

1931 zoning Ord. copy of Master
C. J. P. 1931
BAR payed

Henry T. Land

ca. M31

Rules and Regulations

— OF —

BOARD OF ADJUSTMENT

SEC. 43-47
Establishes
BAR
(p20)



— UNDER THE —

ZONING ORDINANCE

— OF THE —

CITY OF CHARLESTON

1931

J. J. FURLONG & SON, CHARLESTON

Rules and Regulations
— OF —
BOARD OF ADJUSTMENT



— UNDER THE —
ZONING ORDINANCE
— OF THE —
CITY OF CHARLESTON

INDEX :

	Page
Act of General Assembly	7
Zoning Ordinances authorized (section 1)	
Division of city into districts (section 2)	
City plan, design, purpose (section 3)	
Adoption of regulation, (section 4)	
Amendment of regulations (section 5)	
Protests (section 5)	
Zoning Commission (section 6)	
Board of Adjustment (section 7)	
Powers of Board (section 7)	
Review by Courts (section 7)	
Violation of Regulations, prevention (section 8)	
Conflicting regulations (section 9)	
Zoning Ordinance of Charleston.....	11
Definitions (section 2)	11-12
Use Districts (sections 3-17)	12-14
"A" Residence district,	
permitted uses, (section 6).....	13
exceptions (section 12-14)	14
variations authorized on appeal (section 51).....	21-24
accessory uses (section 8).....	13
"B" Residence districts,	
permitted uses (section 7).....	13
exceptions (sections 13-14)	15
variations authorized on appeal (section 51)	21-24
accessory uses (section 8).....	13
Business districts,	
prohibited uses (section 9, 16-A)	14, 16
public garages in (section 15).....	15
service stations in (section 16)	15
signboards in (section 16-A)	16
manufacturing in (section 17).....	16
variations authorized on appeal (section 51)	21-24
Light Industrial districts,	
prohibited uses (section 10)	14
service stations in (section 16)	15
variations authorized on appeal (section 51)	21-24
Heavy Industrial districts,	
prohibited uses, (section 11)	14
variations authorized on appeal (section 51)	21-24
Non-Conforming Uses (section 18)	16
variations authorized on appeal (section 51)	21-24
Height and Area Regulations (section 19-35)	16-19
Height Limitations (section 20-27)	16-17
General (section 20)	16
Exceptions (sections 21-27)	17
variations authorized on appeal (section 51)	21-24
Area Limitations and Exceptions (sections 28-35)	17-19
porches (section 28, e,)	17-18

INDEX—(Continued)

	Page
front yards (section 29)	18
side yards (section 30)	18
rear yards (section 31)	18
Courts (sections 28-32)	18
Lot area per family, (section 33)	18
Percentage of lot occupancy, (section 34)	19
Accessory buildings (section 35)	19
variations authorized on appeal (section 51)	21-24
Administrative Officer, (sections 36-40)	19-20
Plats, plans, etc., (section 37)	19
Certificate of Appropriateness, (section 38)	19
Building Permit (section 39)	19
Certificate of Occupancy, (section 39)	19
Old and Historic Charleston, (section 42)	20
Board of Architectural Review, (sections 43-47)	20-21
Creation and membership, (section 43)	20
Meetings (section 44)	20-21
Powers and Duties, (sections 45-47)	21
Board of Adjustment, (sections 48-51)	21
Creation and membership (section 48)	17
Meetings and minutes (section 49)	21
Appeals (section 50)	21
Powers and Duties (section 51)	21-24
Variations authorized on appeal (section 51)	21-24
Violation, penalty for (section 52)	24
Changes and Amendments (section 53)	24
Interpretation of Ordinance (sections 41, 54)	20-24
Schedule of Height and Area Regulations,	25
(section 19)	12
Zone Map,	26
(section 3)	8
Rules and Regulations of Board of Adjustment	5
Appeal, Notice of, Rule 6.	
Time of, Rule 6.	
Application for securing attendance of witnesses, Rule 8.	
Applicant, duty to post notice on premises, Rule 14.	
Decisions of Board, Rule 11.	
Evidence on hearings, Rule 8.	
Filing Decisions; place of, Rule 11.	
Filing papers with Board, Rule 1.	
Hearings, evidence on, Rule 8.	
oral arguments, Rule 10.	
who may be heard, Rule 10.	
witnesses, securing attendance of, Rule 8.	
Meeting, open to public, Rule 12.	
place of, Rules 1 and 2.	
regular, Rule 2.	
special, Rule 5.	
Minutes, Rule 11.	
Newspaper, notice in, Rule 3.	
Notice of Appeal, Rule 6.	
Notice of decisions, Rule 11.	
Notice of Meetings, Rules 3 and 4.	
Office of Board, Rule 1.	
Oral Arguments, Rule 10,	

INDEX—(Continued)

Petition for Reconsideration, Rule 13.
Place of Meetings, Rules 1 and 2.
Place of filing decisions, Rule 11.
Place of filing papers with Board, Rule 1.
Proceedings, Stay of, Rule 9.
Public, meetings open to, Rule 12.
Public notice posted on premises, Rule 14.
Quorum, Rule 4.
Reconsideration, Rules 4 and 13.
Reconsideration, petition for, Rule 13.
Regular Meetings, Rule 2.
Special Meetings, Rules 2 and 5.
Stay of Proceedings on application, Rule 9.
Time of appeal, Rule 6.
Time of filing petition for reconsideration, Rule 13.
Time of posting notice on premises, Rule 14.
Witnesses, securing attendance of, Rule 8.

RULES AND REGULATIONS OF BOARD OF ADJUSTMENT UNDER THE ZONING ORDINANCE OF THE CITY OF CHARLESTON

1. The office of the Board of Adjustment shall be in the City Engineer's Office, City Hall, Charleston, S. C., and the meetings of the Board shall be held in that office unless otherwise appointed by the Chairman. All notices of appeal and other papers to be filed with the Board may be filed in said office, or with the Chairman.

2. The Board shall meet on the first Monday in each month at 8:00 P. M., unless such day shall be a legal holiday, in which case the meeting shall be held on the Tuesday following such Monday. The Board shall also meet on such other days and at such other times and places as shall be appointed by the Chairman.

3. Public notice of each meeting of the Board shall be given in a newspaper published in the City of Charleston not less than three days before the day of the meeting which notice shall state that the Board will hold a regular or a special meeting for the purpose of hearing applications, appeals and other matters which may be brought before it as provided in the rules of the Board and in the statutes and ordinances, and shall also state the time and place of the meeting. In addition to the public notice herein provided, notice shall be given to the parties to matters to be considered by the Board at such regular or special meeting, stating that the matter in which such parties are interested will be heard and considered at such meeting, and the time and place of the meeting. Such notice shall be sent to such parties by mail not less than three (3) days prior to the day of the meeting.

4. Four members of the Board shall constitute a quorum; provided however, that where only four members of the Board are present and take part in the consideration of any matter, and only three of such members shall be in favor of reversing any order, requirement, decision or determination made by the administrative officer, or of deciding in the favor of the applicant any matter upon which the Board is required to pass under the ordinance, or in favor of effecting any variation in the ordinance, the matter shall be forthwith assigned for rehearing and reconsideration by the full Board.

5. All appeals, applications and matters brought before the Board as provided in the applicable statutes and ordinances shall be heard in the order of filing with the Board, at the regular monthly meetings; provided, however, that the Chairman, for cause deemed by him sufficient, on application of either party, may call a special meeting of the Board to consider any such appeal, application or matter. In the event such special meeting be called by the Chairman, he may, in his discretion, give notice to interested parties that any or all other matters pending before the Board will be heard and considered at such special meeting.

6. All notices of appeal from decisions, orders, requirements or determinations made by the administrative officer in the enforcement or application of the zoning ordinance shall be filed with the officer from whom the appeal is taken and with the Board of Adjustment within ten (10) days from the making of such decision, order, requirement or determination.

7. Upon the filing with him of a notice of appeal, the officer from whom the appeal is taken shall, within five (5) days, transmit to the Board all the papers constituting the record upon which the action appealed from was taken, together with a copy of order, requirement, decision or determination thereon.

8. At the hearing of all appeals, applications and matters, the parties thereto may offer affidavits, or testimony, or other evidence, in support of their claims; and the Board, of its own motion may call before it other witnesses, in its discretion. Upon written request of any party, made to the Chairman at least five (5) days before the hearing upon any appeal, application or matter, the Board will require the attendance of any witnesses in the City of Charleston.

9. An appeal to the Board stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Board of Adjustment 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 Adjustment or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown (Act of 1924, No. 642, Section 7).

10. At the hearing and consideration of appeals, applications and matters, reasonable time and opportunity shall be allowed to interested parties, and to all others who may be interested under the zoning ordinance in favoring or opposing the action sought from the Board, to introduce testimony and other evidence. Hearings may be continued from time to time by the Board, in its discretion, upon good cause shown. Oral argument before the Board shall not exceed ten minutes to a side, unless, upon application before the commencement of arguments, the time shall be enlarged by the Board.

11. The decisions of the Board shall be in writing, and signed by the Chairman for the Board. The minutes of the Board shall show the vote of each member upon each question, or if absent or failing to vote the minutes shall indicate such fact. The decisions of the Board shall be filed in the office of the Board, and true copies thereof shall be sent by registered mail to each of the interested parties. Such copies shall show the date of the filing of the decision.

12. All meetings and hearings of the Board shall be open to the public.

13. A petition for the reconsideration of any decision, order, requirement or determination made by the Board may be filed in the office of the Board within five (5) days from the date of the filing of such decision, order, requirement or determination. Such petition shall state the ground or grounds upon which it is considered that the Board has misapprehended or misconceived the question or questions involved, or the ground or grounds upon which it is considered that the Board has erred in its finding or disposition of the appeal, application or matter. If such petition is granted by the Board, the decision shall be withdrawn and the matter heard and considered de novo, as if no hearing, consideration or determination has been previously made or had. If such petition for reconsideration be not granted within five (5) days from its filing in the office of the Board, the same shall be deemed to have been rejected and denied.

