

**TOWN OF DAVIDSON  
HISTORIC PRESERVATION COMMISSION  
RULES OF PROCEDURE**

**ARTICLE I**

**Davidson Historic Preservation Commission**

- 1.1 The official name of this Commission shall be the Town of Davidson Historic Preservation Commission which shall herein be referred to as the Commission.

**ARTICLE II**

**Authority and Responsibility**

- 2.1 Organizing itself and conducting its business;
- 2.2 Receiving and spending funds appropriated by the Davidson Board of Commissioners for operating and performing its duties;
- 2.3 Conducting an inventory of properties of historical, archaeological, architectural, and/or cultural interest;
- 2.4 Recommending to the Davidson Board of Commissioners that individual buildings, structures, sites, areas, or objects within its zoning jurisdiction be designated as “historic landmarks” and that areas within its zoning jurisdiction be designated as “historic districts;”
- 2.5 Recommending to the Davidson Board of Commissioners that designation of any area as a historic district, or part thereof, or of any building, structure, site, area, or object as a historic landmark, be revoked or removed for cause;
- 2.6 Reviewing and acting on proposals for: (1) Exterior alteration, relocation, or demolition of designated historic landmarks; (2) Exterior alteration, relocation, demolition, or new construction of properties within designated historic districts;
- 2.7 Negotiating with property owners who propose to demolish or relocate a designated landmark, or a building, structure, site, area, or object within a designated district, in an effort to find a means of preserving such properties, including consulting with private civic groups, interested private citizens, and other public boards or agencies;

09.16.2020

- 2.8 Instituting action, through the Davidson Code Enforcement official or Mecklenburg County Code Enforcement officials, to prevent, restrain, correct, or otherwise abate violations of this ordinance or of ordinances designating historic landmarks or districts;
- 2.9 Entering at reasonable times and with the consent of the owner or occupant, upon private lands to make examinations, conduct surveys and inventories, or other purposes in performance of its official duties. However, no member, employee, or agent of the Commission shall enter any private building or structure without the express consent of the owner or occupant thereof;
- 2.10 Reviewing and acting upon proposals for alterations of interior features of designated historic landmark, as specified, and for which owner consent was given, in the ordinance establishing designation;
- 2.11 Appointing advisory bodies or committees as appropriate;
- 2.12 Negotiating with property owners for the acquisition or protection of significant historic properties;
- 2.13 Acquiring by any lawful means, the purchase fee, or any lesser included interest, including options to purchase, properties designated as landmarks, properties located within designated districts, or land to which historic buildings or structures may be moved; holding, managing, preserving, and restoring such a property and improving the interest; and exchanging or disposing of the interest through public or private sale, lease, or other lawful means, provided the property shall be subject to covenants or other legally binding restrictions which shall secure appropriate rights of public access and the preservation of the property. All lands, buildings, structures, sites, areas, or objects acquired by funds appropriated by the local governing body shall be acquired in the name of the Town of Davidson unless otherwise provided by that body;
- 2.14 As permitted by law, accepting grants of funds from private individuals or organizations for preservation purposes;
- 2.15 Conducting educational programs pertaining to historic landmarks or historic districts within its jurisdiction;
- 2.16 Publishing or otherwise informing the public about any matters related to its purview, duties, responsibilities, organization, procedures, functions, or requirements;
- 2.17 Advising property owners about the appropriate treatment(s) for characteristics of historic properties;

- 2.18 Cooperating with the State of North Carolina, the United States of America, local governments, public or private organizations, or their agencies, in pursuing the purposes of this ordinance, including entering into contracts, provided that such contracts are authorized by and not inconsistent with state or federal law;
- 2.19 Preparing and recommending adoption of a preservation element, or elements, as part of the Town of Davidson comprehensive plan;
- 2.20 Proposing to the Davidson Board of Commissioners amendments to this or to any other ordinance, and proposing new ordinances or laws relating to historic landmarks and districts or to the protection of the historic resources of the Town of Davidson and its environs.

