CHARLOTTE-MECKLENBURG HISTORIC LANDMARKS COMMISSION



BYLAWS and RULES OF PROCEDURE

I. THE CHARLOTTE-MECKLENBURG HISTORIC LANDMARKS COMMISSION

The Charlotte-Mecklenburg Historic Landmarks Commission (the "CMHLC") was established in July of 1973 by joint action of the Charlotte City Council and the Mecklenburg County Board of Commissioners pursuant to the provisions of the North Carolina General Statutes that are now codified at N.C. Gen. Stat. §§ 160D-303 and 941.

As set forth in N.C. Gen. Stat. § 160D-942, the CMHLC has the following powers within its geographic jurisdiction (as defined in Section III, below):

(1) Undertake an inventory of properties of historical, prehistorical, architectural, and/or cultural significance;

(2) Recommend to the applicable local government governing board individual structures, buildings, sites, areas, or objects to be designated by ordinance as "Landmarks;"

(3) Acquire by any lawful means the fee or any lesser included interest, including options to purchase, to properties within established historic districts or to any such properties designated as landmarks to hold, manage, preserve, restore, and improve such properties, and to exchange or dispose of the property by public or private sale, lease or otherwise, subject to covenants or other legally binding restrictions that will secure appropriate rights of public access and promote the preservation of the property.

(4) Restore, preserve, and operate historic properties.

(5) Recommend to the applicable local government governing board that designation of any building, structure, site, area, or object as a Landmark, be modified or be revoked or removed for cause.

(6) Conduct an educational program regarding historic properties within its geographic jurisdiction.

(7) Cooperate with the State, federal, and local governments in pursuance of the purposes and public policies of State of North Carolina as set forth in N.C. Gen. Stat. § 160D-940. The CMHLC, when authorized by the applicable local government governing board, may contract with the State, or the United States of America, or any agency of either, or with any other organization provided the terms are not inconsistent with State or federal law.

(8) Enter, solely in performance of its official duties and only at reasonable times, upon private lands for examination or survey thereof. However, no member, employee, or agent of the CMHLC may enter any private building or structure without the express consent of the owner or occupant thereof.

(9) Prepare and recommend the official adoption of a preservation element as part of the applicable local government's comprehensive plan.

(10) Review and act upon proposals for alteration, modification, demolition, or new construction to or upon any designated Landmark (including any and all buildings, structures, physical features, or real property that is included in the designation of the Landmark).

(11) Negotiate at any time with the owner of a building, structure, site, area, or object for its acquisition or its preservation, when such action is reasonably necessary or appropriate.

II. PURPOSE OF BYLAWS AND RULES OF PROCEDURE

The purpose of the Bylaws contained in Sections III, IV, V, and VI, below, is to set forth both the general structure and operating guidelines for conducting the business of the CMHLC.

The Rules of Procedure applicable to the CMHLC's review and consideration of "Certificates of Appropriateness" for the alteration, modification, demolition, or new construction to or upon any designated Landmark are set forth in Section VII, below.

III. GEOGRAPHIC JURISDICTION

The geographic jurisdiction of the CMHLC shall include the following pursuant to the terms of applicable provisions of the North Carolina General Statutes (including, without limitation, N.C. Gen. Stat. § 160D-940 et seq.), local ordinances, resolutions, and agreements:

1. Mecklenburg County (including both incorporated and unincorporated areas)
2. The City of Charlotte
3. The Town of Pineville
4. The Town of Matthews
5. The Town of Mint Hill
6. The Town of Huntersville
7. The Town of Cornelius
8. The Town of Davidson

IV. MEMBERS, OFFICERS, AND DUTIES

A. Number and Appointment of Commissioners

The CMHLC shall be comprised of twelve (12) Commissioners each of whom shall be appointed to serve a term of three (3) years and may be reappointed for a second three (3) year team. Appointments of Commissioners to the CMHLC shall be made by the Mecklenburg County Board of Commissioners (6 Commissioners), the City of Charlotte (4 Commissioners), and the Mayor of the City of Charlotte (2 Commissioners) and shall be subject to the rules and regulations promulgated by the relevant appointing authority governing the service of persons appointed to serve on Boards and Commissions.

B. Conflicts of Interest

No CMHLC Commissioner shall take part in the hearing, consideration or determination of any case or matter in which the Commissioner has a conflict of interest as defined in N.C. Gen. Stat. § 160D-109.