14. Upon the filing by any applicant of notice of appeal to the Board, such applicant shall secure from the Administrative Officer and post in a conspicuous place upon the premises a notice that application has been made to the Board for variation of the terms of the Ordinance in regard to the use of such premises. Such notice shall in every case be posted by the application at least three (3) days before the hearing.

AN ACT
OF THE STATE OF SOUTH CAROLINA PROVIDING
FOR ZONING ORDINANCES

AN ACT to Enable Cities and Towns by Ordinance to Regulate and Restrict the Height, Number of Stories and Size of Buildings, and the Location of the Same, and the Use Thereof and of Land Within Such Cities and Towns; to Provide for the Division of Such Cities and Towns Into Districts or Zones for Certain Purposes, and to Prescribe the Procedure for so Doing; to Require the Appointment of a Zoning Commission and of a Board of Adjustment for the Purpose of Carrying Out Such Ordinances, and to Fix Duties and Powers of the Same; and to Enable Cities and Towns by Appropriate Action to Enforce the Provisions of Such Ordinances.

Section 1. Municipalities May Regulate Construction, etc., of Buildings and Use of Premises—Thickness of Walls.—Be it enacted by the General Assembly of the State of South Carolina: For the purpose of promoting health, safety, morals, or the general welfare of the community, the legislative body of cities and incorporated villages is hereby empowered by ordinance to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purpose. No city or village shall pass an ordinance regulating the thickness of walls of buildings which conflicts with the laws of South Carolina.

§ 2. Division of City into Districts.—For any or all of said purposes the local legislative body may divide the municipality into districts of such number, shape and area as may be deemed best suited to carry out the purposes of this Act; and within such districts it may regulate

and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures, or land. All such regulations shall be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts.

§ 3. City Plan—Design—Purpose.—Such regulations shall be made in accordance with a comprehensive plan, and designed to lessen congestion in the streets; to secure safety for fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the over-crowding of land; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements. Such regulations shall be made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality.

§ 4. Manner of Adopting Regulations — Hearings — Notice. — The legislative body of such municipality shall provide for the manner in which such regulations and restrictions and the boundaries of such districts shall be determined, established and enforced, and from time to time amended, supplemented or changed. However, no such regulation, restriction or boundary shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen days' notice of the time and place of such hearing shall be published in an official paper, or a paper of general circulation, in such municipality.

§ 5. Amendment of Regulations — Protests. — Such regulations, re-

strictions and boundaries may from time to time be amended, supplemented, changed, modified or repealed. In case, however, of a protest against such change signed by the owners of twenty per cent or more either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof, or of those directly opposite thereto, such amendment shall not become effective except by the favorable vote of three-fourths of all the members of the legislative body of such municipality. The provisions of the previous section relative to public hearings and official notice shall apply equally to all changes or amendments.

§ 6. Zoning Commissions — Reports.—In order to avail itself of the powers conferred by this Act, such legislative body shall appoint a commission to be known as the Zoning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein. Such commission shall make a preliminary report and hold public hearings thereon before submitting its final report, and such legislative body shall not hold its public hearing or take action until it has received the final report of such commission. Where a city plan commission already exists, it may be appointed as the Zoning Commission.

§ 7. Board of Adjustment — Exceptions to Regulations — Meetings of Board — Minutes — Appeals to Board — Powers of Board — Review by Courts.—Such local legislative body may provide for the appointment of a Board of Adjustment, and in the regulations and restrictions adopted pursuant to the authority of this Act may provide that the said Board of Adjustment may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinance in harmony with its general purpose and intent and in accordance with general or specific rules therein contained. The Board of Adjustment

shall consist of five members, each to be appointed for a term of three years and removable for cause by the appointing authority, upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. The Board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to this Act. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. 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 such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau or the municipality affected by any decision of the administrative officer. 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 Adjustment 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. 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 of Adjustment 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 restrain-

ing order which may be granted by the Board of Adjustment or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

The Board of Adjustment shall have the following powers:

(1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this Act or of any ordinance adopted pursuant thereto.

(2) To hear and decide special exceptions to the terms of the ordinance upon which such Board is required to pass under such ordinance.

(3) To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

In exercising the above-mentioned powers such Board may, in conformity with the provisions of this Act, reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under

any such ordinance or to affect any variation in such ordinance.

Any person or persons, jointly or severally aggrieved by any decision of the Board of Adjustment, or any taxpayer, or any officer, department, board or bureau of the municipality may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the Board.

Upon the presentation of such petition, the court may allow a writ of certiorari directed to the Board of Adjustment to review such decision of the Board of Adjustment and shall prescribe herein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than ten days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the Board and on due cause shown, grant a restraining order.

The Board of Adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decisions brought up for review. Costs shall not be allowed against

the Board, unless it shall appear to the Court that it acted with gross negligence or in bad faith or with malice in making the decision from which the appeal is taken.

All issues in any proceeding under this Section shall have preference over all other civil actions and proceedings.

§ 8. Prevention of Violation of Regulations.—In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained; or any building, structure or land is used in violation of this Act or of any ordinance or other regulations made under authority conferred hereby, the proper local authorities of the municipality, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act conduct, business or use in or about such premises.

§ 9. Conflicting Regulations.—Wherever the regulations made

under the authority of this Act require a greater width or size of yards, courts, or other spaces, or require a lower height of building or less number of stories or require a greater percentage of lot to be left unoccupied, or impose other higher standard than are required in any other statute or local ordinance or regulation, the provisions of the regulation made under authority of this Act shall govern. Whenever the provisions of any other statute or local ordinance or regulation required a greater width or size of yards, courts, or other open space, or require a lower height of building or a less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by the regulations made under the authority of this Act, the provisions of such statute or local ordinance or regulations shall govern.

§ 10. All Acts or parts of Acts inconsistent herewith or repugnant to the provisions of this Act are hereby repealed, and this Act shall take effect immediately upon its approval by the Governor.

Approved the 18th day of March, A. D. 1924.

ZONING ORDINANCE OF THE CITY OF CHARLESTON

AN ORDINANCE

Regulating and restricting the height, number of stories and size of buildings and other structures hereafter erected or altered, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, the location and use of buildings, structures and land for trade, industry, residence or other purposes, and the exterior architectural appearance of buildings and structures in Old and Historic Charleston; creating districts for said purposes and establishing the boundaries thereof; defining certain terms used herein; providing for the method of administration and amendment; for a Board of Adjustment; for a Board of Architectural Review; and for the imposition of penalties for violation.

BE IT ORDAINED by the Mayor and Aldermen of Charleston, in City Council assembled, that in the interest of promoting the health, safety, morals or the general welfare of the community embraced within the territorial limits of the City of Charleston, South Carolina, the following articles and sections be, and the same hereby are, enacted into law:

ARTICLE I—GENERAL Section 1—Short Title.

This ordinance shall be known as the "Zoning Ordinance."

The map herein referred to, which is identified by the title "City of Charleston, South Carolina, Zone Map," shall be known as the "Zone Map."

Section 2—Definitions.

For the purpose of this ordinance, certain terms and words are herein defined. Words used in the present tense include the future; the singular number includes the plural, and the plural the singular; the term "used" includes the words "arranged, designed or intended to be occupied;" the word "structure" includes the word "building."

Alley—Any roadway or public way dedicated to public use and twenty (20) feet or less in width.

Certificate of Occupancy—A statement, signed by the Administrative Officer, setting forth either that a building or structure complies with the Zoning Ordinance or that a building, structure or parcel of land lawfully may be employed for specified uses, or both.

Court—An open, unoccupied space, other than a yard, on the same lot with a building, unobstructed from its lowest level to the sky.

Outer Court—A court extending to a street or alley or to a front or rear yard.

Inner Court—A court not extending to a street or alley or to a front or rear yard.

Width of Court—The least horizontal dimension of a court at its lowest level.

Curb Level—The elevation of the top of the curb or the established curb grade opposite the center of the principal frontage of the building or portion thereof under consideration. Where no curb level has been established, the elevation of the ground at the center of the traveled portion of the street in front thereof shall be considered the equivalent of the curb level, and where the building does not adjoin the street the average elevation of the proposed grade line of the ground immediately adjacent to the building as shown on the building plans shall be considered as the curb level.

Dwellings—

One-Family Dwelling—A separate detached building designed for and occupied exclusively as a residence by one family.

Two-Family Dwelling—A separate detached building designed for or occupied exclusively as a residence by two families.

Multiple Dwelling—A dwelling designed or occupied otherwise than as a One-Family dwelling or a Two-Family dwelling. The term "Multiple Dwelling" shall be understood to include apartment houses, tenement houses and all other family dwellings of similar character, except row houses, where apartments or suites are occupied and used as separate complete housekeeping units, but not to include hotels or apartment hotels.

Family—An individual; or two or more persons related by blood or marriage living together; or a group of individuals, of not more than six (6) persons, not related by blood or marriage but living together as a single housekeeping unit. In each instance the family shall be understood to include the necessary servants.

Garage—A building or structure or any portion thereof used for housing or repairing motor vehicles. This does not include rooms for storing, exhibiting or showing new cars for sale.

Private Garage—A garage for housing only, with a capacity for not more than two (2) motor vehicles. A garage exceeding a two (2) vehicle capacity, intended primarily for housing of cars belonging to occupants of the premises, shall be considered a private garage provided the percent of lot occupied by such garage and other necessary buildings complies with the provisions of this ordinance.

Community Garage—A group of private garages, either detached or under one roof, arranged in a row or around a common means of access, and erected for the use of residents in the immediate vicinity.

Public Garage—Any garage not included within the definition of a Private Garage or a Community Garage.

