



Charleston REALTORS® Work With County to Ensure Historic Preservation Code Works for All — November 2014

The city of Charleston, South Carolina has the oldest historic district in the nation, and the area's REALTORS® well understand the importance of historic preservation. But when Charleston County proposed overly restrictive amendments to the Historic Preservation section of its Zoning and Land Development Code early this year, the 4,150-member Charleston Trident Association of REALTORS® (CTAR) couldn't support it.

Ryan Castle, CTAR's former Government Affairs Director (now CEO of the Cape Cod & Islands Association,) explains the objections to the proposal, which would not have affected the city of Charleston, itself, but only the unincorporated parts of the surrounding county: "The proposed changes would have severely restricted the use of one's residential or commercial property, the ability to rebuild and renovate, and the ability to mitigate for flood issues." Among the proposed qualifications for historic protection, he notes, was that a building (at least) 75 years old, regardless of historic significance or architectural merit; could be considered "an established visual feature of the community;" and that it "may be likely to yield historic information." CTAR knew that such vague and subjective definitions had no place in a public ordinance; Castle suggests that its authors, though well meaning, had confused the notion of 'nostalgic' with 'historic'.

One of the planning commissioners, a CTAR past-president, called Castle to alert him that the proposal was problematic. "That's the beauty of having members on appointed bodies," says Castle, explaining that CTAR had been instrumental in this member's appointment to the Planning Commission, as well as having been key to the election of the REALTOR® Council Member who'd appointed him. "They're on the lookout for issues and situations like this, which spares the GAD a lot of the heavy lifting, and often provides a critical head-start."

Accordingly, CTAR requested a Land Use Initiative (LUI) review of the proposed legislation from the National Association of REALTORS®. "We had made good use of REALTOR® Party resources in the past," says Castle, "so we were familiar with what was available. Robinson & Cole, the law firm that handles these reviews, does a great job," he continues. "They take an issue you know you have problems with, and spell out exactly what the specific legal difficulties are. The LUI analysis provided us with the necessary means to articulate the severity of deficient historic preservation legislation within the community."

CTAR then sent a letter to the Planning Commission outlining its concerns as defined by the LUI analysis, and were delighted by the outcome of the commission meeting in April: "The staff brought up each and every point that we'd made, based on the LUI review, and stated that they were in agreement!" reports Castle. The County also recommended the creation of a task force to review historic preservation matters, and asked CTAR's past-president to chair it. "Moving forward on issues of historic preservation code, it'll be



helpful for CTAR, and beneficial for the community, to have the leadership of a knowledgeable REALTOR®-insider."

To learn more about how the REALTORS® of Charleston, South Carolina used a REALTOR® Party Land Use Initiative review to prevent the passage of an unreasonably restrictive ordinance, contact Ryan Castle, former Government Affairs Director of the Charleston Trident Association, at rcastle@cciaor.com or 508.957.4300.



Charleston – South of Broad Street