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FINAL DRAFT

Sanford Historic Preservation Commission

Rules and Procedures

ARTICLE I: PURPOSE

10 SECTION 1: To establish rules and procedures governing its meetings and the conduct of official
11 business and bylaws governing the appointment of its members, terms of office, the election of
12 officers and related matters of the same.
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ARTICLE II: GENERAL RULES

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16 SECTION 1: The Sanford Historic Preservation Commission shall be governed by the terms of the
17 City of Sanford Historic Preservation Ordinance as contained in the Unified Development
18 Ordinance and by the terms of N. C. G. S. §160A, Article 19 as they may be amended or revised.
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ARTICLE III: JURISDICTION

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22 SECTION1: The official zoning map on file in the Planning and Development Department, City of
23 Sanford, North Carolina shall delineate the historic districts where the City of Sanford shall have
24 jurisdiction to enforce the Sanford Historic Preservation Ordinance.
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ARTICLE IV: MEMBERS, OFFICERS, AND DUTIES

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28 SECTION 1: General. The Commission shall consist of at least seven (7) members appointed by
29 City Council with staggered three year terms. All members of the commission shall have
30 demonstrated special interest, experience or education in history, architecture, archaeology or
31 related fields. All members of the Commission must reside within the territorial jurisdiction of the
32 City of Sanford. Ideally each locally designated historic district should be represented on the
33 Commission by one property owner or resident of that locally designated historic district.
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35 SECTION 2: Chairman. A chairman shall be elected by the Commission from among its members.
36 His term shall be for one (1) year, and he shall be eligible for reelection; however, may not serve
37 more than two consecutive terms. The chairman shall preside over the Commission and shall vote.
38 The Chairman shall appoint any committees found necessary regarding matters before the
39 Commission.
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41 SECTION 3: Vice Chairman. A Vice Chairman shall be elected by the Commission from among its
42 members. His term shall be for one (1) year, and he shall be eligible for reelection. In the absence
43 or disability of the Chairman, the Vice Chairman shall perform the duties of the Chairman.
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45 SECTION 4: Assumption of Chairman Duties. In the absence of the Chairmen and Vice Chairmen,
46 the Committee shall select a Chairman from its membership by majority vote.

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Section 5: Clerk. There shall be a clerk to the Historic Preservation Commission which shall be a member of the Planning and Development staff. The clerk shall take the minutes, swear in witnesses, and keep the official record of the proceedings before the Commission.

SECTION 6: City Preservation Officer. The Historic Preservation Planner or a designee of the Planning and Development Director shall be the City Preservation Officer. The duties of the Historic Preservation Officer include but are not limited to:

1. Carry out the day-to-day operations of the Commission;
2. Review all applications for Certificate of Appropriateness;
3. Prepare the Agenda for each Commission meeting;
4. Maintain all other records of the Sanford Historic Preservation Commission; and
5. Make recommendations of approval or disapproval of each major COA application to the Commission.

SECTION 6: Elections. Election of officers shall be held at the first regular meeting in July.

SECTION 7: Terms of Appointments. Historic Preservation Members shall be appointed to serve terms of three (3) years. A member may be reappointed by the City Council for no more than two consecutive terms unless waived by the City Council.

SECTION 8: 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 (3) consecutive regular meetings of the Commission or any four (4) meetings in any 12 month period, staff shall be required to inform the City Council via the City Clerk. The City Council will determine if a vacancy is to be declared and appoint a new Commissioner to complete the term of office.

SECTION 9: Applications Involving Members. No Commission member shall take part in the consideration or determination of any petition in which he is a party or has a financial interest. If there is any conflict of interest the Commissioner should not participate in the discussion or vote.