Height of Building—The vertical distance measured from the curb level to the highest point of the coping for flat roofs; to the deck line of mansard roofs, and to the mean height between eaves and ridge for gabled, hipped or gambrel roofs.

Lot—A parcel of land which is or may be occupied by one main building or use and its accessories, including the open spaces required under this ordinance.

Depth of Lot—The mean horizontal distance between the front lot line and the rear lot line.

Corner Lot—A lot abutting upon two or more streets at their intersection.

Interior Lot—A lot the side lines of which do not abut on a street.

Through Lot—An interior lot having frontage on two streets.

Mixed Occupancy—Occupancy of a building or land for more than one use.

Non-Conforming Use—A use of a building or land that does not conform with the regulations of the District in which it is situated.

Porch—A roofed or unroofed open structure projecting from the front, side or rear wall of a building, and having no enclosed feature of glass, wood, or other material more than thirty-four (34) inches above the floor thereof, except wire screening and the necessary columns to support the roof.

Stable—Any building, structure or portion thereof which is used for the shelter or care of horses, or other similar animals, either permanently or transiently.

Private Stable—A stable with a total capacity for not more than four (4) animals.

Public Stable—A stable with a capacity for more than four (4) animals.

Signboard—Any structure or part thereof on which lettered or pictorial matter is displayed for advertising or notice purposes.

Story—That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between such floor and the ceiling next above it.

Half Story—A story under a gabled, hipped or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the finished floor of such story.

Structure—Anything constructed or erected, the use of which demands its permanent location on the land; or anything attached to something having a permanent location on the land.

Structural Alteration—Any change or replacement in the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

Street—Any roadway or public way dedicated to public use, except an alley.

Telephone Exchange Building—A building with its equipment used or to be used for the purpose of facilitating transmission and exchange of telephone messages between subscribers, and other business of the telephone company; but in a Residence District, as established by this ordinance, not to include public business facilities, repair facilities, storage of plant materials or spare parts (other than those carried for the particular building), or storage of equipment, automobiles or trucks, or housing or quarters for installation, repair or trouble crews.

Terrace—A natural or artificial embankment between a building and its lot lines.

Height of Terrace—The difference in elevation between the curb level and the top of the terrace at the center of the building wall.

Yard—An open, unoccupied space, other than a court, on the same lot with a building, unobstructed from the ground to the sky, except as otherwise provided herein.

Front Yard—A yard across the full width of the lot, extending from the front line of the lot to the corresponding line of the building. (See Section 28c.)

Rear Yard—A yard across the full width of the lot, extending from the rear line of the lot to the corresponding line of the building. (See Section 28c.)

Side Yard—A yard between the side line of the lot and the adjacent side line of the building, extending from the front yard to the rear yard. If there be no front yard, the side yard shall be considered as extending to the front line of the lot and if there be no rear yard, the side yard shall be considered as extending to the rear line of the lot.

Section 3.—The City of Charleston, South Carolina, is hereby divided into five (5) Use Districts, eight (8) Height and Area Districts and one district designated as Old and Historic Charleston District herein-after in this section named. The location and boundaries of the districts are and shall be as shown upon the Zone Map; which accompanies this ordinance and is hereby declared to be a part hereof:

Use Districts

"A" Residence District.

"B" Residence District.

Business District.

Light Industrial District.

Heavy Industrial District.

Height and Area Districts

First Height and Area District.

Second Height and Area District.

Third Height and Area District.

Fourth Height and Area District.

Fifth Height and Area District.

Sixth Height and Area District.

Seventh Height and Area District.

Eighth Height and Area District.

Old and Historic Charleston District

Old and Historic Charleston District includes a portion of 'A' and 'B' Residence District and provides regulations in regard to exterior architectural appropriateness of buildings and structures (See Sections 42 to 47, inclusive).

Section 4—Boundaries of Districts

(a) The location and boundaries of Districts are and shall be as shown on the Zone Map.

(b) Wherever, upon the Zone Map, a district boundary is shown or indicated to coincide with a street or alley line, or with a lot line, such boundary shall be such street or alley line, or such lot line.

Section 5—Application of Regulations

(a) Hereafter no land shall be used or occupied, and no building or structure shall be erected, altered, used or occupied, except in conformity with the regulations herein established for the district in which such land, building or structure is located.

(b) In cases of Mixed Occupancy, the regulations for each use shall apply to the portion of the building or land so used.

ARTICLE II—USE REGULATIONS.**Section 6—"A" Residence Districts**

In an "A" Residence District, land may be used and buildings or structures may be erected, altered or used, only for the following

PERMITTED USES:

1. One-Family Dwelling.
2. Church or other place of worship.
3. School or college; including fraternity house, sorority house or dormitory for faculty or students, if located upon the same unit of property upon which the school or college buildings are located.
4. Library or Museum.
5. Park, playground or athletic field, not operated as a business for profit.
6. Farm, truck garden, nursery or non-commercial Greenhouse.
7. Telephone Exchange Building.
8. Accessory Uses, incident to any of the principal uses above listed. (See Section 8).

(See Sections 12 to 14 for exceptions to Use Regulations, and Sections 51-e-1 to 51-e-12 for variations which may be authorized upon appeal by the Board of Adjustment).

Section 7—"B" Residence Districts

In a "B" Residence District land may be used and buildings or structures may be erected, altered or used, only for the following

PERMITTED USES:

1. Any use permitted in an "A" Residence District.
2. Two-Family Dwelling.
3. Multiple Dwelling.
4. Fraternity House, Sorority House or Dormitory.

5. Club House, not including a club the chief activity of which is a service customarily carried on as a business.
6. Apartment Hotel.
7. Accessory Uses, incident to any of the principal uses above listed. (See Section 8).

(See Sections 12 to 14 for exceptions to the Use of Regulations and Sections 51-e-1 to 51-e-12 for variations which may be authorized upon appeal by the Board of Adjustment).

Section 8—Accessory Uses—Residence Districts

In any Residence District, accessory uses shall be used customarily incident to the principal uses listed as permitted. They shall be understood to include among other things:

1. An office, such as that of a physician, dentist, musician, artist, or other professional person when located within or directly attached to or in the rear of his or her dwelling, which is used primarily as a dwelling; and similarly home occupations, such as dressmaking and millinery ordinarily engaged in by persons of the immediate family within their own dwelling.
2. Quarters for servants employed on the premises. Such quarters may be located either within the principal dwelling or in a separate accessory building on the same lot.
3. The renting of rooms or lodgings, or the serving of meals for compensation by a member of the family occupying the premises, but in an "A" Residence District to not more than four (4) persons.
4. A private garage (See Section 35).
5. A private stable. (See Section 35).
6. The use of a part of existing dwellings or their accessory buildings, if constructed prior to 1860, as studios, tea rooms; gift, antique, book and handicraft shops; and other similar purposes having a relation to historic interests; provided the principal use of any dwelling so utilized is maintained as a dwelling; and further provided that no alterations, other than those necessary to assure the safety of the structure, shall be made to any buildings for the purpose of maintaining such accessory uses unless approved by the Board of Architectural Review. (See Sections 42 to 47).
7. A sign, signboard or nameplate not exceeding three (3) square feet in area relating to accessory uses conducted upon the premises.
8. A sign or signboard not exceeding eight (8) square feet in area appertaining to the lease or sale of the premises or to the renting of rooms.
9. A sign or bulletin board, not exceeding twelve (12) square feet in area, so placed as not to interfere with front yard requirements nor obstruct the view across the corner of

intersecting streets; and erected upon the premises of a historic building, church or similar institution for the purpose of displaying the name and activities thereof, or services therein provided.

10. A fence, hedge, or enclosure wall, provided that any fence, hedge or enclosure wall located within fifteen feet of the intersection of two street lines shall not exceed a height of four (4) feet.

Section 9—Business Districts

In any Business District, land may be used and buildings or structures may be erected, altered or used, for any purpose except the following:

Prohibited Uses:

1. Automobile Wrecking Yard.
2. Blacksmith Shop or Horseshoeing Establishment.
3. Bleaching or Industrial Dyeing Plant.
4. Carpet or Bag Cleaning Establishment.
5. Contractors Plant and Storage thereon, except during the course of building construction.
6. Garage, Public. (Permitted under conditions prescribed in Section 15).
7. Gasoline Service Station. (Permitted under conditions prescribed in Section 16).
8. Junk Yard; Establishment for the Storage, Sorting or Baling of Junk, Scrap Metal, Paper or Rags.
9. Laundry, Steam.
10. Milk Bottling Establishment or Wholesale Milk Distributing Station.
11. Stable, Public.
12. Sawmill or Woodworking Mill.
13. Signboards.
14. Stone or Monument Works.
15. Storage Yard. (Not including a lot used for temporary parking of automobiles).
16. Veterinary Infirmary.
17. Warehouse, except as an accessory to a retail or wholesale store and located on the same premises.
18. Manufacturing of any kind, other than the manufacture of products the major portion of which is to be sold at retail upon the premises to the ultimate consumer. (See Section 17).
19. Any use prohibited in a Light Industrial District as listed herein-after in Section 10.

Section 10—Light Industrial Districts:

In a Light Industrial District, Land may be used and buildings or structures may be erected, altered, or used for any purpose except the following:

Prohibited uses:

1. Abattoir. (See Section 51-E-13.)
2. Acetylene Gas (Manufacture of compound acetylene in excess of fifteen (15) pounds pressure per square inch).
3. Acid Manufacture.
4. Animal Fertilizer Manufacture.
5. Asphalt Manufacture or refining.
6. Brick, Tile or Terra Cotta Manufacture, if of the character cited in Item 41 of this Section.
7. Celluloid Manufacture or storage.

