

RULES OF PROCEDURE
Greensboro Historic Preservation Commission

I. PURPOSE

To establish procedures for organizing the business of the Greensboro Historic Preservation Commission, hereinafter termed "Commission," and for processing applications for Certificates of Appropriateness.

II. GENERAL RULES

The Commission shall be governed by the terms of the Historic Preservation Ordinance as contained in Chapter 30, the Land Development Ordinance, for the City of Greensboro, North Carolina, the Greensboro Code of Ordinances, and by the terms of Chapter 160A, Article 19, Part 3C of the North Carolina General Statutes as they may be amended or revised. For procedures not covered by these rules, the Commission shall follow the rules contained in the current edition of Robert's Rules of Order.

III. JURISDICTION

The Commission's jurisdiction for requiring Certificates of Appropriateness as mandated by the City of Greensboro Land Development Ordinance is delineated on the official zoning map.

IV. MEMBERS, OFFICERS, AND DUTIES

A. General. The Commission shall consist of nine (9) members, who shall be appointed by the City Council. Each historic district shall be represented by at least one (1) person on the Historic Preservation Commission. All members of the Commission shall be residents of the City of Greensboro, and a majority of the members shall have demonstrated special interest, experience or education in history, architectural history, architecture, archaeology, historic preservation, landscape architecture, restoration, planning or related fields. All commission members shall have a demonstrated interest, competence, or knowledge in historic preservation.

B. Terms of Appointments. Terms of appointment shall be for three years except in the case of the initial organization of the Commission. Terms expire on August 15, but members shall hold office until successors are appointed and qualified. Any vacancy resulting from a cause other than expiration of term shall be filled only for the unexpired portion of

the term. Members shall not succeed themselves after serving a second full term without an intervening period of one year, and an initial appointment for more than one-half of an unexpired portion of the term shall be considered as appointment for a full term.

- C. Attendance at Meetings. Faithful and prompt attendance at all meetings of the Commission and conscientious performance of the duties required of members shall be a prerequisite to continuing membership on the Commission. Should a member miss all of the meetings held during any period of ninety (90) days without excuse granted by the Commission, the Chair with the concurrence of a majority of the entire Commission, shall recommend to the City Council that a vacancy be declared, and that the vacated position be filled. A member may be removed by the City Council for cause.
- D. Chair. The Commission shall elect a Chair from members of the Commission, whose term shall be one (1) year. The Chair shall decide all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the Commission in session at the time. The Chair shall appoint any committees found necessary to investigate any matters before the Commission.
- E. Vice-Chair. A Vice-Chair shall be elected by the Historic Preservation Commission and shall serve at the pleasure of the Commission. The Vice-Chair shall serve as temporary chair when the chair is absent from any meeting.
- F. Secretary. The Commission shall elect a secretary who shall serve for such time as may be fixed by the Commission. The secretary may be either a member of the Commission or an employee of the City. The secretary, subject to the direction of the chair of the Commission, shall keep all records, conduct all correspondence of the Commission and generally supervise the clerical work of the Commission. Should the secretary be absent at any meeting, the Commission shall elect a temporary secretary to serve at the meeting.
- G. Elections. Election of officers shall be held at the first regular meeting in October. Members shall be notified by the secretary in writing of the election of officers at least thirty (30) days prior to the regular October meeting.
- H. Impartiality Required. No Commission member shall, in any manner, discuss any application with any parties prior to the Commission's deliberations on such application, except as authorized in advance by

the chair; provided, however, that members may seek and/or receive information pertaining to the application from any other member of the Commission or its staff prior to the hearing.

Members of the Commission shall not express individual opinions on the proposed judgment of any application with any persons prior to the determination of that application, except in accordance with these rules. Violation of this rule shall be cause for dismissal from the Commission.

Each member of the Commission shall be thoroughly familiar with all statutes, laws, ordinances and rules of procedure relating to the District(s) and the Commission as time and circumstances permit.

