

**Charlotte Historic District Commission**  
**Rules for Procedure**

Amended and adopted by the Charlotte Historic District Commission  
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## **Table of Contents**

1. Commission Members	3
2. Meetings	3
3. Quorum	3
4. Attendance	4
5. Voting	4
6. Conflicts of Interest	4
7. Submission Requirements	5
8. HDC Agenda Requirements	7
9. Optional Design Review Committee	7
10. HDC Hearing Procedure	8
11. Decisions of the HDC	9
12. Resubmission of Denied Applications	10
13. Appeals of Decisions of the Commission	10
14. Enforcement	11

## **1. Commission Members**

- 1.1. The officers of the Historic District Commission (HDC) shall be a Chairperson, a Vice Chairperson, and a Second Vice Chairperson.
- 1.2. The Chairperson shall preside at all meetings, appoint all standing and temporary committees, make assignments to design review committee meetings, have the right to vote, and may call special or emergency meetings of the HDC. The Chairperson or his or her designee is authorized to sign Certificates of Appropriateness.
- 1.3. The Vice Chairperson shall preside at meetings in the absence of the Chairperson, and may call special or emergency meetings of the HDC. In the absence of both the Chairperson and the Vice Chairperson, the Second Vice Chairperson shall preside and may call special or emergency meetings of the HDC.
- 1.4. At the first regular meeting in June, the HDC shall elect officers for a term of one year. Officers shall take office the following July 1. If an office becomes vacant during a term, the HDC shall elect one of its members to serve the remaining portion of the unexpired term. Officers shall be eligible for reelection.
- 1.5. New HDC members must complete the HDC orientation before voting at an HDC hearing.
- 1.6. A majority of the members of such a commission shall have demonstrated special interest, experience, or education in history, architecture, archaeology, or related fields.

## **2. Meetings**

- 2.1. The regular meeting date of the Commission shall be the second Wednesday of each month.
- 2.2. Special meetings of the HDC may be called by the Chairperson, Vice Chairpersons, or the HDC's staff with the consent of a majority of the members. Notices of all special meetings shall be communicated to all members of the HDC at least one week prior to the time of the meeting. Only those matters specified in the call may be considered.

## **3. Quorum**

- 3.1. In all circumstances, a majority of the members of the HDC, not counting vacancies, shall constitute a quorum for the purpose of conducting business.
- 3.2. A quorum may be lost due to an HDC member's conflict of interest or failure to be present for the entire hearing on a particular Certificate of Appropriateness hearing.

## **4. Attendance**

- 4.1. The HDC attendance policy shall be the same as the City Council's attendance policy for boards and commissions.

## **5. Voting**

- 5.1. An HDC member may not vote on any motion or Certificate of Appropriateness if the HDC member has been excused for a conflict of interest or is not present for the entire hearing.
  - 5.1.1. No action shall be taken unless by a quorum of the HDC with a majority of those present voting in favor of such action. Any calculation of a quorum shall not include any HDC member with a conflict of interest or who fails to be present for the entire hearing on a particular Certificate of Appropriateness application.
  - 5.1.2. All HDC members present shall vote in favor of, or against any presented Certificate of Appropriateness application or motion, unless excluded per Section 5.1. Commission members shall not abstain from voting if present for the entire hearing.

## **6. Conflicts of Interest**

- 6.1. No HDC member shall vote on or participate in the consideration of a matter in which he or she has a conflict of interest, or has the appearance of a conflict of interest. For purpose of this section, and by way of illustration, but not limitation, a member has a conflict of interest (i) if he or she may be impacted financially, either directly or indirectly, from a decision on the pending matter, (ii) if the member owns or leases property that is within three hundred (300) feet of the property that is the subject of an application, (iii) if the member has a familial or personal relationship with an applicant that is of a type that may color the member's judgment, or (iv) if the member works for any business entity that contributed to the subject of an application.
- 6.2. When considering an application for a Certificate of Appropriateness, the HDC is acting in a quasi-judicial capacity. Due process requires that a quasi-judicial decision be made by unbiased and non-predisposed decision makers on evidence appearing in the record. To this end, an HDC member shall not form or communicate a predisposition on any application prior to the consideration of the application at an HDC meeting. For purposes of this section, discussion of an application in a design review committee meeting shall not constitute a violation of this section provided that the member does not indicate to the applicant or other interested parties that he or she will support or oppose a particular application.
- 6.3. An HDC member that has a conflict of interest, or believes that he or she may have a conflict of interest, must contact the HDC clerk before the scheduled meeting to ensure a quorum can be met.
- 6.4. An HDC member who determines that he or she has a conflict of interest shall declare the existence and nature of the conflict prior to consideration of the matter and shall be excused from further consideration of the application.