8. Cement, Lime, Gypsum or Plaster of Paris Manufacture.

9. Chlorine or Bleaching Powder Manufacture or Refining.

10. Coke Ovens.

11. Coal-Tar Products Manufacture.

12. Cottonseed Products Manufacture.

13. Creosote Manufacture or Treatment Plant.

14. Distillation of Bones, Coal or Wood.

15. Dye-Stuff Manufacture.

16. Emery Cloth or Sand Paper Manufacture.

17. Fat rendering; Soap, Tallow, Grease or Lard Manufacture or Refining.

18. Foundry or Machine Shop, if of the character cited in Item 41 of this Section.

19. Gas Manufacture or Storage in excess of 10,000 cubic feet.

20. Garbage, Offal, Dead Animals or Refuse, Incineration, Reduction or Storage. (See Section 51-E-13.)

21. Gasoline Service Station. (Permitted under conditions prescribed in Section 16).

22. Gasoline Storage in excess of an amount necessary for use or sale at retail on the premises.

23. Glue, Size or Gelatine Manufacture.

24. Gunpowder, Fireworks or other explosives; Manufacture or Wholesale Storage.

25. Iron or Steel Works; Blast Furnace; Rolling Mill, Forge Shop or Fabricating Plant.

26. Match Manufacture.

27. Oilcloth or Linoleum Manufacture.

28. Ore Reduction and General Smelting Operations.

29. Paint, Oil, Shellac, Turpentine or Varnish Manufacture.

30. Paper and Pulp Manufacture.

31. Potash Manufacture.

32. Printing Ink Manufacture.

33. Rock or Slag Crushing Plant.

34. Rubber, Caoutchouc or Gutta Percha Manufacture or Treatment.

35. Slag Dump

36. Soda Ash, Caustic Soda or Washing Compound Manufacture.

37. Stockyards (See Section 51-E-13).

38. Tanning, Curing or Sorting of Raw Hides or Skins.

39. Tar-Roofing or Tar Waterproofing Manufacture.

40. Tar, Distillation or Manufacture.

41. And, in general, those uses which may be Noxious or Offensive by reason of the emission of Odor, Dust, Smoke, Gas, Vibration or Noise.

Section II—Heavy Industrial Districts:

In a Heavy Industrial District, land may be used and buildings or structures may be erected, altered or used for any purpose except the following:

Prohibited uses:

1. Any use prohibited in a Light Industrial District (See Section 51-E-14).

2. Dwellings (See Section 51-E-15)

ARTICLE III—EXCEPTIONS TO USE REGULATIONS.

Section 12—Two-Family or Multiple

Dwelling—"A" Residence District
In an "A" Residence District, a Two-Family or Multiple Dwelling may be erected on a lot the side of which adjoins a Business or Industrial District, provided the height of the dwelling, the lot area per family housed thereon, and the open spaces on the lot are in accordance with the regulations herein prescribed for the Height and Area District in which such a dwelling is, or is to be located.

Section 13—Community Garages—Residence Districts

In any Residence District a community garage may be erected in the interior of a block provided:

(a) No portion of such garage shall be nearer than sixty (60) feet to the principal frontage of the block, or nearer than twenty-five (25) feet to the street line along the side of the block.

(b) No portion of such structure shall be less than fifteen (15) feet from the center line of an alley.

(c) No portion of such structure shall be nearer than two hundred (200) feet to an existing dwelling. (See Section 51-e-12).

Section 14—Garages Accessory to Multiple Dwellings—Residence Districts

In any Residence District a storage garage may be erected upon the same lot with a Multiple Dwelling for the housing of automobiles for those who have a residence in such dwelling provided:

(a) No repair facilities are maintained and no repairs except those of a minor nature are made.

(b) The requirements listed in the Schedule of Height and Area Regulations for Accessory Buildings are observed.

Section 15—Public Garages—Business Districts

In any Business District, a Public Garage may be established, erected or enlarged, provided:

(a) No street entrance or exit of such garage, for vehicles, shall be within two hundred (200) feet of a street entrance or exit, upon the same street or an adjacent intersecting street, of any school or playground conducted for and attended by children. (See Section 51-e-12).

(b) No portion of such garage shall be within one hundred (100) feet of any hospital, church or public library; or within fifty (50) feet of a lot in a "Residence District" as established by this ordinance which abuts upon the same side of the street or upon the corresponding side of an adjacent intersecting street as the garage in question. (See Section 51-e-12).

(c) No repair facilities shall be maintained on the front portion of the lot, or in the front portion of the first story of the building within thirty (30) feet of any street line.

(d) Any door for vehicles, opening

upon a street, shall be at least fifteen (15) feet from the street line and an open, unoccupied space shall be maintained between said door and the street line. The height of such open, unoccupied space shall be not less than twelve (12) feet and the other dimensions shall be such that no part of the structure encroaches on the triangular area circumscribed by lines joining the center of the doorway and two points on the street line, one on either side of the center line of doorway and each twelve (12) feet therefrom. The aforesaid requirement of fifteen (15) feet may be waived and the entrance door placed on the street line, provided the latter is of vertical rolling type and a glass window is constructed along the front of the building for a distance of at least six (6) feet each side of the doorway, in such a manner as to always make visible from the sidewalk any car approaching the doorway from within the building. No view obstructing object shall thereafter be placed within the triangular area in the building having as its base that portion of the building along the street line lying between points six (6) feet upon either side of the doorway and its apex upon the center line of the doorway fifteen (15) feet from such street line.

Section 16—Service Stations—Business and Industrial Districts

In any Business or Industrial District, a station for the storage and sale of fuel, lubricating oil and accessories for motor vehicles may be established, erected or enlarged, provided:

(a) No street entrance or exit of such service station, for vehicles, shall be within two hundred (200) feet of a street entrance or exit upon the same street or an adjacent intersecting street, of any school or playground conducted for and regularly attended by children. (See section 51-e-12.)

(b) No portion or equipment of such service station shall be within one hundred (100) feet of any hospital, church or public library; or within fifty (50) feet of a lot in a "Residence District" as established by this ordinance which abuts upon the same side of the street or upon the corresponding side of an adjacent intersecting street as the structure in question. (See Section 51-e-12.)

(c) No portion of such service station or any of its equipment shall be placed closer to the street line than the line fixed by this ordinance for buildings upon the adjoining lots.

(d) No equipment for the service of gasoline, oil, air, water, etc., shall be closer to any street line than fifteen (15) feet, except such equipment may be placed at the side of an entrance driveway provided it be not closer than three (3) feet to any street line, nor closer than fifteen (15) feet to the point of intersection of

the side line of such driveway and any street line.

(e) No portion of any entrance driveway leading from a public street to such service station shall be closer than fifteen (15) feet to the curb line of an intersecting street, nor three (3) feet to a fire hydrant, catch basin, end of curb circle at corner, or to the street line of an intersecting street.

(f) The width of any entrance driveway leading from the public street to such service station shall not exceed thirty (30) feet at its intersection with curb or street line.

(g) No two driveways leading from a public street to such service station shall be within fifteen (15) feet of each other at their intersections with curb or street line.

(h) A pipe railing, post and chain barricade, raised curbing or similar device shall be constructed and maintained upon the property in the vicinity of street corners, sidewalk safety zones, entrance driveways and at other points in such a manner as to prevent vehicles from crossing the sidewalks other than by means of an entrance driveway as herein above prescribed.

Section 16A—Signboards in Business Districts.

In a Business District, a signboard not exceeding 50 square feet in area may be established, erected or maintained, provided no separate, detached signboard structure greater than 25 square feet in area shall be constructed at an angle with the front street line or any line parallel to the front street line of the property upon which such signboard is located; nor within a distance of 50 feet of the intersection of two street lines; nor upon any property where the front street line is a part of a curvature in street alignment.

Section 17—Manufacturing in Business Districts

In a Business District, manufacturing not prohibited in a light Industrial District, and not otherwise excepted by this ordinance, may be established and maintained subject to the following limitations:

(a) Such manufacturing processes shall not occupy the front portion of the first story of a building, within thirty (30) feet of any street line.

(b) Such manufacturing processes shall not occupy an area exceeding seventy-five (75) percent of the floor area of the building.

(c) Such manufacturing processes shall not be located within one hundred (100) feet of any Residence District as established by this ordinance.

ARTICLE IV—NON-CONFORMING USES

Section 18—General:

(a) The lawful use of land existing at the time of the adoption of this ordinance, or of an amendment thereto, although such use does not conform to the provisions hereof, may be continued; but if such non-con-

forming use is discontinued, as evidenced by lack of use for a period of at least one year or by substitution of a conforming use, any future use of said land shall be in conformity with the provisions of this ordinance.

(b) The lawful use of a building or structure existing at the time of the adoption of this ordinance, or of an amendment thereto, although such use does not conform to the provisions hereof, may be continued and such use may be extended throughout the buildings; provided no structural alterations are made, other than those necessary to assure the safety of the building or structure; and provided, further, that such extension does not displace a conforming use in a District established by this ordinance.

(c) A non-conforming use of a building may be changed to another non-conforming use of the same or of a more restrictive classification, provided no structural alterations are made, other than those necessary to assure the safety of the building or structure.

(d) Whenever a non-conforming use of a building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

(e) Whenever a non-conforming use of a building, or a portion thereof, has been discontinued, as evidenced by the lack of use, or vacancy for a period of at least one year, or by substituting a conforming use, such non-conforming use shall not thereafter be re-established and the future use shall be in conformity with the provisions of this ordinance. (See Section 51-E-16 to 51-E-19.)

ARTICLE V—HEIGHT AND AREA REGULATIONS

Section 19—Schedule of Regulations:

In any District, the maximum height of buildings or structures, the minimum dimensions of yards, courts and other open spaces, the area of lot required per family housed thereon and the percent of lot to be occupied by buildings shall be as shown on the schedule of "Height and Area Regulations" accompanying this ordinance and hereby declared to be a part hereof.

