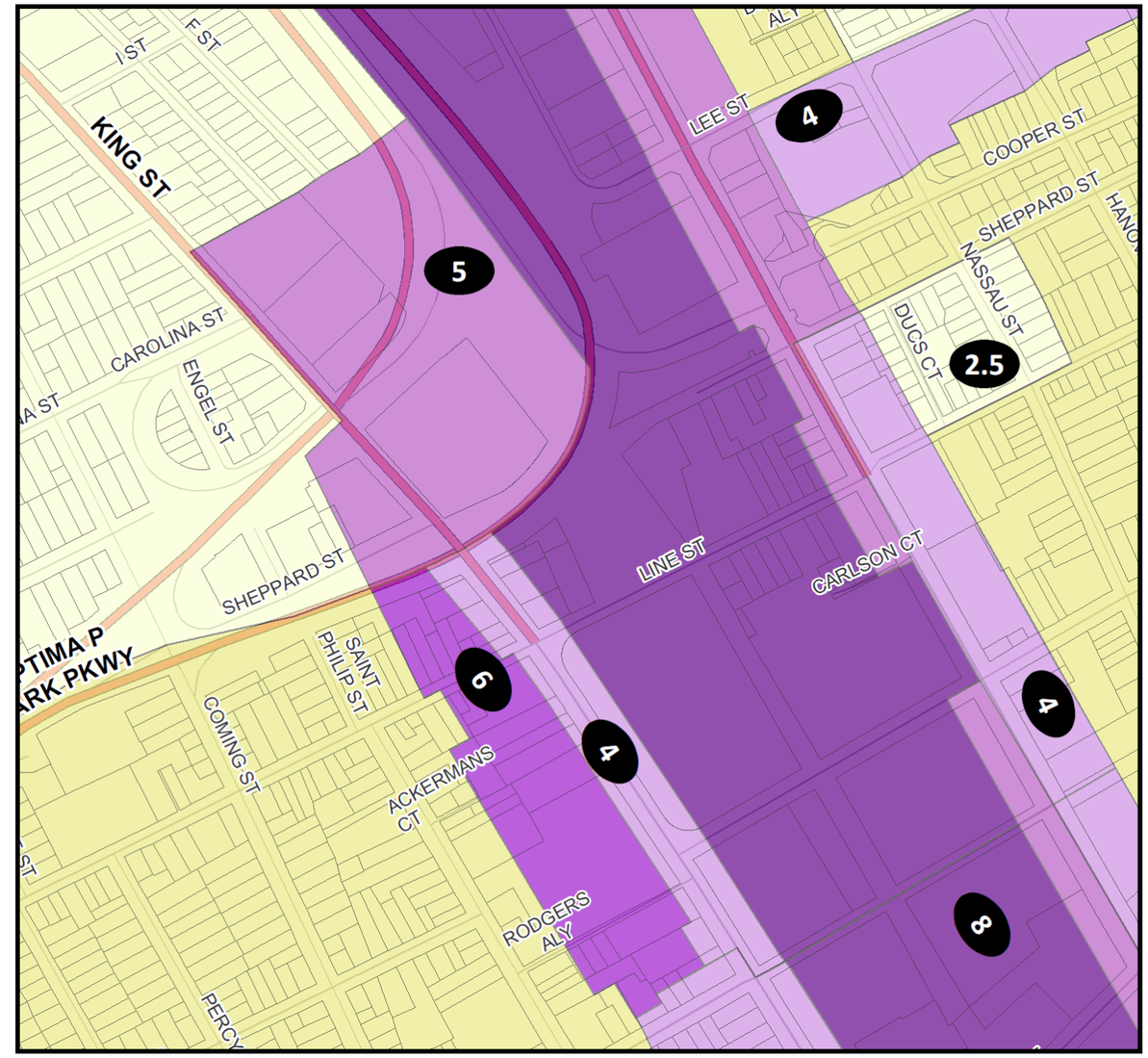
**Area: Block bounded by Achurch Street, Meeting Street, Poinsett Street and Interstate 26**