- 6.5. An HDC member who believes that he or she may have a conflict of interest shall declare the possible conflict. The applicant shall have the opportunity to object to the HDC member being able to vote on the Certificate of Appropriateness. The HDC shall make a determination by majority vote of the quorum, excluding the HDC member who may have a conflict, of the HDC on whether or not a conflict of interest exists. The member who allegedly has a conflict of interest shall be excused from voting on the question.
- 6.6. A challenge of the existence of a conflict of interest may be made by a member of the HDC or by any interested person. Such a challenge shall be considered by the HDC and the HDC shall determine by majority vote of the quorum, excluding any HDC member being challenged, of the HDC whether a conflict of interest exists. If the vote of the quorum of the HDC determines that the member has a conflict of interest, the member shall be excused from voting on the application.

## **7. Submission Requirements**

- 7.1. A property owner must sign an application for a Certificate of Appropriateness.
- 7.2. Applicants seeking approval from the HDC must consult with HDC staff prior to submission of materials outlined in Section 7.3.
- 7.3. The following materials shall constitute a complete application for a Certificate of Appropriateness. The applicant shall be responsible for providing all necessary materials to meet the requirements of this section.

### **7.3.1. Submission Requirements for All Applications (except Demolition)**

- 7.3.1.1. All drawings must be to scale with dimensions from legal boundaries and clear, legible details. Drawings and supporting documentation should be submitted electronically, preferably in PDF format. If electronic files cannot be submitted, one set of full size plans (e.g. 24"x36") is acceptable.
- 7.3.1.2. Photographs - Clear photographs of project site and all elevations of the existing structure.
- 7.3.1.3. Detail on drawings all materials used and their dimensional and property characteristics. Relate information to the Guidelines as much as possible.
- 7.3.1.4. Detail on drawings where any existing materials will be removed/replaced beyond the indicated extent of the renovation/addition. Drawings shall be dimensioned.
- 7.3.1.5. Provide drawings, literature, specifications, photographs, or similar for all major new elements. Items include, but are not limited to, windows, doors, siding, trim, louvers, shutters, and roofing. Relate information to the Guidelines as much as possible. If materials, sizes, and appearance of new elements do not match the existing conditions provide rationale for changes.

### **7.3.2. Additional Requirements for Additions and New Construction**

- 7.3.2.1. Site Survey – Applications for significant additions and all new construction must include a registered survey with the following information: Lot dimensions, existing structures, existing setback and yard lines, topography lines, mature trees, unique site features, fences, walls, easements, public rights of way, utilities, driveways, and other relevant information.
- 7.3.2.2. Site Plan – The site plan must include: All structures (existing and proposed), setback dimensions (porch and thermal wall), yard dimensions, driveways and alleys, tree protection and/or tree removal, HVAC location(s) and percentage of lot coverage. Provide a grading plan where site slopes affect the project significantly and/ or its height.
- 7.3.2.3. Photographs – Provide photos of the surrounding context (structures on the same block and across the street). Include photos of other properties in the District with similar design and/or feature(s), if any, or other photos to explain design. Property address should be identified for each photo of District properties.
- 7.3.2.4. Removal of mature, signature trees on private property must include a report by a certified arborist or landscape architect.
- 7.3.2.5. Streetscape – Applications for new construction must provide composite streetscape elevations showing the proposed project with existing adjacent buildings and height dimensions. The same applies to building additions that are taller or wider than the existing structure.
- 7.3.2.6. Elevations – Building elevations must include dimensions, material notes, window and door details, topography, foundation height, porch details and other relevant information as requested. For additions, the existing structure and proposed addition must be clearly shown. The plans must clearly identify the building elements to be demolished or removed with dashed lines.
- 7.3.2.7. Architectural Details–Detailed drawings for wall section(s), windows, roof eaves, porch columns, material samples or other information may be requested by the Commission or staff as a condition of future review.