ARTICLE VI—APPLICATION OF HEIGHT LIMITATIONS

Section 20—General:

The height limitations of this ordinance shall be applied as follows:

(a) A cellar or basement, when designed for occupancy as a dwelling, shall be counted a story; when otherwise designed and used, it shall not be counted as a story.

(b) On a Corner Lot having two (2) or more frontages, the height limit, including all exceptions thereto, shall apply upon such lot not farther than to the center line of the block, beyond which any portion of the same lot shall have a height limitation similar to that applying

upon the property next adjacent thereto.

(c) On a Through Lot the height limit, including all exceptions thereto, beginning at either frontage, shall apply to a depth not exceeding one-half the depth of the lot.

(d) On an Interior Lot the height limit, including all exceptions thereto, shall apply to a depth equal to one-half the depth of the block as measured from frontage to frontage on a line projected through the center of the lot in question. Any rear portion of such lot, beyond the center line of the block, shall have a height limit similar to that applying upon the lot immediately abutting in the rear thereof.

ARTICLE VII—EXCEPTIONS TO HEIGHT LIMITATIONS:

Section 21—Height of Dwellings—“A” Residence Districts:

In an “A” Residence District, the height of a dwelling may be increased to fifty (50) feet, but not to exceed three stories, provided that the width of each side yard required by the Schedule of Height and Area Regulations for the District in which the building is located be increased a distance equal to at least two times the added height of the building above the 35 foot limitation of the District.

Section 22—Height of Public and Semi-Public Buildings:

In any Height and Area District in which the maximum height of buildings is less than eighty feet, the height limitation for public or semi-public buildings, churches, hospitals, sanitaria, clubhouses, tourists hotel, schools or educational institutions may be increased to eighty (80) feet, but not to exceed six (6) stories, provided that the width of each side yard required by the Schedule of Height and Area Regulations for the District in which such building is located, be increased to not less than fifteen (15) feet and provided further that no point in any wall of the building above the height limitation of the District shall be nearer to the vertical plane through a side lot line than a distance equal to one-half the height of such point above the curb level.

Section 23—Height of Monuments, Spires, etc.:

In any District, the height limitation of the District may be exceeded by a monument, spire, shaft, dome or tower for ornamental purposes only.

Section 24—Allowance for Terraces:

On a lot where terraces exist, the height of a building located thereon may be increased above the height limitation of such District a distance equal to the height of the terrace, provided that the depth of front yard is not less than the height of the terrace.

Section 25—Additional Height of Buildings—Business Districts:

In a Business District located within an Eighth Height and Area District, the maximum height of buildings may exceed the limitation given in the Schedule of Height and Area Regula-

tions, provided the cubical contents of the building shall not exceed the product of the area of the lot (in square feet) upon which it is situated multiplied by three times the least distance (in feet) between the center line of the widest street upon which the building faces and the line of the building.

Section 26—Height of Special Structures:

In any Business or Industrial District, the height limitation of the District may be exceeded by structures requiring special design on account of their particular use in industry or commerce (such as chimneys, stacks, grain elevators, detached water or wireless towers, etc.), provided they otherwise comply with the regulations herein prescribed.

Section 27—Appurtenances to Buildings:

In any Business District or an Industrial District, chimneys, stacks, elevator bulkheads, penthouses, gas or water towers, cooling towers, stage towers or scenery lofts, electric signs, wireless towers and other necessary mechanical appurtenances, where permitted by the use regulations of this ordinance and when erected upon and as an integral part of the building, may be erected or extended above the height limit of the district; provided that any such structure shall set back from the vertical plane of the permitted building line one (1) foot horizontally for each two (2) feet of extra height.

ARTICLE VIII—APPLICATION OF AREA REGULATIONS AND EXCEPTIONS

Section 28—General

(a) No yard, court or other open space, provided about any building or structure for the purpose of complying with the provisions of this ordinance shall be considered as a yard, court or other open space for another building or structure.

(b) In measuring the width and depth of the yards prescribed herein, a cornice, projecting not more than twelve (12) inches, or a fence, shall not be held to reduce such required dimensions.

(c) In a Residence District where front yards are required a porch may be erected into the required minimum front or rear yard, provided it be not closer to an adjoining property line than the required width of the side yard nor closer than ten (10) feet to a front street line.

(d) In any district, yards or courts, even though not specifically set forth in the “Schedule of Height and Area Regulations” shall be provided for a lot upon which a building intended to include living or sleeping accommodations is to be located, unless at least one window in each room wherein people are intended to live or sleep shall open directly on a street or alley fifteen (15) feet or more in width. Where required, such yards or courts shall be so arranged that at

least one window in each room where in people are intended to live or sleep shall open directly upon a front yard; or a rear yard not less than fifteen (15) feet or less than three (3) feet for each story of building height, in depth; or upon a court having a width of not less than fifteen (15) feet or less than three (3) inches for each foot of height of such court measured from the bottom thereof to the top of the highest wall abutting it; or upon a side yard not less than four (4) feet, or less than two (2) feet for each story of building height, in width.

Section 29—Front Yards.

(a) In a First, Second or Third Height and Area District, the minimum required depth of front yards for buildings in any Use District shall be as set forth in the Schedule of Height and Area Regulations under the heading "Minimum Depth" of Front Yard Requirements: except, where thirty-five (35) per cent of more of the Frontage on one side of a street between the nearest two intersecting streets and located in the Use District under consideration has been improved with buildings at the time of application for building permit, and a front yard of less depth, than the prescribed Minimum Depth has been provided for the majority of such buildings. In such cases, the required minimum depth of front yard shall be at least as much as the predominating depth of front yard established by such majority and, in no case, shall such front yard be provided of less depth than that set forth under column (1) of Front Yard Exceptions.

(b) For a corner lot in a First, Second or Third Height and Area District, a yard adjoining the side street line at least ten (10) feet in width or depth shall be provided unless such side street is eighty (80) feet or more in width. For the purpose of complying with this provision, the arrangement of side yards required by the Schedule of Height and Area Regulations may be changed. Nothing in this requirement shall be interpreted to reduce the buildable width of a corner lot of record at the time of passage of this ordinance to less than twenty-five (25) feet.

(c) In a Business or Industrial District, nothing in the provisions of this ordinance shall require a greater width or depth of yards than is required for buildings fronting on the same side of the street and located in an adjoining Residence District in the same block.

(d) In any District, a dwelling fronting on an alley, or a street less than thirty (30) feet in width shall be distant at least fifteen (15) feet from the center of such alley or street.

Section 30—Side Yards

(a) The width of a side yard shall be taken as the least distance from any part of or point on the building or porch to the adjacent side line of the lot.

(b) The width of any side yard provided, whether or not one is required by the Schedule of Height and Area Regulations shall be not less than three (3) feet.

(c) The required width of side yard space may be reduced to thirty (30) per cent of the width of the lot but to not less than ten (10) feet, in case of existing lots of record at the time of passage of this ordinance which are fifty (50) feet or less in width.

Section 31—Rear Yards

(a) In measuring the depth of rear yards, in cases where the rear lot line is not parallel with the street line average dimensions may be used.

(b) In computing the depth of a rear yard for any building where such yard opens into an alley, one-half the width of such alley may be considered as a portion of the yard.

(c) In a Second or Third Height and Area District, the required depth of a rear yard, in the case of a lot which is less than one hundred (100) feet in depth and of record, at the time of passage of this ordinance, may be reduced to twenty-five (25) per cent of the depth of such lot.

(d) In a Second or Third Height and Area District, the depth of a rear yard may be reduced to twenty (20) feet for such lots as abut upon either of two intersecting street property lines within one hundred and twenty (120) feet of the intersection.

Section 32—Courts

(a) Except as herein prescribed, an outer court is not required in any District, but if provided its width shall be not less than ten (10) feet nor less than one-fourth (1-4) its length, nor less than two (2) inches for each foot of height of such court, measured from the bottom thereof to the top of the highest wall abutting it.

(b) Except as herein prescribed, an inner court is not required in any District, but if provided its width shall be not less than ten (10) feet, nor less than three (3) inches for each foot of the height of such court, measured from the bottom thereof to the top of the highest wall abutting it.

(c) In determining the width of a court which adjoins a yard located on the same lot, or which adjoins a street or alley, such open space may be counted as a part of the court.

Section 33—Lot Area Per Family

(a) In any District, the minimum lot area per family required under the Schedule of Height and Area Regulations may be reduced by thirty (30) per cent for such lots as abut upon either or two intersecting street property lines and within a distance of one hundred and twenty (120) feet of their intersections.

(b) Nothing in the area requirements of this ordinance, relating to lot area per family, shall be held to prohibit the erection of a one-family dwelling

upon an existing lot of record, the area of which is less than that prescribed as the lot area per family; provided such lot, at the time of passage of this ordinance, was held under a separate ownership from the adjoining lots; or provided that, at the time of the passage of this ordinance, the majority of the lots fronting on the same street and situated between the two nearest adjacent intersecting streets are held under separate ownerships and are each of the same or less area than the lot in question.

(c) In determining the lot area per family, as required by the Schedule of Height and Area Regulations, servants employed on the premises and housed thereon need not be counted. Section 34—Per Cent of Lot Occupancy.

In any Residence District, principal buildings shall not occupy more than fifty (50) per cent the area of such lot upon which they are located. Section 35—Accessory Buildings.

(a) In any Residence District, an accessory building shall be at least fifteen (15) feet from the center of an adjoining alley if such accessory building opens upon such alley.

(b) In any Residence District, any accessory building shall be at least fifteen (15) feet from any street line.

(c) In any Residence District, any accessory building on a corner lot, the rear line of which is the side line of an adjoining lot, shall not be closer to the side street than the depth of front yard required in the District in which such adjoining lot is situated. Such accessory building shall be at least six (6) feet from said common lot line unless the distance from the side street line to the building be at least twenty (20) feet greater than the required depth of front yard in said District.

