

# Louisburg Historic Preservation Commission

## Town of Louisburg, N.C.

### **RULES OF PROCEDURE**

*Adopted August 9, 2001*

#### 1.0 PURPOSE

To establish procedures for organizing the business of the Louisburg Historic Preservation Commission, hereinafter termed “Commission”; for processing applications for Certificates of Appropriateness; for pursuing the designation of historic properties; and to fulfill any other duties contained and/or implied in the Ordinance.

#### 2.0 GENERAL RULES

The Commission shall be governed by the regulations pertaining to historic properties as incorporated in the Town’s Zoning Ordinance and by the terms of Chapter 160A Article 19 Part 3C Historic Districts and Landmarks of the North Carolina General Statutes. For procedures not covered by the aforementioned, the Commission shall follow the rules contained in the current edition of Robert’s Rules of Order.

#### 3.0 JURISDICTION

The Commission’s jurisdiction for its activities shall coincide with the Town’s Zoning Jurisdiction as delineated and shown on the official zoning map for the Town of Louisburg.

#### 4.0 MEMBERS, OFFICERS AND DUTIES

The Commission shall be composed of seven (7) members, whose terms of office are set by the Louisburg Town Board.

#### 4.1 Chairman

The members of the Historic Preservation Commission shall elect a Chairman. The Chairman 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 Chairman shall appoint any committees found necessary to investigate any matters before the Commission.

#### 4.2 Vice-Chairman

The Commission, from among its members, shall elect a Vice-Chairman in the same manner as the Chairman. The Vice-Chairman shall serve as acting Chairman in the absence of the Chairman and, at such times, shall have the same powers and duties as the Chairman.

#### 4.3 Secretary

A member of the Town Staff, designated by the Town Manager to serve as the administrative liaison to the Commission, shall also serve as Secretary to the Commission. The Secretary, subject to the direction of the Chairman of the Commission, shall keep all records, conduct all correspondence of the Commission, and generally supervise the clerical work of the Commission. The Secretary, being an ex-officio member of the Commission, shall not be eligible to vote on any matter which comes before the Commission.

#### 4.4 Elections

Election of officers shall be held at the first regular meeting in July. Members shall be notified by the Secretary in writing of the election of officers at least thirty days prior to the regular July meeting.

#### 4.5 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 fail to attend three consecutive regular meetings of the Commission and should there be no adequate excuse for such absences, the Chairman, with the concurrence of a majority of the entire Commission, shall recommend to the appropriate authority that a vacancy be declared and that the vacated position be filled.

#### 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 part or has a financial interest.

#### 4.7 Conflict of Interest

4.7.1 No member of the Louisburg Historic Preservation Commission shall seek to influence a decision, participate in any action or cast a vote involving any matter that is before the Board which may result in a private benefit to themselves, their immediate relatives or their business interests. In applying this rule, the following procedure shall govern:

- a. A Louisburg Historic Preservation Commission member who determines there exists a conflict of interest, shall declare the existence of a conflict and shall seat himself apart from the remaining Commission members at such times as when said matter is being discussed by the Planning Board. Said member shall abstain from voting on said matter but may voice his/her opinion, as a non-voting citizen on the matter.
- b. A Louisburg Historic Preservation Commission member who believes there may exist a conflict of interest shall declare his possible conflict and ask for a determination by the Commission. A majority vote of the Commission shall determine whether or not a conflict of interest exists.

4.7.2 A challenge of the existence of a conflict of interest or a challenge of an undisclosed conflict of interest may be filed by any interested party with the Commission. Such a challenge may be an appeal for a review of the finding of the Board or may be for the purpose of alleging an undeclared conflict of interest. Any challenge made to the Commission shall be supported by competent evidence and shall be submitted to a properly convened meeting of the Commission. The Commission shall hear all evidence and shall, by majority vote, make the final determination as to the existence of a conflict of interest.

4.7.3 Withdrawal from participation in any matter is necessary only in those specific cases in which a conflict arises. There shall be no attempt to exclude entire categories of consideration because of the business or profession with which a member is associated.