**Description of Change: Correction to contextualize height to existing residential building scale conditions.**

# HEIGHT MAP CHANGE - 4




BEFORE

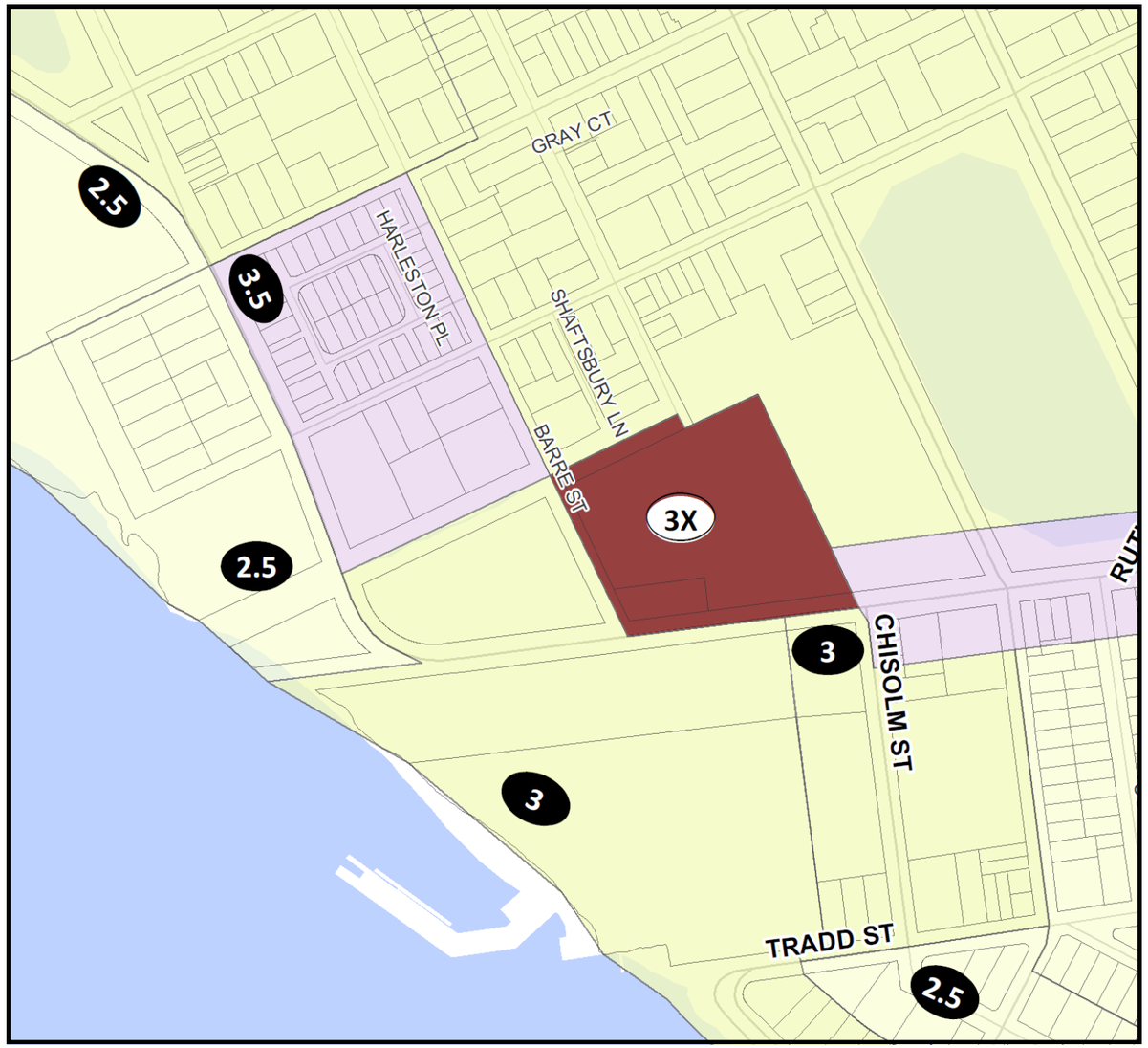



AFTER

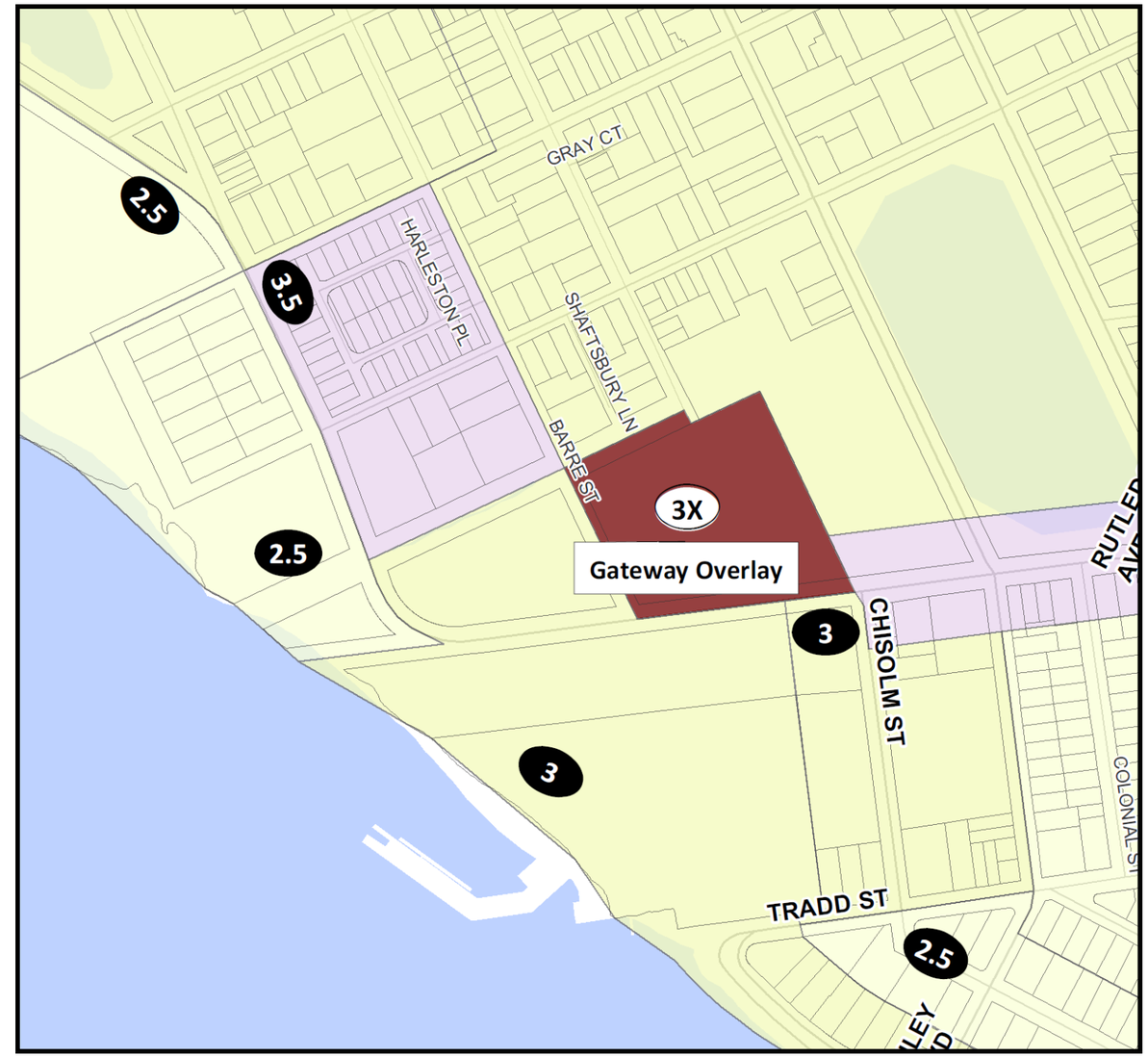
**Area: Block bounded by Sheppard Street, Meeting Street, Line Street and Norfolk Southern Rail Right-of-Way**

**Description of Change: Minor adjustment of the 8 Story Height District Boundary.**

# HEIGHT MAP CHANGE - 5




BEFORE




AFTER

**Area: Block bounded by Canal Street, Moultrie Park, Broad Street and Barre Street**

**Description of Change: Correction of map labeling error to include Gateway Overlay district.**