ARTICLE IX—ADMINISTRATION

SECTION 36—Administrative Officer.

The duty of administering and enforcing the provisions of this ordinance is hereby conferred upon the City Engineer, hereinafter referred to as the Administrative Officer.

SECTION 37—Plats, Plans, Etc.

(a) All applications for building permits shall be accompanied by a plat in duplicate, drawn to scale, showing the actual dimensions of each lot to be built upon, the size and location of each building to be erected upon each lot, and such other information as may be necessary to enable the Administrative Officer to determine that the proposed structure and use of land will conform to the provisions of this ordinance. A record of such applications and plats shall be kept in the office of the Administrative Officer.

(b) Applications for building permits in connection with property located in Old and Historic Charleston District shall be accompanied by such plans, elevations and other information as may be necessary to deter-

mine upon the appropriateness of the development under consideration, in accordance with general rules which shall be on file in the office of the Administrative Officer.

SECTION 38—Certificate of Appropriateness.

Except as otherwise provided for herein, the Administrative Officer shall not issue a building permit or certificate of occupancy in connection with property development within Old and Historic Charleston District unless and until a Certificate of Appropriateness has been issued by the Board of Architectural Review. (See Sections 42 to 47.)

SECTION 39—Building Permit—Certificate of Occupancy.

(a) No excavation for foundation nor the erection, construction or structural alteration of any structure or part of a structure, or occupancy of streets or alleys with building materials or temporary structures for construction purposes, shall be undertaken until a permit therefor shall have been issued by the Administrative Officer. No such permit shall be issued before application has been made for a Certificate of Occupancy.

(b) No vacant land shall be occupied or used and no structure hereafter erected, structurally altered or changed in use, shall be used or changed in use until a Certificate of Occupancy shall have been issued by the Administrative Officer.

(c) No alteration or change in general line, texture, material or color of any building or structure located within Old and Historic Charleston District shall be undertaken until a permit therefor shall have been issued by the Administrative Officer.

(d) A Certificate of Occupancy, either for the whole or a part of a new building or for alteration of an existing building shall be applied for coincident with the application for a building permit and shall be issued within ten (10) days after the erection or alteration of such building or part shall have been completed in conformity with the provisions of this ordinance.

(e) A Certificate of Occupancy for the use or occupancy of vacant land, or for a change in the use of land, or for a change in the use or the number of family units of an existing building, shall be applied for and issued before any such land shall be occupied or used, or such land or building changed in use, and such certificate shall be issued within ten (10) days after application has been made, provided such proposed use is in conformity with the provisions of this ordinance.

(f) A like certificate shall be applied for and issued for continuing, maintaining, renewing, changing or extending a non-conforming use,

existing at the time of the passage of this ordinance; and such certificate shall state that the use does not conform with the provisions of this ordinance. For continuing or maintaining such non-conforming use, and as equivalent to compliance with this requirement, the administrative officer shall mail such certificate to the occupants or owners of all such property within ninety (90) days after the passage of this ordinance.

(g) A record of all Certificates of Occupancy shall be kept on file in the office of the Administrative Officer and a copy shall be furnished on request to any person having a proprietary or tenancy interest in the building or land affected.

(h) No fee shall be charged for an original Certificate of Occupancy as required herein; but for each copy of an original certificate, there shall be a charge of one (1) dollar, which shall be remitted to the City Treasurer by the issuing officer.

Section 40—Completion of Buildings

(a) All structures for which permits have been obtained and the construction of which or a portion of which has been begun, or for which a contract or contracts have been let pursuant to a permit issued prior to the passage of this ordinance, may be completed and used in accordance with the plans for which said permit was granted.

(b) All permits for buildings issued prior to the passage of this ordinance are hereby declared void, provided such building or its use does not conform to the provisions of this ordinance, if at the time of the passage of this ordinance: (1) No substantial construction has been made; (2) No contract or contracts have been let pursuant to said permit.

(c) If after the issuance of a permit the operations authorized thereunder are not commenced within six (6) months after date of permit, or if after the commencement of operations the work is discontinued for a period of six (6) months, such permit shall be void, work may not again be commenced until a new permit shall have been issued as for the original work, and building materials and equipment on the ground shall be removed or stored according to the requirements of the Administrative Officer.

Section 41—Interpretation—Purpose

(a) In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of health, safety, morals or general welfare. Where this ordinance imposes greater restriction upon the use of a building or land or upon the height, bulk or size of a building or structure or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or permits, or by easements, covenants or agreements,

the provisions of this ordinance shall govern. Where any other ordinances, rules, regulations or permits, or any easements, covenants or agreements, impose greater restrictions upon the use of a building or land, or require larger open spaces than are required under the regulations of this ordinance, such provisions shall govern.

ARTICLE X—OLD AND HISTORIC CHARLESTON DISTRICT

Section 42—General

In order to promote general welfare through the preservation and protection of historic places and areas of historic interest, applications for building permits and for Certificates of Occupancy in the Old and Historic Charleston District must be approved as to exterior architectural features which are subject to public view from a public street or way, before a building permit or Certificate of Occupancy may be issued by the Administrative Officer. Such requirement is in addition to the other provisions of this ordinance.

Evidence of such required approval 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, stating that the exterior architectural features of the proposed construction, reconstruction, alteration, restoration or use for which application has been made are approved by the Board of Architectural Review.

Section 43—Board of Architectural Review—Creation—Membership

A Board of Architectural Review is hereby established. Such Board shall consist of five citizen members, each to be appointed by the City Council of the City of Charleston, S. C. One member shall be a member of the American Institute of Architects; one a member of the Carolina Art Association; one, a member of the City Planning and Zoning Commission; one, a member of the American Society of Civil Engineers and one, a member of the Real Estate Exchange. Each member shall be appointed from a list of nominees submitted to City Council by the Charleston chapters or members of the respective organizations. In case any of the organizations entitled to make nominations shall fail to make the same within thirty days after a written request therefor by the Clerk of Council, then City Council, on its own nomination, shall appoint the member. The terms of office of the members shall be for three years except the terms of two of the members of the original board shall expire within three years; two within two years and one within one year of the date of appointment. An appointment to fill a casual vacancy shall be only for the unexpired portion of the term.

Section 44—Meetings

The Board of Architectural Review shall meet within ten (10) days after notification by the Administrative Officer of the filing of an application for a building permit or Certificate of Occupancy for a case upon which it is required to pass, and at such other times as the Board may determine or upon call of the chairman.

Section 45—Power and Duties.
It shall be the function and duty of the Board of Architectural Review to pass upon the appropriateness of exterior architectural features of buildings and structures hereafter erected, reconstructed, altered, restored or used in Old and Historic Charleston District wherever such exterior features are subject to public view from a public street or way.

Section 46—Review of Plans.
All plans, elevations, and other information necessary to determine the appropriateness of the features to be passed upon, together with a copy of the application for building permit or certificate of occupancy shall be made available to the Board of Architectural Review through the offices of the administrative officer.

The Board of Architectural Review in passing upon cases, shall consider, among other things, the general design, arrangement, texture, material and color of the building or structure in question and the relation of such factors to similar features of buildings in the immediate surroundings. The Board of Architectural Review shall not consider detailed design; relative size of buildings in plan; interior arrangement; or building features not subject to public view; nor shall it make requirements except for the purpose of preventing developments obviously incongruous to the old historic aspects of the surroundings.

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

Section 47—Approval.
Upon approval of the plans, the Board of Architectural Review shall forthwith transmit a report to the Administrative Officer stating the bases upon which such approval was made and 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 date of application for permit, the case shall be deemed to be disapproved, except where mutual agreement has been made for an extension of the time limit.

ARTICLE XI—BOARD OF ADJUSTMENT

Section 48—Creation—Membership
(a) A Board of Adjustment is here-

by established. The word "Board" when used in this ordinance shall be construed to mean the Board of Adjustment.

(b) The Board shall consist of five citizen members, each to be appointed by the City Council of the City of Charleston, S. C. One member shall be a member of the Real Estate Exchange; one, a member of the Charleston County Bar association; one, a member of the Retail Merchants Association; one, a member of the Planning Commission and one, a member of the American Society of Civil Engineers. Each member shall be appointed from a list of nominees submitted to City Council by the Charleston chapters or members of respective organizations. In case any of the organizations entitled to make nominations shall fail to make the same within thirty days after a written request therefor by the Clerk of Council, then City Council shall appoint the member on its own nomination. The terms of office of the members shall be for three years except the terms of two of the members of the original board shall expire within three years; two, within two years and one, within one year of the date of appointment. An appointment to fill a casual vacancy shall be only for the unexpired portion of the term.

Section 49—Meetings

Meetings of the Board shall be held at least once a month and at such other times as the Board may determine, or upon call of the Chairman. All meetings shall be open to the public. The Board shall adopt its own rules of procedure and shall keep a record of its proceedings showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examination and other official actions. Every rule or regulation, every amendment or repeal thereof and every order, requirement, decision or determination of the Board shall immediately be filed in the office of the Board and become a public record.

Section 50—Appeals

Appeals from the decision of the Administrative Officer may be made to the Board of Adjustment by any person aggrieved, or by any officer, department, board or bureau of the City affected by any decision of the administrative officer. 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 Adjustment 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.

Section 51—Powers and Duties

(a) The Board shall hear and decide appeals *de novo* and review on

appeal any order, requirement, decision or determination made by the Administrative Officer, in the enforcement or application of this ordinance, and, upon such appeal may, in accordance with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify any such order, requirement, decision or determination. The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision or determination made by the Administrative Officer or to decide in favor of the applicant any matter upon which it is required to pass under this Ordinance or to effect any variation in the Ordinance.

(b) If after a permit has been authorized by the Board, such permit is not lifted from the office of the Administrative Officer within a period of six (6) months from the date of authorization, then such authorization shall be null and void and no permit shall be issued thereunder.