C. Knowledge of Duties

Each member of the CMHLC shall be familiar with all statutes, laws, ordinances and rules of procedure relating to the CMHLC. Members shall familiarize themselves with the agenda items prior to the meeting at which the items shall be considered.

D. Officers

The following officers shall be elected from among its members by majority vote of the Commissioners of the CMHLC. Their terms of office shall be for one fiscal year (July 1 through June 30) or until their successors are elected, and these officers shall be eligible for reelection:

1. **Chair**. The Chair shall preside over meetings of the CMHLC and shall decide all points of order and procedure, unless directed otherwise by a majority vote of the CMHLC in session at the time. The Chair shall see that an agenda is prepared and that accurate minutes are kept and circulated. The Chair shall appoint all Committee Chairs and members of Committees and shall serve as an *ex officio* member of each Committee. The Chair shall act as liaison between the CMHLC and CMHLC Staff. S/he shall see that effective presentations are made to the Mecklenburg County Commission and Charlotte City Council and other appropriate bodies of local government and that the policies of the CMHLC are carried out. The Chair shall in general have all powers and perform all duties incident to the office of Chair and such other powers and duties as may be prescribed from time to time by the CMHLC.

2. **Vice Chair**. The Vice Chair shall serve as acting Chair in the absence of the Chair and at such times shall have the powers and duties as the Chair. In addition, they shall perform such other duties and have such other powers as may be prescribed by the Chair or the CMHLC.

3. **Projects Secretary.** The Projects Secretary shall lead the CMHLC's real estate efforts. The Projects Secretary will advise CMHLC and CMHLC Staff on real estate matters. The Projects Secretary will act as liaison for real estate issues between the CMHLC, CMHLC Officers, CMHLC Staff, and any consultants and/or real estate professional engaged by the CMHLC.

4. **Treasurer**. The Treasurer shall report monthly on the status of the CMHLC's Revolving Fund.

V. COMMITTEES

A. Establishment and Composition. The CMHLC and/or the Chair may, for time to time, establish Committees to assist the CMHLC in the conduct of its business and the exercise of its powers. The Chair of the CMHLC shall appoint a Committee Chair and members of each Committee. Committees may (at the discretion of the Chair) include both Commissioners and members of the public.

B. Conduct of Committee Meetings. Committees established by the CMHLC shall meet as often as is necessary. All Committee meetings shall be open to the public, subject to the provisions of the North Carolina Open Meetings Law, N.C. Gen. Stat. §143, Article 33C. A quorum for any Committee meeting shall consist of a simple majority of the current members of that Committee. In the event that a quorum exists for the meeting, but a Committee member recuses himself or herself for any reason (including without limitation a conflict of interest) the quorum shall not be destroyed. The Conflict of Interest provision in Section IV.B, above, shall apply to members of Committees.

C. Standing Committees. The CMHLC shall have the following standing committees:

1. Survey Committee

The Survey Committee shall be responsible for identifying and reviewing buildings, structures, sites, areas, and objects in the CMHLC's geographic territory for possible designation as Landmarks and shall make recommendations regarding same and otherwise report on its activities to the CMHLC at its regular monthly meetings.

2. Nominating Committee

The Nominating Committee shall recommend a slate of officers for the CMHLC in April or May of each calendar year and shall supervises the election of officers for the upcoming fiscal year in June of each year. Elections, unless otherwise determined by the CMHLC, shall be held by secret ballot.

VI. MEETINGS OF THE CMHLC

A. Regular Meetings

Regular meetings of the CMHLC shall be held on the second Monday of each month at 6:00 p.m. provided, that meetings may be held at some other convenient time and place if directed by the Chair in advance of the meeting and legally noticed.

B. Special Meetings

Special meetings of the CMHLC may be called at any time by the Chair. Public Notice of Special meetings shall be as required by the North Carolina Open Meetings Law, N.C. Gen. Stat. Chapter 143, Article 33C and any other applicable, stature and/or ordinance. At least forty-eight (48) hours advance written notice of the time and place of special meetings shall be given to each member of the CMHLC; provided that this requirement may be waived by action of a majority vote of the CMHLC.

C. Cancellation of Meetings

Whenever there is no business requiring a meeting of the CMHLC, the Chair may dispense with a regular meeting by giving notice to all the members and posting a public notice of said cancelation not less than twenty-four (24) hours prior to the time set for the meeting.