### **7.3.3. Submission Requirements for Demolition**

- 7.3.3.1. Photos of the existing property, all sides, interior spaces and photos of adjacent properties.
- 7.3.3.2. A certified report documenting the condition of property and attempts at repair.

7.3.3.3. The property owner, or designee, who applies for full demolition are the only parties that can request the Certificate of Appropriateness or request a renewal.

7.4. Until an application meets the requirements of Section 7.3, it shall be deemed incomplete, not be filed for purposes of N.C. Gen. Stat. § 160A-400.9(d), and not be submitted to the HDC for consideration.

## 8. HDC Agenda Requirements

8.1. Applications and complete submission materials will be due to the HDC office according to the *Commission Deadline and Meeting Schedule* available at the HDC office or on the HDC website. The application form must be signed by the property owner and any designee.

8.2. Failure to provide all materials by this date will result in the project not being placed on the HDC agenda for consideration.

8.3. The application deadline cannot be waived except in the following circumstances:

8.3.1. There is a demonstrable life and safety consideration that requires immediate attention, or

8.3.2. An approved project is under construction, and a design change is necessary to complete construction, or

8.3.3. An objective or policy for historic preservation is advanced by the immediate consideration by the HDC.

8.4. For purposes of N.C. Gen. Stat. § 160A-400.9(d), applications are considered filed either (i) upon the initial presentation to the HDC for its consideration or (ii) seven days after receipt of an application for Administrative Approval.

8.5. The total number of Applications for Certificates of Appropriateness placed on the regular monthly agenda for HDC meetings shall not exceed sixteen (16). HDC staff may, in its discretion, place additional applications on the agenda.

8.6. The Commission may establish ending times for hearings.

## 9. Optional Design Review Committee\*

9.1. The Design Review Committee will be determined by the HDC or by the Chair upon appointment of the Committee to provide non-binding advice to an Applicant regarding the relationship between the overall design of a project proposal and current HDC Design Guidelines.

9.2. The Design Review Committee of the HDC will meet according to the call of an HDC Officer.

- 9.3. It is recommended that a Design Review Committee consist of at least one HDC officer, one HDC design professional, and one HDC lay member. HDC staff will also be present.
- 9.4. Any required plans for review by the Design Review Committee are due into the HDC office as directed by the Committee or by the HDC staff.

## 10. HDC Hearing Procedure

- 10.1. Order for each HDC agenda item:
  - 10.1.1. The HDC chairperson will ask all those wishing to speak on an item to stand and be sworn in. All testimony must be given under oath.
  - 10.1.2. An HDC staff member will present the application.
  - 10.1.3. The applicant presents their testimony for the application.
  - 10.1.4. Other parties wishing to speak, pro or con, will be given reasonable time to present sworn testimony based on the HDC Policy & Design Guidelines.
  - 10.1.5. The HDC may question the applicant and HDC staff members.
  - 10.1.6. HDC staff and then the applicant will be given an opportunity for rebuttal and final comments.
  - 10.1.7. The HDC shall close the hearing for discussion and deliberation. An HDC member may request the hearing to be opened for further questioning.
  - 10.1.8. The HDC will craft a motion for Approval, Continuation or Denial.
  - 10.1.9. A final vote by the HDC will close the hearing.
- 10.2. The HDC is acting in a quasi-judicial capacity for purposes of the hearings and can accept only sworn testimony. While the HDC will not specifically exclude hearsay evidence, it is only given limited weight.
- 10.3. All parties who plan to give testimony, pro or con, must complete the required speaker form to speak and return the form to the HDC clerk. The speaker form is available in the meeting room.
- 10.4. Consent Agenda Items-Optional
  - 10.4.1. For minor projects that appear to have met the Policy & Design Guidelines but require HDC approval, those applications may be listed by staff as Recommendation Agenda Items. Under this category, HDC staff shall recommend full approval without the need for testimony by the applicant or deliberation by the Commission. The HDC shall open the application for a full hearing if requested by a Member, or if an interested party has signed up to speak in opposition.