V. MEETINGS

- A. Regular Meetings. Regular meetings of the Commission shall be held on the last Wednesday of each month at 4:00 PM in the Council Chambers of the Melvin Municipal Office Building; provided, that meetings may be held at some other convenient place if directed by the chair in advance of the meeting. No more than ninety (90) days shall expire without a regular or special meeting of the Commission.
- B. Special Meetings. Special meetings of the Commission may be called by the chair by notice given either verbally or in writing and delivered to every member or left at their residence not less than forty-eight (48) hours prior to the time for the meeting; provided, that minimum time period for notice to a member may be waived by such member if he/she is present at the special meeting.

In addition, the Commission shall cause written notice of the special meeting, stating its general purpose, to be posted at the door of its meeting place and to be mailed or delivered to each news media which has filed a request for notice with the City Clerk and also to any person who has filed a request for notice with the City Clerk. Such notices shall be posted and mailed or delivered at least forty-eight (48) hours before the time of the special meeting. All written requests for notice of special meetings shall be renewed annually. Any business may be transacted at any special meeting that might be transacted at a regular meeting.

- C. Cancellation of Meetings. Whenever there is no business for the Commission, the chair may dispense with a regular meeting by giving

notice to all the members not less than twenty-four hours prior to the time set for the meeting.

- D. Quorum and Vote. Five (5) members of the Historic Preservation Commission shall constitute a quorum and the concurrence of at least a majority of the members present shall be sufficient to decide matters before the Commission, provided a quorum is present. No member of the Historic Preservation Commission shall abstain from voting except on matters involving his/her financial interest or otherwise requiring recusal under State law or local ordinance. No Commission member shall vote on any matter deciding an application or a request to reconsider unless that member shall have attended the Commission's previous deliberations on such application, or shall otherwise have the approval of a majority of the members present, to vote on such matter. This approval shall be contingent on the assurance by the member that he/she has read the application and the minutes of any meetings at which the application was discussed.
- E. Conduct of Meetings. All meetings shall be open to the public. The order of business at regular meetings shall be as follows: (a) roll call; (b) reading or minutes of previous meeting; (c) report of committees; (d) unfinished business; (e) consideration of applications; (f) adjournment.

VI. APPLICATION PROCEDURES

- A. Filing an Application. Applications for Certificate of Appropriateness shall be filed in the Department of Planning , on forms provided, no later than 14 days prior to the next regularly scheduled meeting of the Commission. The application must be accompanied by sketches, drawings, specifications, descriptions, etc. of the proposed project.
- B. Notice to Neighboring Property Owners. The secretary shall notify by mail, not less than five (5) days prior to the meeting at which the matter is to be heard, all property owners likely to be affected by the application or as required by the Land Development Ordinance.
- C. Design Review Committee.
1. Purpose and Responsibilities.
 - a. The Design Review Committee is an ad hoc subcommittee of the Historic Preservation Commission. The purpose of the committee is to provide technical advice to historic district

property owners who are considering projects that require a Certificate of Appropriateness.

- b. The Design Review Committee will meet as directed by the Chair after consultation with Historic District Program staff. Time and place will be determined by Historic District Program staff. HDP staff will attend the Design Review Committee meeting and record comments and suggestions for use in preparing staff comments for Certificate of Appropriateness applications that will be considered by the Historic Preservation Commission.

2. Membership.

The committee shall be appointed by the Chair after consultation with Historic District Program staff. Each neighborhood association may nominate individuals who reside in the historic district and who have demonstrated special interest or experience in historic preservation. Members of the Commission may nominate individuals who have demonstrated experience or education in historic preservation, architecture, archaeology, landscape architecture, restoration, planning, or related fields.

3. Policies.

The Design Review Committee will serve as an informal review subcommittee. Meetings are not official public hearings requiring notification, and no record is taken. It will be made clear that recommendations and opinions of the committee are advisory and are in no way binding upon the Historic Preservation Commission. The Design Review Committee collectively and individually shall refrain from any indication of approval or disapproval, but shall not, for that reason be barred from a reasonable discussion of the applicant's proposals.