**ARTICLE III**  
**Membership**

- 3.1 The Historic Preservation Commission shall consist of a total of no fewer than seven members and no more than fifteen members. The number of members shall be determined by the Board of Commissioners. Representation shall be provided for the extraterritorial jurisdiction by appointing at least one resident of the extraterritorial jurisdiction.
- 3.2 All members shall be appointed by the Board of Commissioners. The Board of Commissioners may remove a member of the Commission prior to the end of the member's term of office in the exercise of its discretion.
- 3.3 Where possible, the Board of Commissioners shall appoint to a majority of the Commission those residents who have demonstrated education, experience, special interest, or a combination thereof, in historic preservation, history, architecture, architectural history, archaeology, cultural anthropology, planning, or related field.
- 3.4 The term of office shall be three years, although initial appointments shall be made for one, two and three years so the terms may be staggered. Members may be re-appointed for subsequent terms. Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period of the unexpired term.
- 3.5 Persons serving two (2) consecutive three (3) year terms or six (6) total consecutive years shall be ineligible for consideration for reappointment. Time served in midterm appointments are not counted in the six consecutive total years. That person would be eligible to reapply following a one (1) year absence

from serving. The board of commissioners shall have discretion to waive term limits for a particular position on an advisory board or commission.

- 3.6 If any member of the Commission who attends fewer than 75% of the regular and special meetings held by the Commission during any one year period, the Chair may request the attendance records to be forwarded to the Town Manager and the Board of Commissioners for consideration of removal of such member from the Board. Once a member of the Commission approaches the 75% absent limit, he/she shall receive a notice.

**ARTICLE IV  
Officers and Staff**

- 4.1 The Chair shall be appointed by the Board of Commissioners for a one (1) year term, and may be re-appointed for subsequent terms. The Chair shall preside at all meetings of the Commission, appoint all standing committees, and have all the duties normally conferred on such an office. The Chair is a voting member of the Commission.
- 4.2 A Vice-Chair shall be elected by a majority of the Commission for a one (1) year term, and may be re-elected for subsequent terms. The Vice-Chair shall serve in the absence of the Chair. If both the Chair and the Vice-Chair are absent, another member designated by a vote of the Commission's members present shall preside.
- 4.3 The Planning Director or his/her designee(s) shall serve as staff to the Commission and shall keep the minutes and records of the Commission, prepare the agenda for regular and special meetings, provide notice of meetings, attend to correspondence of the Commission and provide technical assistance to the Commission in accordance with Article II.

**ARTICLE V  
Meetings**

- 5.1 Regular meetings of the Commission shall be held once a month at a regular date and time determined by the Commission from time to time.
- 5.2 Special meetings may be called only by the Chair or Vice Chair provided that at least forty eight (48) hours notice of time of such a meeting shall be given to each member by the staff.
- 5.3 A majority of the voting members of the Commission present in person or by two-way verbal communication shall constitute a quorum. A majority is more than half. A member who has withdrawn from a meeting shall be counted as

present for the purpose of determining whether or not a quorum is present provided that more than one-third (1/3) of the voting members must be present and voting for there to be a quorum. A quorum must be present before any business is transacted.

- 5.4 Unless otherwise stated herein, the Commission shall conduct its meeting in accordance with the provisions of Rules 7, 8, 10, 11, 12, 14, 15, 16, 17, 18, and 19 of the Suggested Rules of Procedure for Small Local Government Board published by the UNC School of Government with specific reference to. The Chair, subject to these rules, shall decide all points of procedure unless otherwise directed by a majority of the Commission in session at the time.

#### **ARTICLE VI Order of Business**

- 6.1 The general order of business shall be as follows:
- (a) Roll call and determination of quorum
  - (b) Approval of minutes of previous meeting
  - (c) Old business
  - (d) New business
  - (e) Other items
  - (f) Adjournment
- 6.2 The order of business for review and consideration of applications and other matters before the Commission shall be as follows:
- (a) Swearing in of Witnesses
  - (b) Presentation and/or Recommendation by Staff
  - (c) Presentation by Applicant (Not to exceed 15 minutes)
  - (d) Presentations by those speaking in favor of the application (not to exceed 15 minutes in total length)
  - (e) Presentations by those speaking in opposition of the application (not to exceed 15 minutes in total length)
  - (f) At the discretion of the Chair, and subject to the Chair's right to curtail further discussion, comments from members of the public
  - (g) The Commission will craft a motion for Approval, Continuation, or Denial
  - (h) A final vote by the Commission will close the hearing
- 6.3 The Commission is acting in a quasi-judicial capacity for purposes of hearings and can only accept sworn testimony. While the Commission will not specifically exclude hearsay evidence, it is only given limited weight.
- 6.4 The length of time allotted above may be extended by a majority vote of the Commission.