## **11. Decisions of the HDC**

The HDC will take one of the following actions on a Certificate of Appropriateness Application:

### **11.1. Approval**

11.1.1. Approved as Submitted: The project proposal is approved as presented.

11.1.2. Approved with Conditions: The project proposal is approved with conditions set forth by the HDC and with subsequent verification by HDC Staff for compliance. The applicant shall satisfy any and all conditions within thirty (30) days of the HDC decision, unless specified otherwise by the HDC in its motion, in order for the HDC to issue a Certificate of Appropriateness. If the applicant does not satisfy any and all conditions and receive verification from the HDC Staff for compliance within thirty (30) days of the HDC decision, then the HDC's decision shall become null and void for failure to comply with the conditions precedent and the project must be resubmitted to the HDC.

11.1.3. Amendments to Approved Certificate of Appropriateness: Major changes to a Certificate of Appropriateness approved by the HDC shall require a new application and full HDC review for the items that have been altered.

11.1.4. Renewal of a Certificate of Appropriateness: Refer to the City of Charlotte Zoning Ordinance, Section 10.206 - Duration of Certificate of Appropriateness.

### **11.2. Continuance**

11.2.1. The project proposal is continued for further consideration by the HDC. The HDC may refer the project proposal to a Design Review Committee before resuming its consideration. The project proposal will be scheduled for the next regular HDC meeting or Design Review Committee; provided, however, any revised plans comply with the requirements of Section 7. A Motion to Continue is not a final determination by the HDC.

### **11.3. Denial**

## **12. Resubmission of Applications**

12.1. If an application for a Certificate of Appropriateness is denied, then the application may not be resubmitted until two (2) months from the date of the written denial issued by the HDC.

12.2. Notwithstanding 12.1., any application may be resubmitted prior to the expiration of the two (2) months if there has been a substantial change of circumstance affecting property, such as, but not limited to Fire Code regulations, Floodplain regulations, an Act of God, or condemnation.

12.3. Any resubmitted application must meet the requirements of Section 7.

- 12.4. The HDC will make a determination on whether the resubmitted application falls within the exceptions of Section 12.2. The HDC staff may give its recommendation on whether either exception applies to the resubmitted application. The applicant may present additional information to the HDC regarding the determination of substantial change. If the HDC determines that neither exception applies, then it is bound by its previous denial and cannot consider the resubmitted application.

### **13. Appeals of Decisions of the Commission**

- 13.1. All rights of appeal and related procedures are set forth in Section 10.213 of the Charlotte Zoning Ordinance.
- 13.2. For the approval of a Certificate of Appropriateness, an aggrieved party's right of appeal shall commence upon the issuance of a decision letter by the HDC.
- 13.3. For the denial of a Certificate of Appropriateness, an aggrieved party's right of appeal shall commence upon the issuance of a decision letter by the HDC.
- 13.4. The Charlotte Zoning Board of Adjustment (ZBA) will make a decision on the action of the HDC based on the written record of the HDC meeting. The ZBA cannot consider information or testimony that was not available to the HDC at the HDC's meeting. The responsibility of the ZBA is to review the record of the meeting and determine if the members of the HDC followed proper procedure in reaching its conclusion, and that the HDC decision was supported by both the evidence before the HDC and current HDC policy.

### **14. Enforcement**

- 14.1. Any enforcement actions shall be pursuant to Section 10.214 of the Charlotte Zoning Ordinance.
- 14.2. There are three circumstances that can lead to the commencement of enforcement procedures against a property owner within a local historic district:
  - 14.2.1. Work is done that requires a Certificate of Appropriateness without a Certificate being issued.
  - 14.2.2. A certificate of Appropriateness is denied by the Commission, and the project is carried out in defiance of the denial.
  - 14.2.3. Work is approved by the HDC or its staff, and is then carried out in a manner inconsistent with the approval.
- 14.3. Any changes from or additions to the project will void the Certificate of Appropriateness unless a new application has been approved
- 14.4. When one of the above circumstances exists, the following procedure will be followed:
  - 14.4.1. HDC Staff will provide to the Zoning Enforcement Supervisor or a designee the violation to be cited, and the address and owner of the property where the violation has occurred.

- 14.4.2. Zoning Enforcement staff will then pursue the violation through the processes outlined in Chapter 8 of the Charlotte Zoning Ordinance.
- 14.4.3. Should the violation be corrected through established HDC procedures, HDC Staff will notify the Zoning Enforcement Supervisor or designee to suspend or end their enforcement process on the violation in question.