SECTION 10: Impartiality Required. All decisions must be made only on competent, material, and substantial evidence given at the hearing. No commission member shall discuss any case outside of the public hearing on such matter. No member shall independently gather information regarding the subject matter of any hearing because the applicant is entitled to a decision presented at the hearing by an impartial, unbiased decision maker. No member shall decide a case prior to hearing the evidence. Violation of this provision may be cause for dismissal from the Commission

SECTION 11: Training/Education. At least two members and the Certified Local Government designated staff shall attend at least one informational or educational meeting per year pertaining to the work and functions of the commission or to historic preservation. Such meetings may include those sponsored by the HPO, Preservation North Carolina, the National Trust for Historic Preservation, the North Carolina Main Street Center, the North Carolina Chapter of the American

92 Planning Association, or another local preservation organization and should be at least regional in
93 scope.

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95 Historic Preservation Commissioners should annually attend one additional staff arranged group
96 training session.

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98 SECTION 12: Reimbursements. Commission members may be reimbursed for commission-related
99 expenses according to City policy.

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101 **ARTICLE V: MEETINGS**

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103 SECTION 1: Regular meetings of the Commission shall be held on the fourth Monday of each
104 month at 700 p.m. at the Sanford Municipal Building 225 East Weatherspoon Street, Sanford, North
105 Carolina or in any other designated meeting time or place, provided the location is specified in all
106 notices required by law.

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108 SECTION 2: Called Meetings. If a quorum is not present at a regular meeting of the Commission,
109 a special meeting may be held before the next regularly scheduled meeting.

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111 SECTION 3: Continuation of Meetings. Nothing herein shall prohibit a continuation of the hearing
112 on an application where the applicant consents.

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114 SECTION 4: Quorum and Voting. A quorum of the Commission consists of no fewer than four
115 members or a majority of the members appointed, whichever is greater. If not fewer than four (4)
116 members are present and a quorum is met when a vote is taken, the affirmative vote of a majority of
117 members present is the act of the Commission. No business shall be conducted with less than a
118 quorum.

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120 SECTION 5: Reserved.

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122 SECTION 6: Conduct of Meeting. All meetings shall be open to the public. The order of business
123 at regular meetings shall be the following:

- 124
125 a) Call to Order
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127 b) Roll Call
128
129 c) Approval of Minutes of Previous Meeting
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131 d) Hearing of Continued Cases
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133 e) Hearing of New Cases
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135 f) Call for Committee Reports
136
137 g) Public Comment (Limited to three [3] minutes)

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- 139 | h) New Business
- 140 |
- 141 | i) Old Business
- 142 |
- 143 | j) Announcements
- 144 |
- 145 | k) Call for Adjournment
- 146 |

147 | SECTION 7: In reviewing applications for Certificates of Appropriateness, the Commission shall
148 | take into account the specific District's Design Review Guidelines.

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150 | SECTION 8: Consideration of Applications. Any party may appear in person or by attorney at the
151 | meeting. All testimony must be given under oath as required by North Carolina law.

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153 | The order of business for consideration of applications for Certificate of Appropriateness shall be as
154 | follows:

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- 156 | a. All conflicts of interest shall be disclosed and any member with a conflict shall be excused
157 | from discussion and voting;
- 158 |
- 159 | b. Introduction of application by staff;
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- 161 | c. Presentation of evidence by applicant;
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- 163 | d. Presentation of evidence of others;
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- 165 | e. Presentation of evidence against application;
- 166 |
- 167 | f. Cross examination of those giving evidence;
- 168 |
- 169 | g. Rebuttal by applicant;
- 170 |
- 171 | h. Closing statement by applicant;
- 172 |
- 173 | i. Close of testimony and commission begins deliberation;
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- 175 | j. Deliberation;
- 176 |
- 177 | k. Adoption of "Findings of Fact" that the proposal is/is not incongruous, citing applicable
178 | sections of the guidelines;
- 179 |
- 180 | l. Adoption of conditions on the Certificate of Appropriateness if necessary;
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- 182 | m. The Commission then votes to grant, grant subject to conditions, table for further
183 | information or deny the application for a Certificate of Appropriateness.

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SECTION 9: Reserved.

SECTION 10: Precedent. No action of the Commission shall establish a precedent. Each case shall be decided upon its merits using the specific District’s Design Review Guidelines.

