

RULES OF PROCEDURE
HISTORIC DISTRICT COMMISSION

1.0 PURPOSE

To establish procedures for organizing the business of the Gastonia Historic District Commission, hereafter termed "Commission," and processing applications for Certificates of Appropriateness for: (1) Any changes in the exterior appearance of existing buildings, structures, signs or appurtenant features; (2) Construction or erection of new buildings, structures, signs or appurtenant features; and (3) For moving or demolition of existing structures within the designated historic district.

2.0 GENERAL RULES

The Commission shall be governed by the terms of the Historic District Ordinance as contained in Article IV of Chapter 17 of the Code of Ordinances and by Article 19, Part 3C of G.S. Chapter 160A as they may be amended or revised. For procedures not covered by these rules, the Commission should follow the rules contained in the current edition of Robert's Rules of Order. However, no action taken by the Commission shall be invalidated by a failure to abide by Robert's Rules of Order.

3.0 JURISDICTION

The Commission's territorial jurisdiction for requiring Certificates of Appropriateness is mandated by the City of Gastonia's Official Zoning Ordinance as delineated on the official zoning map.

4.0 MEMBERS, OFFICERS AND DUTIES

The Commission shall be composed of a number of members, whose terms and conditions of office are set forth in Article IV of Chapter 17 of the Code of Ordinances.

4.1 Chairperson. A chairperson shall be appointed annually by the City Council. The chairperson 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 chairperson shall appoint any committees found necessary to investigate any matters before the Commission. The chairperson, or any member temporarily acting as chairperson, is authorized in his official capacity to administer oaths to witnesses in any matter coming before the Commission.

4.2 Vice-Chair. A vice-chair shall be appointed annually in the same manner as the chairperson. The vice-chair shall serve as acting chairperson in the absence of the chairperson, and at such times shall have the same powers and duties as the chairperson.

4.3 Secretary. A member of the City of Gastonia Planning Department shall serve as secretary to the Commission. The secretary, subject to the direction of the

chairperson of the Commission, shall keep all records, conduct all correspondence of the Commission and generally supervise the clerical work of the Commission.

4.4 RESERVED.

4.5 Attendance. Faithful and prompt attendance at all meetings of the Commission and conscientious performance of the duties required of the members shall be a prerequisite to continuing membership on the Commission. Should a member fail to attend three consecutive regular meetings of the Commission, or attend less than sixty percent (60%) of the meetings over any twelve (12) month period, his membership shall automatically terminate.

4.6 Applications Involving Member. No Commission member shall take part in the hearing, consideration, or determination of any case in which he/she is a party or has an immediate personal or a financial interest. Once excused, such member shall not be counted as present for quorum purposes for voting when the particular issue is discussed.

4.7 Qualification to Vote. 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 has been provided with and has read the minutes of the meeting at which the matter was heard, or shall otherwise have the approval of the chairperson to vote on such matter.

4.8 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 chairperson; 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 binding opinions on the proposed judgment of any application with any persons prior to the determination of that application, except in accordance with these rules.

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

5.0 MEETINGS

5.1 Regular Meetings. Regular meetings of the Commission shall be held on the fourth Thursday of each month at 6:00 p.m. in the City Council Chambers at City Hall; provided, that meetings may be held at some other convenient place if directed by the chairperson in advance of the meeting.

5.2 Special Meetings. Special meetings of the Commission may be called at any time by the chairperson. At least forty-eight hours notice of the time and place of special meetings shall be given, by the secretary or by the chairperson, to each member of the Commission and to the media as required by the North Carolina Open Meetings Law (Article 33C of G.S. Chapter 143).

- 5.3 Cancellation of Meetings. Whenever there is no business for the Commission, the chairperson may dispense with a regular meeting by giving at least twenty-four (24) hours notice to all the members prior to the time set for the meeting; provided, the Commission shall meet at least quarterly each calendar year.
- 5.4 Quorum. A quorum shall consist of a majority of the actual membership of the Commission, excluding vacant seats. Any member who has been excused from voting shall not be counted for purposes of determining whether a quorum exists.
- 5.5 Conduct of Meeting. All meetings shall be open to the public and shall include the following: (a) approval of the minutes of the previous meeting; (b) consideration of COA applications; (c) unfinished business; (d) report of committees; (e) adjournment.

6.0 APPLICATION PROCEDURES

- 6.1 Filing of Applications. Applications for a Certificate of Appropriateness must be signed by the owner of the subject property or his agent. A completed application must be filed with the Gastonia Planning Department at least fourteen (14) days prior to the next meeting of the Commission. Such application must be accompanied by sketches, drawings, photographs, specifications, descriptions, etc., of the proposed project sufficient to inform the Commission of the nature and extent of the application. The Gastonia Planning Department shall forward a file copy of the application to the Inspections Division.
- 6.2 Notice to neighboring Property Owners. If the application will be reviewed by the Commission, the secretary shall notify all of the affected property owners within 200 feet of all sides of the subject property that are within the Historic District, by first class mail at least seven (7) days prior to the meeting at which the matter is to be heard.
- 6.3 Review Sub-Committee. It shall be the policy of the Commission in regard to applications involving new structures or extensive alterations and/or additions to existing structures that a sub-committee of the Commission shall be available on request to meet with representatives of the persons or organization involved in the coming application at some early stage in the design process in order to advise them informally concerning the Commission's guidelines, the nature of the area where the proposed construction is to take place, and other relevant factors. This sub-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. No advice or opinion given, or reported as having been given, by any member of the sub-committee at such an informal meeting shall be in any way official or binding upon the Historic District Commission at any time. Notice of the need for such a conference should be given to such applicants by the City at the earliest appropriate time.