(c) The board shall fix a reasonable time for the hearing of an appeal, taken within the time specified by its rules, shall give public notice thereof, as well as due notice to the parties in interest, and shall decide the same within a reasonable time. Upon the hearing of such appeal any party may appear in person, or by agent or attorney.

(d) Where the street layout actually on the ground, or as recorded, differs from the street layout as shown on the Zone Map, the board shall interpret the map in such a way as to carry out the intent and purpose of this ordinance and the map for the particular section or district in question.

(e) Where by reason of topographical conditions, district border line situations, immediately adjoining existing developments or because of other unusual circumstances, the strict application of any provision of this ordinance would result in exceptional practical difficulty or undue hardship upon the owner of any specific property, the board, in passing upon appeals, shall have the power to vary or modify such strict application or to interpret the meaning of this ordinance so as to relieve such difficulty or hardship; provided that such variance, modification or interpretation shall remain in harmony with the general purpose and intent of this ordinance, so that the health, safety and general welfare of the community shall be conserved and substantial justice done.

In granting variations, the board, if it deem proper to the carrying out of the intent and purpose of this ordinance, may impose such reasonable and additional stipulations and conditions as will, in its judgment, better fulfill the purposes of this ordinance.

In the exercise of this power the Board may, among other variances, modifications and interpretations, authorize a permit to be issued:

1. For a hospital or other public or semi-public institution, educational or charitable, (but not including a hospital for persons suffering from insanity or from diseases such as are commonly isolated in a separate building, nor including a jail, reformatory or other correctional institution) in any Residence District where on account of ample area of site and adequate open spaces on all sides of the proposed structure, and other considerations, the residential character of the neighborhood will be preserved.

2. For a tourists hotel, in any Residence District, where on account of ample area of the site and adequate open spaces on all sides of the proposed structure and other considerations, the residential character of the neighborhood will be preserved. The Board may authorize a reasonable variation of the height requirements of this ordinance for such a hotel provided minimum yards and open spaces provided therewith shall in no case be less than those required under Section 22 of this ordinance.

3. For the conversion of a dwelling, existing at the time of the passage of this ordinance and located in an "A" Residence District within Old and Historic Charleston District, into a two-family or multiple dwelling, in cases where, among other considerations, such existing dwelling contains such an amount of space available and suitable for residence purposes, that it is unreasonable to require its use as a single family dwelling.

4. For a miniature golf course, swimming pool or athletic field in any Residence District for such a period of time and under such conditions as are reasonable considering the development of the adjacent property.

5. For the use of land or the erection or use of a building or structure, such as a real estate office or a contractor's stable or storage yard, for commercial or industrial purposes in a Residence District, in cases where such use is incidental and reasonably necessary to the development of the district for residential purposes. Such variation may be authorized only where the proposed use is clearly of a temporary nature, to be abandoned as the adjacent areas become occupied for residence purposes, and in such circumstances the Board also may authorize a permit to be issued for other temporary uses such as a commercial greenhouse or nursery. Any permit so authorized shall be only for such limited period of time as the Board shall determine is reasonable, considering the character of the district in question, and in no case for a period of more than two years.

6. For the use of property located in a Residence District for a plot for the parking of automobiles, in cases where such property is located within one thousand (1,000) feet of a Business District included in an Eighth Height and Area District and the

existing buildings upon the plot in question and in the immediate surroundings mostly are in such deteriorated condition that said use would result in an improvement to the character of the neighborhood. Such use shall be authorized for such a limited period as the Board determines is reasonable considering the district in question.

7. For an aviation field, a cemetery, or a municipal utility or building in any District.

8. For a reasonable extension of the regulations of either District over a lot divided by a District boundary line, when all parts of such lot are held under the same ownership at the time of passage of this ordinance.

9. For the reasonable extension of a conforming structure or use existing at the time of passage of this ordinance into a more restricted district immediately adjacent thereto, but such extension shall not be for more than sixty (60) feet beyond the boundary line of the District in which such building or use is thus authorized.

10. For the erection or use of a structure in any District by a public service corporation when such erection or use is reasonably necessary for the service of the public and not unreasonably detrimental to the character of the development.

11. For a detached private garage or other detached accessory building on a lot in a Residence District where existing development or unusual conditions are such as to make it impracticable to construct such buildings as required by the provisions of this ordinance.

12. For a community garage in a Residence District located within two hundred (200) feet of an existing dwelling; or for a public garage in a Business District or for a service station in a Business District or any Industrial District, where the street entrance thereto is within two hundred (200) feet of the street entrance to a school, park or playground; or for a public garage in a Business District or a service station in a Business or any Industrial District where part of such garage or service station is within one hundred (100) feet of a hospital, church or public library or within fifty (50) feet of a lot in a Residence District. In passing upon such appeal, the Board shall give weight to the consents to such variation from the provisions of this ordinance, as shown by the signatures of the owners in interest and number of sixty (60) per cent of all the property within two hundred (200) feet, or one hundred (100) feet, or fifty (50) feet, of the proposed structure, entrance or lot, as the case may be.

13. For the use of land or the erection and alteration of structures in a Heavy Industrial District for the prohibited uses listed as Items 1, 2b,

and 37 of Section 10 of this ordinance, provided the Board determines that each use thus authorized is reasonably necessary and essential for the public convenience or welfare and not seriously detrimental to the character of the district in question.

14. For the use of land or the erection of structures in a Heavy Industrial District for uses listed as prohibited therein, provided that any use so authorized is so located therein, processed or carried on as not to create offensive odors or conditions disturbingly apparent over a considerable area of the City, other than such Heavy Industrial Districts.

15. For the erection of dwellings in a Heavy Industrial District provided precautionary measures are required in connection therewith so as to reduce the possibilities of the occurrence of hazards of fire and other dangers.

16. For the establishment and maintenance of a non-conforming use on a lot adjacent to a lot, the use of which at the time of the passage of this ordinance does not conform to the regulations herein contained; when the existing non-conforming use renders reasonably impracticable the improvement of such lot without such modification, provided any non-conforming use so permitted shall not be of a restrictive use classification than that to which said existing non-conforming use is assigned by the terms of this ordinance.

17. For the reconstruction of a building in a district restricted against its use when such building has been partially destroyed by fire or other calamity, provided the application for permit for such reconstruction is made within one (1) year from the date of such fire or other calamity.

18. For the resumption of a non-conforming use of a building in any District when such non-conforming use has been discontinued provided such use has not been followed by a more restricted use, and that it is not reasonably practicable to utilize the lot upon which such building is located for a conforming use.

19. For the reasonable enlargement of a structure existing at the time of passage of this ordinance and used for trade, business or industry, but located in a district restricted against such use; or for reasonably necessary additional structures for any such use, upon the same lot or plot of ground as that upon which such existing structure and use obtain.

20.—For such reasonable variation of the height and area regulations herein set forth as the Board may deem necessary for the suitable use of a Telephone Exchange Building, located in a Residence District, where the Board determines such variation is reasonably necessary for the public convenience or welfare, harmon-

ious to the purposes of the District, and not unreasonably injurious to the property of the District in which the structure is or is proposed to be located.

21—For such reasonable variation of the area requirements of this ordinance as the Board may deem necessary to secure an appropriate development of an existing corner lot, where it is desired to construct a dwelling on the rear of such corner lot and facing the side street; provided such corner lot, at the time of passage of this ordinance, either was held under separate ownership from the adjoining lots or was shown on a recorded plat to be a separate and distinct numbered lot.

22—For a front yard of less depth than that required by this ordinance where existing development or unusual conditions make strict compliance unreasonable or substantially impossible.

23—For such variation of the area requirements of this ordinance as the Board may deem necessary to secure an appropriate improvement of a lot of such restricted area, size or shape that it cannot be reasonably improved without modification of the strict application of the provisions of this ordinance; provided such lot, at the time of passage of this ordinance, either was held under a separate ownership from the adjoining lots, or was shown on a recorded plat to be a separate and distinct numbered lot.

24—For an arrangement and size of yards varying from that specified in the "Schedule of Height and Area Regulations" in case of a building fronting upon the side lot line of a corner lot or in case of a group of buildings on a parcel of land forming in effect a multiple dwelling made up of separate units, provided that the depth of yard adjacent to a street line and the required lot area per family, as specified in this ordinance, shall be complied with in the location of said buildings.

25—For a modification of the lot area requirements for an apartment building located in a Residence District provided the ample open space is provided around the building and that the Board determines that the character, use and occupancy of said apartment building are such as will not result in undesirable or congested living conditions.

ARTICLE XIII—VIOLATION —PENALTY

SECTION 52—Violation—Penalty:

Any person, firm or corporation, violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall for each violation upon conviction thereof be punished by a fine of One Hundred (\$100.00) Dollars, or be imprisoned for thirty (30) days in the discretion of the court. Each day that a violation is permitted to exist shall constitute a separate offense.

Any person who having been served with an order to remove any such

violation shall fail to comply with said order within ten (10) days after such service or shall continue to violate any provision of the regulations of this ordinance in the respect named in such order shall also be subject to a fine of One Hundred (\$100.00) Dollars or imprisonment for thirty days in the discretion of the court.

The Court, in its discretion, may reduce the fine, penalty or term of imprisonment imposed for the violation of any provision of this ordinance.

ARTICLE XIII—CHANGES AND AMENDMENTS

Section 53—Procedure

(a) The City Council may, from time to time, on its own initiative, or on petition signed by a majority of the property owners according to frontage in any district, or portion thereof as large as one city block between two intersecting streets, amend, supplement or change the regulations, restrictions or the district boundaries herein established or subsequently established. This shall be done only after reference to and report by the City Planning Commission; and after public hearing by the Council, official notice of which shall be given in a newspaper of general circulation in the City at least fifteen (15) days prior to such hearing.