SECTION 11: Index. The City Preservation Officer or his/her designee shall maintain an index which shall be kept current. The City Preservation Officer shall enter the number of the application, the name of the applicant, a short description by street number of the premises, the nature of the application, and the Commission’s final disposition concerning the case. All continuances, postponements, and other steps taken and acts done shall be noted on the index.

SECTION 12: Minutes. Minutes shall be taken at each meeting of the Commission, noting the vote by each member, those absent so marked. A summary of all pertinent discussions and actions taken by the Commission during the course of its public meeting shall be recorded and kept in a well-bound book.

SECTION 13: Annual Retreat. An Annual Retreat may be held in January or February of each year to discuss the next fiscal year’s work schedule. Annual Retreats are voluntary for Commission members and do not affect attendance requirements. Matters discussed and decisions made during the Annual Retreat only pertain to non-substantive issues.

ARTICLE VI: APPLICATION PROCEDURES

SECTION 1: Form. Each application for Certificate of Appropriateness shall be made on an official application form and shall be made to the City Preservation Officer.

SECTION 2: Completeness. All information called for in the application shall be furnished by the applicant as prescribed in the application and criteria checklist.

SECTION 3: Posting. A sign shall be posted on the premises of the structure for which the Certificate of Appropriateness is requested, as least ten (10) days prior to any public hearing. The applicant shall not remove the sign until a decision on the application has been rendered by the Commission.

SECTION 4: Time. The Certificate of Appropriateness application must be received 21 days prior to the next regularly scheduled HPC meeting. The City Preservation Officer shall note date of receipt of application for Certificate of Appropriateness on application and shall collect designated fees, if any. The Commission shall act upon all complete applications at the next scheduled meeting, or if a quorum is not present, at a special meeting held within the time stated in the ordinance.

SECTION 5: Scheduling. Applications, including continued applications, filed in proper form shall be indexed and placed on the calendar of the Commission according to their Certificate of

229 Appropriateness number. Incomplete applications shall not receive a Certificate of Appropriateness
230 number and not be indexed until all information has been received.

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232 SECTION 6: Decision. The decision shall be final upon the filing of the decision in the clerk's
233 office. The applicant shall be notified decision by mail and or hand delivery a copy shall be filed in
234 the clerk's office in the Planning and Development Department, City of Sanford, North Carolina. If
235 an application is denied, such notice shall include the reason for such action.

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237 SECTION 7: Denial. If the Commission denies an application, a Certificate of Appropriateness
238 shall not be issued.

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240 SECTION 8: Validity. A Certificate of Appropriateness is valid for one year and construction must
241 begin within 12 months from the date of issuance of the Certificate of Appropriateness or the COA
242 will expire.

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244 SECTION 9: Matrix. Attached as Appendix A is a general outline (adopted April 25, 2000) of the
245 level of review that may be expected for various types of projects that is often undertaken. It is not
246 intended to be comprehensive, and cannot cover every circumstance that will be encountered in a
247 project. A Certificate of Appropriateness is not necessary for Routine Maintenance, which includes
248 repair or replacement where there is no change in the design, materials, or general appearance of the
249 structure or grounds. Certificates of Appropriateness are issued for all other projects. Any repairs
250 or replacement where there is a change in the design, materials, or general appearance is defined as
251 an alteration and needs a Certificate of Appropriateness. Minor Work projects are reviewed by the
252 staff of the historic districts commission. Staff will refer Minor Work projects to the commission
253 for review if in staff's judgment the change involves alterations, additions, or removals that are
254 substantial, do not meet the guidelines, or are of a precedent-setting nature. Major Work projects
255 involve a change in the appearance of a structure or site, and are more substantial in nature than
256 routine maintenance or minor work projects, such as new construction, expansion of a building
257 footprint, or significant changes in landscape features.

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259 SECTION 10: Demolition of Historic Structure. The commission may not deny a Certificate of
260 Appropriateness for demolition of a historic structure. However, the commission may delay the
261 demolition of the structure for up to one year (365 days) from the date of application. A sign may
262 be posted on the site for 365 days. During the delay the commission shall actively seek a means of
263 preserving the property.