#### 4.8 Knowledge of Controlling Rules and Regulations

Each member of the Commission shall be thoroughly familiar with all Statutes, Laws, Ordinances and Rules of Procedure relating to historic properties and the authority of the Commission.

## 5.0 Meetings

### 5.1 Regular Meetings

Regular meetings of the Commission shall be held on the second Thursday of each month at 7:30 p.m. in the Louisburg Town Hall provided that the meetings may be held at some other convenient place if directed by the Chairman in advance of the meeting.

### 5.2 Special Meetings

Special meetings of the Commission may be called at any time by the Chairman. At least forty-eight hours notice of the time and place of special meetings shall be given by the Secretary or by the Chairman to each member of the Commission and the local media.

### 5.3 Cancellation of Meetings

Meetings shall be deemed cancelled if Meeting Notices are not received by Commission members prior to the meeting date.

### 5.4 Quorum

A quorum shall consist of four (4) members of the Commission. **(Amnd. 3/2/04)**

### 5.5 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) approval of minutes of previous meeting; (c) report of committees; (d) unfinished business; (e) consideration of applications; (f) new business to be brought to the attention of the Commission; (g) adjournment.

## 6.0 APPLICATION PROCEDURES

### 6.1 Filing of Application

An application must be filed at least three weeks prior to the next meeting of the Commission with the Secretary to the Commission, accompanied by sketches, drawings, photographs, specifications, descriptions, etc., of the proposed project.

6.2 Minor Works Defined and Approval (Amnd. To establish and list 3/2/04)

Routine Maintenance – A Certificate of Appropriateness is not required for routine maintenance, which includes maintenance, repair, and replacement where there is generally little or no impact on the property due to design, materials, or appearance of the maintenance action. The abbreviation “DMA” stands for Design, Materials, and Appearance. The following is a list of Routine Maintenance actions:

- Replacement of window glass with no change in Design, Materials, and Appearance (hereby referred to as DMA)
- Caulking and Weatherstripping
- Install window A/C, television and radio antennas at side or rear of structure. Does NOT include towers or satellite dishes
- Minor landscaping including gardens, shrubbery and side/rear tree plantings
- Pruning trees and shrubbery: Topping of trees is NOT included
- Repairs/Replacement to walks, drives, patios, fences, and walls as long as there is no change in DMA
- Repair/Replacement of small areas of (10% or less of total area) of missing or deteriorated siding, trim, roof shingles, porch flooring, masonry, *foundations*, steps, decks, balconies, etc., as long as no change in DMA (amnd 3/11/04)
- Temporary signs – real estate, banners, flags, political, etc.
- Installing house numbers, flag brackets, and mailboxes
- Repairs to masonry and stucco when no change to DMA
- Non-abrasive cleaning or washing
- Repair/Replacement of Downspouts and gutters when no change in DMA
- Painting, except for unpainted stone, brick, concrete or metal
- Planting of new trees (amnd 3/11/04)
- Repair/Replacement of exterior lighting fixtures when there is no change in DMA
- Repair/Replacement of existing parking lots when there is no change in DMA
- Repair/Replacement of roof covering when there is no change in DMA
- Repair/Replacement of signs when there is no change to DMA
- Repair/Replacement of exterior surfaces when there is no change to DMA, except that surface color is NOT regulated and does not factor s a change in appearance
- Street, sidewalk and underground utility work. This includes, but is not limited to, the burial of Overhead lines, replacement of water and sewer lines, sidewalks and replacement/installation of standard utility boxes and meters of all types, and the trimming of trees for public utility maintenance purposes
- Historical markers placed by State of North Carolina
- Play equipment (not exceeding 300 sqr. ft. in area) and movable play houses (not exceeding 100 sqr. ft.) when located in the backyard
- Outside furniture

- Removal of trees that have been brought down by disease, extreme weather or pose an imminent threat to life or property (amnd 3/11/04)
- Replacement of existing above ground fuel tanks or the installation of new tanks when not in public view

The following minor works may be approved by the Louisburg Zoning Administrator and a Certificate of Appropriateness issued. The Zoning Administrator may also choose to forward the application to the Commission when applicable. The abbreviation “DMA” stands for Design, Materials, and Appearance.