09.16.2020

- 6.5 The agenda shall be set by the Chair; any changes to the agenda shall be made by the Chair.
- 6.6 Items of business at the regular meeting shall appear on the agenda. All submittals presented to the Planning Manager or his/her designee at least fourteen (14) days prior to the regular meeting shall be placed on the next regular meeting agenda.

**ARTICLE VII  
Conflicts of Interest**

- 7.1 When a member believes that he or she has a conflict of interest related to a specific matter, he or she shall declare it prior to any consideration of the matter. When a member believes another member has a conflict of interest related to a specific matter, he or she shall declare it prior to any consideration of the matter. Conflicts of interest shall include, but are not limited to, (a) a close familial, business or other associational relationship with a person affected by the matter before the Commission, or (b) a financial interest in the outcome of the matter.
- 7.2 The member shall state the nature of the conflict to the Commission, and the Commission shall take action by a majority vote in determining whether or not to excuse the member from participation during consideration of and voting on that matter.
- 7.3 The excuse of a member due to a conflict of interest shall not constitute an absence in accordance with Section 3.6 and shall not affect the determination that a quorum is present.
- 7.4 An excused member may remain in the meeting room, but shall not participate in the discussion of, and shall not vote on, the matter. An excused member may participate as a non-Commission member in the presentation of matters for review by the Commission.

**ARTICLE VIII  
Submission Requirements**

- 8.1 A property owner must sign an application for Certificate of Appropriateness.
- 8.2 Applicants seeking approval from the Commission must consult with staff prior to submission of materials outlined in Section 8.3. Applicants are encouraged to go before the Commission for informal review prior to submitting a formal application for major projects.

- 8.3 The following materials shall constitute a complete application for Certificate of Appropriateness. The applicant shall be responsible for providing all necessary materials to meet the requirements of this section.
- (a)** 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.
  - (b)** Photographs of the surrounding context, project site and all elevations of existing structure(s).
  - (c)** The site schematic design in accordance with Davidson Planning Ordinance (DPO) Section 14.13.7 *(if applicable)*.
  - (d)** The building schematic design in accordance with DPO Section 14.13.3 *(if applicable)*.
  - (e)** The landscape schematic design in accordance with DPO Section 14.13.5 *(if applicable)*.
  - (f)** Building perspectives OR photographs of completed work similar to the proposed project.
  - (g)** Building materials/colors for roofing, siding, doors, and windows, etc.

**ARTICLE IX**  
**Action by Commission**

- 9.1 All actions of the Commission shall be in the form of a motion, duly seconded, and voted upon by all members present. If no quorum is present, the only motion permitted is a motion to adjourn, including a motion to adjourn to a specified date and time which may be other than the regular meeting date and time.
- 9.2 Affirmative votes from a majority of the members present and voting shall be required to adopt any motion.
- 9.3 Voting shall be done by a show of hands or by some audible means if attending from a remote location through an audio/video method.
- 9.4 All decisions by the Commission shall be made under the guidance of the Davidson Planning Ordinance and the Davidson Historic District Design Guidelines; provided that the Commission may make interpretations as necessary in performing its duties and responsibilities.
- 9.5 The Commission shall make finding of fact indicating the extent to which the application is or is not congruous with the standards in Section 8.4 above. Following the finding of fact, the Commission shall approve, approve with

09.16.2020

modifications, or disapprove. The finding of fact and decision shall be made a part of the minutes.

- 9.6 All decisions by the Commission shall be made no later than the third meeting in which there is substantive discussion of the matter (i.e. not including the orientation meeting, if any, in which an applicant is introduced to the review process and design regulations.). This period may be extended by mutual agreement between the Commission and the applicant.
- 9.7 If the Commission denies a project, a new application affecting the same property may be submitted, provided a substantial change is proposed in the plans or the applicant waits at least one (1) year to resubmit the application.

**ARTICLE X**  
**Adoption and Amendment**

These Rules of Procedure shall be adopted and amended from time to time by the Board of Commissioners with recommendation from the Commission.