(b) In case the proposed amendment, supplement or change be disapproved by the City Planning Commission or a protest be presented duly signed and acknowledged by the owners of twenty per cent or more either of the area of the lots included in such change, or of those immediately adjacent in the rear thereof or of those directly opposite thereto, such amendment, supplement or change shall not become effective except by the favorable vote of three-fourths of all members of the City Council.

(c) The City Council shall take final action upon such amendment, supplement or change within a period of forty-five (45) days after the filing of petition for same with the Clerk of Council. If City Council shall fail to take action upon such petition within said time, the petition shall be deemed to have been rejected.

ARTICLE XIV—VALIDITY

Section 54—Validity

If any section, clause, provision or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect or impair any other section, clause, provision or portion of the ordinance.

ARTICLE XV—REPEAL

Section 55—Repeal

All ordinances or parts of ordinances in conflict with this ordinance be and the same are hereby repealed.

ARTICLE XVI—EFFECTIVE DATE

Section 56—Effective Date

This ordinance shall be in force and take effect upon its ratification.

SCHEDULE OF HEIGHT AND AREA REGULATIONS

DISTRICT DESIGNATION	USE DISTRICTS INCLUDED	HEIGHT LIMITATIONS		OPEN SPACES REQUIRED	FRONT YARDS	SIDE YARD REQUIREMENTS	REAR YARDS	LOT AREA PER FAMILY	% NO. col in
		Feet	Stories						
First Height and Area District (1)	"A" Residence .. "B" Residence ..	35 50	2½ 3	(a) Front yard. (b) Two side yards (c) Rear yard	35 Feet (See Sec. 29 & 51-e-22)	20 Feet	Two side yards are required the minimum width of either shall be 6 feet, the minimum sum of the widths of the two shall be 18 feet. (See Sec. 30.)	Minimum Depth 35 Ft. (See Sec. 31)	6000 Sq. Ft. 4500 Sq. Ft. 3000 Sq. Ft. (See Sec. 33)
Second Height and Area District (2)	"A" Residence .. "B" Residence .. Business ..	35 50 50	2½ 3 3	(a) Front yard. (b) Two side yards (c) Rear yard	RESIDENCE DIS. 35 Feet (See Sec. 29 & 51-e-22)	15 Feet	The total width of side yard space shall be at least 15 feet and a side yard at least 9 feet in width shall be provided adjacent to the side line of the lot which is most southerly or westerly. (See Sec. 30.)	Minimum Depth 30 Ft. (See Sec. 31)	4000 Sq. Ft. 3000 Sq. Ft. 2250 Sq. Ft. (See Sec. 33)
Third Height and Area District (3)	"A" Residence .. "B" Residence .. Business .. Light Industrial	35 50 50 80	2½ 3 3 6	(a) Front yard. (b) Two side yards (c) Rear yard	RESIDENCE DIS. 25 Feet 15 Feet (See Sec. 29 & 51-e-22)	15 Feet 10 Feet (See Sec. 29 & 51-e-22)	The total width of side yard space shall be at least 10 feet and a side yard at least 7 feet in width shall be provided adjacent to the side line of the lot which is most southerly or westerly. (See Sec. 30.)	Minimum Depth 25 Ft. (See Sec. 31)	2500 Sq. Ft. 2000 Sq. Ft. 1650 Sq. Ft. (See Sec. 33)
Fourth Height and Area District (4)	"A" Residence .. "B" Residence ..	50 50	3 3	(a) 1 or 2 side Y'ds. (b) % Lot oc'p'ncy.	Required only to comply with Sec. 29d		The total width of side yard space shall be at least 18 feet and a side yard at least 12 feet in width shall be provided adjacent to the side line of the lot which is most southerly or westerly. (See Sec. 30.)	Required only to comply with Sec. 28d.	6000 Sq. Ft. 4500 Sq. Ft. 3000 Sq. Ft. (See Sec. 33)
Fifth Height and Area District (5)	"A" Residence .. "B" Residence .. Business ..	50 50 50	3 3 3	(a) 1 or 2 side Y'ds. (b) % Lot oc'p'ncy.	Required only to comply with Sec. 29d		Same as Second Height and Area District. (See Sec. 30.)	Required only to comply with Sec. 28d.	4000 Sq. Ft. 3000 Sq. Ft. 2250 Sq. Ft. (See Sec. 33)
Sixth Height and Area District (6)	"A" Residence .. "B" Residence ..	50 50	3 3	(a) 1 or 2 side Y'ds. (b) % Lot oc'p'ncy.	Required only to comply with Sec. 29d		Same as Third Height and Area District. (See Sec. 30.)	Required only to comply with Sec. 28d.	2500 Sq. Ft. 2000 Sq. Ft. 1650 Sq. Ft. (See Sec. 33)
Seventh Height and Area District (7)	"A" Residence .. "B" Residence .. Business	35 35	2½ 2½	(a) Two side yards (b) % Lot oc'p'ncy.	Required only to comply with Sec. 29d		Two side yards required, each at least 5 feet in width. (See Sec. 30.)	Minimum Depth 20 Ft. (See Sec. 31)	1500 Sq. Ft. 1500 Sq. Ft. 1500 Sq. Ft. (See Sec. 33)
Eighth Height and Area District (8)	Business Light Industrial Heavy Industrial	3 times least distance betw'n front line of building and center line of St. on which it fronts. (See Sec. 25).		(a) Front yard. (b) Side y'ds. or c'ts			Required only to comply with Sec. 28d.	Required only to comply with Sec. 28d.	1000 Sq. Ft. 500 Sq. Ft. (See Sec. 33)

NOTE: This schedule shall be considered in connection with Sections 28 to 35, whether or not specific ref-

SCHEDULE OF HEIGHT AND AREA REGULATIONS

AREA REGULATIONS

DS Yd. p't'n. Feet -e-22)	SIDE YARD REQUIREMENTS		REAR YARDS			LOT AREA PER FAMILY			% OF LOT OCCUPANCY			ACCESSORY BLDGS.		ADD. DW'LGS.		
	NOTE: The requirements for Side Yards and Rear Yards as given in these columns apply only to buildings in Residence Districts and to dwellings in other Use Districts. (See also Sec. 28d.)		Side Yards and Rear Yards			MINIMUM REQUIREMENTS			NOTE: The requirements in this column apply only to buildings in Residence Districts.			Dist. from front lot side st. line (1) line (2)		Distance from front lot line		
DIS. Feet -e-22)	Two side yards are required the minimum width of either shall be 6 feet, the minimum sum of the widths of the two shall be 18 feet. (See Sec. 30.)		Minimum Depth 35 Ft. (See Sec. 31)	6000 Sq. Ft. 4500 Sq. Ft. 3000 Sq. Ft. (See Sec. 33)					No requirement for principal building except to comply with Sec. 34.			70 Ft. 30 Ft. (See Sec. 35)		100 Ft.		
DIS. Feet -e-22)	The total width of side yard space shall be at least 15 feet and a side yard at least 9 feet in width shall be provided adjacent to the side line of the lot which is most southerly or westerly. (See Sec. 30.)		Minimum Depth 30 Ft. (See Sec. 31)	4000 Sq. Ft. 3000 Sq. Ft. 2250 Sq. Ft. (See Sec. 33)					No requirement for principal building except to comply with Sec. 34.			70 Ft. 20 Ft. (See Sec. 35)		80 Ft.		
DIS. Feet -e-22)	The total width of side yard space shall be at least 10 feet and a side yard at least 7 feet in width shall be provided adjacent to the side line of the lot which is most southerly or westerly. (See Sec. 30.)		Minimum Depth 25 Ft. (See Sec. 31)	2500 Sq. Ft. 2000 Sq. Ft. 1650 Sq. Ft. (See Sec. 33)					No requirement for principal building except to comply with Sec. 34.			60 Ft. 15 Ft. (See Sec. 35)		70 Ft.		
DIS. Feet -e-22)	The total width of side yard space shall be at least 18 feet and a side yard at least 12 feet in width shall be provided adjacent to the side line of the lot which is most southerly or westerly. (See Sec. 30.)		Required only to comply with Sec. 28d.	6000 Sq. Ft. 4500 Sq. Ft. 3000 Sq. Ft. (See Sec. 33)					Principal building shall not occupy more than 35% of the area of the lot upon which they are situated. (See Sec. 34.)			70 Ft. 30 Ft. (See Sec. 35)		100 Ft.		
to ec.29d	Same as Second Height and Area District. (See Sec. 30.)		Required only to comply with Sec. 28d.	4000 Sq. Ft. 3000 Sq. Ft. 2250 Sq. Ft. (See Sec. 33)					Principal building shall not occupy more than 35% of the area of the lot upon which they are situated. (See Sec. 34.)			70 Ft. 20 Ft. (See Sec. 35)		80 Ft.		
to ec.29d	Same as Third Height and Area District. (See Sec. 30.)		Required only to comply with Sec. 28d.	2500 Sq. Ft. 2000 Sq. Ft. 1650 Sq. Ft. (See Sec. 33)					Principal building shall not occupy more than 35% of the area of the lot upon which they are situated. (See Sec. 34.)			60 Ft. 15 Ft. (See Sec. 35)		70 Ft.		
to ec.29d	Two side yards required, each at least 5 feet in width. (See Sec. 30.)		Minimum Depth 20 Ft. (See Sec. 31)	1500 Sq. Ft. 1500 Sq. Ft. 1500 Sq. Ft. (See Sec. 33)					Principal building shall not occupy more than 35% of the area of the lot upon which they are situated. (See Sec. 34.)			50 Ft. 15 Ft. (See Sec. 35)		45 Ft.		
	Required only to comply with Sec. 28d.		Required only to comply with Sec. 28d.	1000 Sq. Ft. 500 Sq. Ft. (See Sec. 33)												

considered in connection with Sections 28 to 35, whether or not specific reference is made thereto.