

**TOWN OF DAVIDSON
DESIGN REVIEW BOARD
RULES OF PROCEDURE**

ARTICLE I

Davidson Design Review Board

- 1.1 The official name of this Board shall be the Town of Davidson Design Review Board which shall herein be referred to as the Board.

ARTICLE II

Authority and Responsibility

- 2.1 Review and approve the building schematic design of all individual buildings except single family detached residential structures
- 2.2 Propose changes to the design standards in the Planning Ordinance.
- 2.3 Undertake programs of research, information, education, or analysis relating to any matters under its purview.
- 2.4 Provide such recommendations or approvals as required by the Planning Ordinance or as requested by the Board of Commissioners.

ARTICLE III

Membership

- 3.1 In accordance with G.S. 160A-451, the Design Review Board 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 Board prior to the end of the member's term of office by the Board of Commissioners 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 had special training or experience in a design field, such as architecture, landscape architecture, horticulture, planning, or a closely 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 Board who attends fewer than 75% of the regular meetings held by the board 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 Board 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 Board, appoint all standing Committees, and have all the duties normally conferred on such an office. The Chair is a voting member of the Board.
- 4.2 A Vice-Chair shall be elected by a majority of the Board 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 Board members present shall preside.
- 4.3 The Planning Director or his/her designee(s) shall serve as staff to the Board and shall keep the minutes and records of the Board, prepare the agenda for regular and special meetings, provide notice of meetings, attend to correspondence of the Board and provide technical assistance to the Board in accordance with Article II.

**ARTICLE V
Meetings**

- 5.1 Regular meetings of the Board shall be held once a month at a regular date and time determined by the Board from time to time.

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- 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 Board 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 Board 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 Board 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 official applications and other matters before the Board 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 Board will craft a motion for Approval, Continuation, or Denial
 - (h) A final vote by the Board will close the hearing

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- 6.3 The Board is acting in a quasi-judicial capacity for purposes of hearings and can only accept sworn testimony. While the Board 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 Board.
- 6.4 The agenda shall be set by the Chair; any changes to the agenda shall be made by the Chair.
- 6.5 Items of business at the regular meeting shall appear on the agenda. All items on the agenda shall have been presented to the Planning Manager or his/her designee at least fourteen (14) days prior to the regular meeting.

**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 Board, or (b) a financial interest in the outcome of the matter.
- 7.2 The member shall state the nature of the conflict to the Board, and the Board 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-Board member in the presentation of matters for review by the Board.

**ARTICLE VIII
Submission Requirements**

- 8.1 A property owner must sign a Design Review Board application.

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- 8.2 Applicants seeking approval from the Board must consult with staff prior to submission of materials outlined in Section 8.3. Applicants are encouraged to go before the Board for informal review prior to submitting a formal application.
- 8.3 The following materials shall constitute a complete Design Review Board application. 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.
 - (e) The landscape schematic design in accordance with DPO Section 14.13.5 (*if applicable*).
 - (f) Building perspectives
 - (g) Building materials/colors for roofing, siding, doors, and windows, etc.

ARTICLE IX Action by Committee

- 9.1 All actions of the Board 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 Board shall be in accordance with the design standards set out in the Planning Ordinance; provided that the Board may make interpretations of the design regulations as necessary in performing its duties and responsibilities.
- 9.5 The Board shall make finding of fact indicating the extent to which the application is or is not compliant with the standards in Section 8.4 above. Following the finding of fact, the Board shall approve, approve with

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- modifications, or disapprove. The finding of fact and decision shall be made a part of the minutes.
- 9.6 All decisions by the Board 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 Board and the applicant.
- 9.7 If the Board 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 Board.