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265 **ARTICLE VII: AMENDMENTS**

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267 SECTION 1: Amendments: These rules may, within the limits allowed by law, be amended at
268 anytime by an affirmative vote of a majority of the Commission, provided that such amendment
269 shall have first been presented to the membership in writing at a regular meeting preceding the
270 meeting at which the vote is taken.

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272 SECTION 2: Reserved.

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TYPE OF WORK	ROUTINE MAINTENANCE	MINOR WORK (Staff)	MAJOR WORK (HDC)
New Construction or Additions to primary building			X
Demolition of any structure			X
Demolition of any part of a structure			X
Relocation of buildings			X
Alteration/Removal of Archeologically Significant Features			X
Alteration/Removal of Contributing Historical Features			X
Repair/Replacement of existing Accessory Structures or Buildings when there is no change in design, materials, or general appearance	X		
Alteration of existing Accessory Structures or Buildings		X	
Additions to existing Accessory Structures or Buildings		Total floor area up to 144 sq. ft.	Total floor area greater than 144 sq. ft.
New Accessory Structures or Buildings		Up to 144 sq. ft.	Greater than 144 sq. ft.
Removal of existing Accessory Structures or Buildings which are not architecturally or historically significant		Up to 144 sq. ft.	Greater than 144 sq. ft.
Removal of existing Accessory Structures or Buildings which are architecturally or historically significant			X
Repair or Replacement of Architectural Details when there is no change in design, materials, or general appearance	X		
Alteration/Addition/Removal of Architectural Details		X	
Repair/Replacement of Awnings, Canopies, or Shutters when there is no change in design, materials, or general appearance	X		
Alteration/Addition/Removal of existing Awnings, Canopies, or Shutters		X	
Installation of New Awnings, Canopies, or Shutters		X	
Alteration/Addition/Removal of Carports			X
Construction of New Carports			X
Construction/Alteration/Removal of Chimneys		X	
Installation of House Numbers and Mailboxes		X	
Minor plantings of Flowers and Shrubbery in existing beds	X		
Alteration/Addition/Removal of Gardens, Planting Beds, or Shrubbery		Affects less than: 25% of front yard area (from house face); 50% of total side and rear yard area	Affects: 25% or more of front yard area (from house face); 50% or more of total side and rear yard area
Pruning of Shrubbery	Most shrubbery	Hedges and screen plantings	

TYPE OF WORK	ROUTINE MAINTENANCE	MINOR WORK (Staff)	MAJOR WORK (HDC)
Removal of Trees less than 8 inches in diameter, measured 4 ½ feet above ground level	X		
Removal of Trees 8 inches and greater in diameter, measured 4 ½ feet above ground level			X
Pruning Limbs of Trees 8 inches and greater in diameter, measured 4 ½ feet above ground level	Limb less than 4" in diameter	Limb 4" or greater in diameter	
Planting of Trees	Mature size less than 8 inches in diameter, measured 4 1/2 feet above ground level	Mature size 8 inches and greater in diameter, measured 4 ½ feet above ground level	
Removal of dead, diseased, or dangerous Trees		X	
Repair/Replacement or exterior Lighting Fixtures when there is n change in design, materials, or general appearance	X		
Installation/Alteration/Removal of exterior Lighting Fixtures		X	
Repair/Replacement of Decks when there is no change in design, materials, or general appearance	X		
Alteration/Addition/Removal of existing Decks		Maximum height 42" or less	Maximum height greater than 42"
Construction of new Decks		Maximum height 42" or less	Maximum height greater than 42"
Alteration/Addition/Removal of Doors		X	
Installation of new Doors		X	
Installation/Alteration/Removal of storm Doors		X	
Repair/Replacement of existing Driveways when there is no change in design, materials, or general appearance	X		
Alteration/Addition/Removal of existing Driveways		X	
Construction of new Driveways		X	
Repair/Replacement of existing Fences, Walls, Hedges or other Screen Plantings when there is no change in design, materials, or general appearance	X		
Construction of new Fences, Walls, Hedges or other Screen Plantings		42" or less in height	Greater than 42" in height
Removal of existing Fences, Walls, Hedges or other Screen Plantings		42" or less in height	Greater than 42" in height
Repair/Replacement of exposed Foundations when there is no change in design, materials, or general appearance	X		
Alteration of exposed Foundations		X	
Repair/Replacement of Gutters and Downspouts when there is no change in design, materials, or general appearance	X		
Installation/Addition/Removal of Gutters and Downspouts		X	