- Removal of artificial siding when the original siding is to be replaced, repaired, stained, or painted
- Installation of foundation vents or *lattice* on side or rear, soffit and roof vents, gable end vents, replacement of wood access doors, and installation of foundation access doors that cannot be easily seen from the street (amnd 3/11/04)
- Installation of mechanical equipment such as heating and A/C units screened from public view
- Construction of fences located behind front line of the house, made of wood, not taller than 4 ft., and of picket, post and rail or split rail style.
- Pet enclosures of any non-opaque fencing material that are not attached to the house and behind the rear line of the house, and enclose less than 25% of the lot
- Walkways of width between 2 and 5 feet.
- Patios in the backyard not exceeding 600 square feet.
- A flagpole (not exceeding 25 ft.), flagpole base( not to exceed 25 square feet).
- Minor alterations to existing private drives such as maintenance grading, resurfacing, re-alignment, and the repair of gravel, concrete or asphalt.
- Resurfacing of public streets
- Installation of above ground fuel tanks (propane, oil, etc.) for residential use and in public view with appropriate screening
- Side and rear yard fences and walls
- Removal of trees in the front yard (amnd 4/8/04)
- Installation of Exterior lighting fixtures
- Removal of exterior stairs, landings, and steps
- Extensive replacement (more than 10% of total area) of siding, trim, porch floors, masonry, foundations, etc. or architectural details where there is no change in DMA (amnd 3/11/04)
- Installation of storm doors and windows
- Replacing existing windows, doors, steps, or ramp with the same DMA
- Installation of handrails on steps
- Placement of dumpsters
- Erection, alteration, or removal of temporary features that are necessary for medical conditions, but do not permanently alter exterior features
- Renewal of a Certificate of Appropriateness

- Replacement of Artificial siding where there is no change in Design, Materials, or Appearance (DMA)
- Removal of Accessory Structures not deemed historically significant
- Installation of screening on porches when screen is installed on inside of railings and posts when on the side or rear of the structure
- Installation of wooden trellises

#### 6.2.5 Guidelines

The Louisburg Historic Preservation Commission shall make factual findings to support all decisions regarding the issuance of Certificates of Appropriateness. These findings shall then be tested against the guidelines adopted by the Louisburg Historic Preservation Commission to aid them in their decision making process. The Commission adopts the following guidelines for their use and support:

- The Secretary of the Interiors Standards and guidelines for Rehabilitation
- Supplemental guidelines established by the Louisburg Historic Preservation Commission

The following supplemental guidelines have been established by the Louisburg Historic Preservation Commission:

- No vinyl siding shall be allowed in the Louisburg Historic District

#### 6.3 Notice to Neighboring Property Owners

The Secretary shall notify, by mail, the owners of property within 100 ft. on all sides of the subject property, as required by Ordinance, informing those property owners that a meeting shall be held and that an application for a Certificate of Appropriateness has been filed.

#### 6.4 Review Sub-Committee

It shall be the policy of the Commission in regard to applications involving new construction or extensive alterations that a sub-committee of the Commission shall be available to meet with representatives of the persons or organizations 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. Non-Commission members who have specific design expertise may serve as members of the review sub-committee. 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 proposal. 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 Preservation Commission at any time. Notice of the need for such a conference should be given to future applicants by the Town at the earliest appropriate time.

#### 6.5 Public Hearings

In cases where the Commission deems it necessary, it may hold a Public Hearing concerning an application, in addition to Public Hearing required by the Ordinance.

#### 6.6 Time for Decision

The Commission must take formal action to issue or deny a Certificate of Appropriateness within a reasonable time, not to exceed 90 days from the date the application for a Certificate of Appropriateness is filed. The imposed time limit may be extended upon mutual agreement of the applicant and the Commission.