- D. Public Hearings. In cases where the Commission deems it necessary, it may hold a public hearing concerning the application, and seek the advice of the North Carolina Department of Cultural Resources, or other expert advice.

- E. Time for Decision. The Commission shall act upon the application within sixty (60) days after the filing thereof. Otherwise, failure to act upon the application shall be deemed to constitute approval and a

Certificate of Appropriateness shall be issued. The time for decision may be extended by mutual agreement between the applicant and the Commission.

- F. Approved Application. If the application is approved, the secretary for the Commission shall transmit a Certificate of Appropriateness which clearly describes the work that has been approved and a placard form of the Certificate of Appropriateness to be displayed on the project. A copy of the Certificate shall be forwarded to the Zoning Enforcement Office and the Building Inspections Office.
- G. Denied Application. If an application is denied, a copy of the minutes of the meeting and written reasons for denial shall be made available to the applicant.

VII. CONSIDERATION OF APPLICATIONS

Any party may appear in person or by agent or attorney at the meeting. All persons addressing the Commission shall be sworn. The order of business for consideration of applications for Certificate of Appropriateness shall be as follows:

- A. The chair, or such person as he or she shall direct, shall give a preliminary statement describing the application.
- B. Statements or arguments submitted by any official, commission, or department of the City of Greensboro, any state agency, or any local historical, preservation, or neighborhood organization shall be presented as directed by the chairman.
- C. The applicant shall present the arguments in support of the application.
- D. Persons opposed to granting the application shall present the arguments against the application.
- E. The Commission shall thereafter deliberate whether to grant or deny the application. The Commission may, in its discretion, view the premises and obtain additional facts concerning any application before arriving at a decision. All decisions of the Commission shall be supported by appropriate findings of fact, and where necessary, shall be accompanied by such conditions and/or recommendations as it may determine to be reasonable under the circumstances.

VIII. RECONSIDERATION OF APPLICATIONS WHICH HAVE BEEN DENIED

The order of business for reconsideration of applications for Certificate of Appropriateness which previously have been denied shall be as follows:

- A. The chairman shall entertain a motion from a member of the Commission that the applicant be allowed to present evidence in support of the request for reconsideration. Such evidence shall be limited to that which is necessary to enable the Commission to determine whether or not there has been a substantial change in the facts, evidence or conditions relating to the application; provided, however, that the applicant shall be given the opportunity to present any other additional supporting evidence if the Commission decides to reconsider the application.
- B. After receiving the evidence, the Commission shall proceed to deliberate whether or not there has been a substantial change in the facts, evidence or conditions relating to the application which would warrant reconsideration. If the Commission finds that there has been such a change, it shall thereupon treat the request as a new application received at that time.

IX. MODIFICATIONS OF APPLICATIONS

An approved or pending application for a Certificate of Appropriateness may be modified by a written request from the applicant to the Commission. Such a request shall include a description of the proposed change and shall be accompanied by elevations, plans or sketches, where necessary. If the Commission finds that the modification constitutes a substantial change which might affect surrounding property owners, it shall notify affected property owners following the procedures set out in Section VI.B before taking action on the modification. The Commission shall thereupon treat the request in the same manner as any other application as outlined in Section VI.

X. APPEALS

An appeal may be taken to the Board of Adjustment from the Commission's action in granting or denying any Certificate of Appropriateness, which appeals (1) may be taken by any aggrieved party, (2) shall be taken within fifteen (15) days after the decision of the Commission, and (3) shall be in the nature of certiorari. Any appeal from

the Board of Adjustment's decision in any such case shall be heard by the Superior Court of Guilford County.

XI. AMENDMENTS

These rules may within the limits allowed by law, be amended at any time by an affirmative vote of not less than five (5) members of the Commission, provided that such amendment shall have first been presented to the membership in writing at a regular or special meeting preceding the meeting at which the vote is taken.