

**LIBAR**  
**Laurel Island Board of Architectural Review**  
**Rules of Procedure and Regulations**

**Article I. Organization**

**Section 1. - Rules.** These Rules of Procedure and Regulations (these “Rules and Regulations”) are adopted by the City of Charleston City Council in accordance with the provisions of S.C. Code § 6-29-740, § 6-29-870, and Section 54-256 of the City of Charleston Zoning Ordinance.

**Section 2. - Members of the Board.** The Board shall consist of five (5) members, three (3) shall be designated by the Laurel Island Property Owners’ Association (LIPA), and two (2) shall be designated by the City of Charleston. The members designated by the City and at least two (2) of the members designated by LIPA shall have demonstrated experience in 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 from its members a chairperson, vice-chairperson, and secretary. The term of office shall be three years.

**Section 3. - Officers.** The officers of the Board shall be a chairperson, vice-chairperson, and a secretary elected at the first meeting of the Board in each calendar year.

3.1 **Chairperson.** The Chairperson, or in his absence, the vice-chairperson, 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-Chairperson.** The vice-chairperson shall exercise the duties of the chairperson in the absence, disability, or disqualification of the chairperson. In the absence of the chairperson and the vice-chairperson, an acting chairperson 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 minutes 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 chairperson and vice-chairperson 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 shall meet at such time and place as may be called by the Board upon five (5) days prior notice, posted and delivered to all members and published on the City of Charleston's website. Meetings shall be open to the public.

**Section 2. - Agenda.** A written agenda shall be furnished by the secretary to each member of the Board and shall be posted on the City of Charleston's website at least five (5) days prior to each regular meeting. Items may be removed from the agenda, or postponed at a meeting, by a majority vote.

**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 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. - Appeal of Board Decision to Board of Architectural Review - Large.** A person who may have material interest in any decision of the Board may appeal from a decision of the board to the Board of Architectural Review – Large by filing such appeal with the City of Charleston in the form of a petition, in writing,

setting forth plainly, fully, and distinctly why the decision is contrary to the Laurel Island Design Principals and law. The appeal must be filed within ten (10) days of the decision of the Board.

#### **Article IV. Hearing Procedure**

**Section 1. - Compliance with Zoning.** 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 by the Board.

The deadline for applications is noon, no later than ten days prior to the requested review date.

**Section 2. - 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 Chairperson, shall be:

- a. Statement of matter to be heard (Chairperson or Secretary);
- b. Presentation of the project by the applicant (10 – 15 minutes);
- c. Board and staff questions to, and responses from, the applicant;
- d. Public comment (20-minute limit total, or as determined by the Chairperson), followed by responses from Applicant;
- e. Full Board discussion;
- f. Applicant points of clarification;
- g. Board action

**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. Deliberations shall be conducted and votes taken in public. A member need not recuse herself or abstain from voting because a member has an ownership interest in property located within the Laurel Island PUD, or has been employed by a person with such an ownership interest.

**Section 5. - Decisions of the Board.** In order to provide guidance and insight into desirable goals and objectives for the Laurel Island PUD for desirable types of development, and for the maintenance of consistent policies in guiding the

building public toward better standards of design, decisions of the Board shall be guided by the Laurel Island Design Principles (see Article VII).

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. 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.

#### **Article V. Records**

**Section 1. - Minutes.** The Secretary shall prepare minutes of all meetings and hearings of the Board.

**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, minutes, decisions, and forms shall be maintained as public records by the City of Charleston.

**Section 3. - Policies of the board.** The Board may adopt guidelines and policies at its discretion.

#### **Article VI. Amendment.**

**Section 1. - Amendment.** These rules may be amended at any regular meeting of the Board by majority vote of the members of the Board.

#### **Article VII. Laurel Island Design Principles**

To be approved by BAR-L and inserted herein upon approval.