TYPE OF WORK	ROUTINE MAINTENANCE	MINOR WORK (Staff)	MAJOR WORK (HDC)
Repairs/Replacement, including repointing, to existing Masonry when the color and composition of the mortar match the original, and new brick or stone matches the original	X		
Construction/Alteration/Removal of Masonry		X	
Installation/removal of Mechanical Equipment, such as heating and air conditioning units		X	
Installation of Air Conditioners in windows		X	
Painting when there is no change in color	X		
Painting when there is a change in color		X	
Repair/Replacement of existing Parking Lots when there is no change in design, materials, or general appearance	X		
Alteration/Removal of existing Parking Lots		X	
New Construction of/Addition to Parking Lots			X
Repair/Replacement of existing Patios when there is no change in design, materials, or general appearance	X		
Alteration/Addition/Removal of existing Patios		X	
Construction of new Patios		X	
Alteration of existing Porches		X	
New Construction/Addition/Removal of Porches			X
Repair/Replacement of sloped Roof coverings when there is no change in design, materials, or general appearance	X		
Alteration of sloped Roof coverings		X	
Repair/Replacement of flat Roof coverings when there is no change in design, materials, or general appearance	X		
Alteration of flat Roof coverings		X	
Alteration of Roof form to prevent damage to the resource		X	
Installation of Satellite Dishes and/or Television Antennas		X	
Repair/Replacement of Signs when there is no change in design, materials, or general appearance	X		
Installation/Alteration/Removal of Signs		X	
Repair/Replacement or exterior Stairs and steps when there is no change in design, materials, or general appearance	X		
Alteration/Addition/Removal of exterior Stairs and Steps		X	

TYPE OF WORK	ROUTINE MAINTENANCE	MINOR WORK (Staff)	MAJOR WORK (HDC)
Construction of new exterior Stairs and Steps		X	
Repair/Replacement of exterior Surfaces when there is no change in design, materials, or general appearance	X		
Alteration/Addition/Removal of exterior Surfaces		X	
Repair to existing Swimming Pools when there is no change in design, materials, or general appearance	X		
New Construction/Alteration/Addition to Swimming Pools			X
Removal of Swimming Pools		X	
Installation/Alteration/Removal of Temporary Features that are necessary to ease difficulties associated with a medical condition		X	
Repair/Replacement of existing Vents and Ventilators when there is no change in design, materials, or general appearance	X		
Installation/Alteration/Removal of Vents and Ventilators		X	
Repair/Replacement of existing Walks when there is no change in design, materials, or general appearance	X		
Alteration/Addition/Removal of existing Walks		X	
Construction of new Walks		X	
Walls (see Fences)			
Repair/Replacement of Windows when there is no change in design, materials, or general appearance	X		
Alteration/Removal of existing Windows		X	
Installation of New Windows		X	
Installation/Alteration/Removal of storm Windows		X	
Caulking and weatherstripping Windows when there is no change in design, materials, or general appearance	X		
Repair/Replacement of other Appurtenant Features and Accessory Site Features not specifically listed when there is no change in design, materials, or general appearance	X		
Addition/Alteration/Removal of other Appurtenant Features and Accessory Site Features not specifically listed		X	
Removal of any Prohibited Element described in the development standards		X	
Changes to previous Certificates of Appropriateness		Most changes	Changes deemed by staff to be substantial in nature

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TYPE OF WORK	ROUTINE MAINTENANCE	MINOR WORK (Staff)	MAJOR WORK (HDC)
Renewal of expired Certificates of Appropriateness		X	
Emergency installation of Temporary Features to protect a historic resource(that do not permanently alter the resource): six month duration; replacement with in-kind reconstruction or an approved certificate of appropriateness		X	

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