7.0 CONSIDERATION OF APPLICATIONS FOR MINOR WORKS

- 7.1 Authority Delegated. The Historic District Administrator is hereby designated and empowered to review and approve, on behalf of the Commission, applications for Certificates of Appropriateness regarding minor works, as defined in Section 17-93 of the Zoning Ordinance.
- 7.2 Consideration of Application. In reviewing minor works applications, the Historic District Administrator shall apply the Principles and Guidelines of the Commission to the review criteria contained in Section 17-93 of the Zoning Ordinance. The Historic District Administrator may approve the application only if it clearly falls within the category of minor works, and only if such work will be consistent with the Principles and Guidelines applicable thereto. The Historic District Administrator may further seek the advice and assistance of the chairperson and vice-chair as to any matter concerning the application.
- 7.3 Time Period. It is the intent of these provisions that the Historic District Administrator approve or disapprove minor works applications as soon as possible after a completed application is received; but in any event, an application for minor works shall be approved or disapproved within fourteen (14) days of receipt of the completed application.
- 7.4 Application Disapproved. If the Historic District Administrator disapproves the application, it shall thereafter be reviewed by the full Commission as a matter of right; and only the Commission may deny the application, after meeting and taking action thereon.
- 7.5 Reasons Required. The Historic District Administrator shall make written finding, in accordance with the Principles and Guidelines of the Commission, stating the reasons why an application was approved or disapproved. A copy thereof shall be furnished to the applicant (and any other interested party requesting such) within a reasonable time of the decision.

8.0 CONSIDERATION OF APPLICATIONS BY THE COMMISSION

- 8.1 Public Hearings. In cases where the Commission deems it necessary or desirable, it may hold a public hearing concerning the application.
- 8.2 Testimony. Any interested party may appear in person or by agent or attorney at the meeting. All persons addressing the Commission shall be sworn in, unless there is no objection and the Commission votes to waive sworn testimony. The Chairman may place limitations on the time for speakers, provided however, that an equal amount of time is afforded to persons opposing those matters.
- 8.3 Order of Business. Consideration of an application for a Certificate of Appropriateness should be as follows: 1) the applicant or the applicant's agent shall be allowed to present the arguments in support of the application; (2) persons opposed to granting the application shall be allowed to present the arguments against the application; (3) anyone else wishing to speak concerning the application shall be

allowed to present arguments for or against the application; (4) statements or arguments submitted by any official, commission or department of the City of Gastonia, any state agency, or any local historical, preservation or neighborhood association shall be presented as directed by the chairperson; (5) the chairperson, or such person as he shall direct, may, when appropriate, summarize the evidence presented, giving all parties an opportunity to make objections or correction; and (6) after discussion is closed by the chairperson, the Commission shall proceed to deliberate whether to grant or deny the application.

8.4 Additional Information. The Commission may, in its discretion, view the premises and/or obtain additional facts concerning any application before arriving at a decision. The Commission may also in its discretion seek the advice of the N. C. Department of Cultural Resources or such other expert advice, as it may deem necessary or appropriate under the circumstances.

8.5 Evidence. In considering applications, witnesses may be called and factual evidence submitted, but the Commission shall not be limited to consideration of such evidence as would be admissible in a court of law.

8.6 Continuances. Subject to Section 8.9 herein, the consideration of an application may be continued to the next regular meeting of the Commission, or such other time as it decides, for good cause shown and upon a majority vote of the Commission.

8.7 Consideration of Application. The consideration of an application shall be in accordance with the review criteria contained in Section 17-93 of the Zoning Ordinance and the relevant Principles and Guidelines duly adopted by the Commission.

8.8 Decision and Vote. The vote of a majority of those members present shall be sufficient to decide matters before the Commission, provided a quorum is present. When granting or denying an application, the Commission shall articulate the basis for its decision. Where necessary, the decision shall be accompanied by such terms and conditions as the Commission deems necessary or desirable under the circumstances to carry out the purpose and intent of the historic district ordinance provisions. The decision and the basis upon which it rests shall be entered into the minutes of the Commission's meeting, whether the decision is approval, approval with modifications or disapproval.

8.9 Time Period. The Commission must approve or disapprove an application for a Certificate of Appropriateness within sixty (60) days after filing of the completed application, unless such time limit is extended by mutual agreement between the applicant and the Commission.

9.0 FORM OF COMMISSION DECISIONS

9.1 Approved Application. If the application is approved, the secretary for the Commission shall transmit to the applicant a Certificate of Appropriateness in written form clearly describing the nature of the work, which has been approved. The

secretary shall forward a copy of this information to the Inspections Division, which is responsible for its enforcement.

- 9.2 Denied Application. If the application is denied, an order containing the reasons for denial shall be issued and furnished to the applicant, either by personal delivery or certified mail, return receipt requested.

10.0 RECONSIDERATION OF APPLICATIONS WHICH HAVE BEEN DENIED

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

- (a) The chairperson 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. Such evidence must reflect such changes in the proposal as are necessary to address the reasons for the prior disapproval. 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.

11.0 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 request notification to the affected property owners following the procedures set out in Section 6.2 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 6.0.

12.0 APPEALS

Appeals from decisions of the Commission may be made by any aggrieved party and shall be made in writing to the Board of Adjustment within thirty (30) days of receipt by the applicant or other aggrieved party of the Commission's written decision.

13.0 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.



Chairperson, Gastonia Historic District Commission

Amendment Dates:

September 27, 1990

October 28, 1993

January 27, 1994

August 24, 2000

March 22, 2007

April 23, 2009

August 27, 2009

March 27, 2014

December 15, 2016