#### 6.7 Approved Application

If the application is approved, the Secretary for the Commission shall transmit to the applicant, a Certificate of Appropriateness in letter form, clearly describing the nature of the work which has been approved. The Secretary shall attach a copy of the minutes of the meeting at which approval was granted and forward this information to the Planning Department, which is responsible for its enforcement.

#### 6.8 Denied Applications

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.

### 7.0 CONSIDERATION OF APPLICATIONS

Any party may appear in person or by agent or attorney at the meeting. The order of business for consideration of applications for Certificates of Appropriateness, shall be as follows:

- (a) The Chairman, or such person as he/she shall direct, shall give a preliminary statement describing the application.
- (b) The applicant shall present the arguments in support of the application.
- (c) Persons opposed to granting the application shall present the arguments against the application.
- (d) Statements or arguments submitted by an official, commission, or Department of the Town of Louisburg, any State agency, or any local

historical, preservation, or neighborhood association should be presented as directed by the Chairman.

- (e) The Chairman, or such person as he shall direct shall summarize the evidence which has been presented, giving all parties an opportunity to make objections or corrections.
- (f) The Commission shall proceed to deliberate thereafter to grant the application or to deny it.

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.

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

#### 8.0 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 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.

#### 9.0 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 modifications constitute a

substantial change, which might affect surrounding property owners, it shall request the applicant to notify affected property owners following the procedures set 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.

#### 10.0 ACTION BY THE BOARD

All actions of the Louisburg Historic Preservation Commission shall have been put before the Louisburg Historic Preservation Commission members in the form of a motion, duly seconded, and voted upon by all unexcused members present for a quorum.

#### 11.0 APPEALS

Appeals from decisions of the Commission shall be made to the Board of Adjustment within thirty days of the approval by the Commission of the minutes of the meeting containing the decision being appealed.

#### 12.0 DESIGNATION OF HISTORIC PROPERTIES (Districts and Landmarks)

##### 12.1 Identification and Evaluation of Historic Properties

The commission shall maintain an inventory of properties thought to have historical, architectural, pre-historical, and cultural significance within its jurisdiction. Such inventories and any additions or revisions thereof shall be submitted as expeditiously as possible to the Division of Archives and History (State of North Carolina) for comment. Listing in the inventory shall be a prerequisite for pursuing local designation as a historic district or landmark.

##### 12.2 Initiating the Designation of Historic Properties

Any individual or group with interest in historic preservation may seek the Historic Preservation Commission's assistance in advancing a certain property for designation of consideration. A property owner(s) may request and enlist the assistance of the Commission in pursuing the designation of a property, which he/she/they own. Also, the Commission may of its own volition initiate the local designation of historic properties. When designation is not being initiated by the property owner, the Commission shall notify the owner of the designation initiative and extend to the affected property owner(s) an opportunity to appear before the Commission at a regularly scheduled meeting to voice his/her support or lack thereof for the designation efforts.

##### 12.3 Designation Recommendations

The Commission shall forward local designation recommendations to the Town Board for formal action. No property shall be recommended for designation

unless it is deemed and found by the Commission to be of special significance in terms of its historical, prehistorical, architectural, or cultural importance and to possess integrity of design, setting, workmanship, materials, feeling an/or association. A report addressing these items shall be prepared in writing and upon review and formal approval of the Commission shall be forwarded to the Division of Archives and History for comment. After which, the same, along with any comments obtained from the State Agency, shall be presented to the Town Board for consideration prior to formal action being taken on the designation of historic properties.

#### 12.4 Town Board Designations

The designation of a historic landmark or district shall be effective though the adoption of an Ordinance by the Louisburg Town Board. Upon adoption of the Ordinance, the owners and occupants of each designated landmark or property within a designated district shall be given written notification of the designation along with a copy of historic properties regulations.

#### 13.0 AMENDMENTS

These rules may, within the limits allowed by the law, be amended at any time by an affirmative vote of not less than a majority of member 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.

Approved by the Commission the 9th day of August, 2001.

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Chairman

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Secretary