D. Quorum

A quorum shall consist of a simple majority of the current CMHLC Commissioners, not including vacant seats. In the event that a quorum exists for the meeting, but a Commissioner recuses himself or herself from voting or participating in any particular matter for any reason (including without limitation a conflict of interest) the quorum shall not be destroyed; provided however, in no event shall fewer than five (5) Commissioners of the CMHLC vote on any action.

E. Conduct of CMHLC Meetings

All meetings shall be open to the public, subject to the provisions of the North Carolina Open Meetings Law, N.C. Gen. Stat. §143, Article 33C.

VII. CERTIFICATES OF APPROPRIATENESS

A. Certificate of Appropriateness Required

As set forth in N.C. Gen. Stat. § 160D-947, after the designation of a Landmark via a Landmark Designation Ordinance adopted by the applicable governing board, no portion of the exterior features (or interior features, if included in the designation of the Landmark) of any building or other structure (including, without limitation, siding, masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features), nor above-ground utility structures, nor any type of outdoor advertising sign, nor any new construction whether attached to a building or structure or freestanding (if the land is part of the designated Landmark), shall be erected, altered, restored, moved, or demolished on the Landmark until after an application for a Certificate of Appropriateness (COA) has been submitted to and approved by the CMHLC. The relevant local government shall require such a COA to be issued by the CMHLC prior to the issuance of a building permit granted for the purposes of constructing, altering, moving, or demolishing structure. A COA is required whether or not a building or other permit is required.

The "exterior features" includes, but is not limited to, the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures. In the case of outdoor advertising signs, "exterior features" mean the style, material, size, and location of all such signs. Such "exterior features" shall also include historic signs, colors, and significant landscape, archaeological, and natural features of the area and of the Landmark.

Unless explicitly stated otherwise, the interior of a building is included in the designation and is subject to design review by the CMHLC for all properties designated before July 1, 1978. (Jan 2022)

Note, however, that a COA is not necessary for the ordinary maintenance or repair of any exterior or interior architectural feature of a Landmark that does not involve a change in design, material, or appearance thereof.

Every Landmark Designation Ordinance continues to be valid and remain in full force and effect unless and until it is amended, repealed, or rescinded by the adopting governing board acting on a recommendation to do so by the CMHLC after complying with the procedures set forth in N.C. Gen. Stat. § 160D-946;

1. Demolition

No application for a COA for the demolition of a structure on a Landmark shall be granted until the CMHLC has both inspected the structure noting significant architectural details and investigated its historical significance.

As provided in N.C. Gen. Stat. § 160D-949, an application for a COA authorizing the relocation, demolition, or destruction of a building or other structure that is or is a part of a designated Landmark or part of a designated Landmark may not be denied except as provided in N.C. Gen. Stat.§ 160D-949(c). However, the effective date of such a certificate COA may be delayed for a period of up to 365 days from the date of approval. The maximum period of delay shall be reduced by the Commission where it finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use of or return from such property by virtue of the delay. During such period of delay, the CMHLC shall negotiate with the owner and with any other interested parties in an effort to find a means of preserving the building, structure, or site at issue.

If a Landmark Designation Ordinance includes land as part of the Landmark defined and designated therein, that land (along with any other structures, objects, sites, or areas included in the definition of the Landmark) remains a designated Landmark following the loss (whether due to destruction by fire, demolition, or otherwise) of a constituent structure (even the principal structure) of that Landmark.

Within 120 days following the CMHLC's receipt of written notice of the loss of a structure that is individually designated as a Landmark or of the principal structure of a designated Landmark that includes land (and/or other constituent structures, sites, or features), the CMHLC shall review the Landmark Designation Ordinance at issue, the Survey & Research Report and/or Designation Report that was used to support the Landmark Designation Ordinance, and any other relevant documents or information in the possession of, received by, or known to the CMHLC to determine if the loss of the structure at issue has resulted in the loss of the "special character" of the designated Landmark. If the CMHLC determines that the "special character" of the designated Landmark has been lost, it shall recommend to the appropriate governing board that the Landmark Designation Ordinance at issue be repealed either in whole or in part.

The written notice required by the preceding paragraph shall be transmitted by the owner of the Landmark (or such owner's representative) to both the Chair of the CMHLC and the Director of the MCHLD. Only the receipt of the written notice by both shall constitute receipt by the CMHLC and trigger this review described above.

2. New Construction on a Landmark

New construction on a designated Landmark constitutes an "alteration" of that Landmark. As stated above and reiterated herein, prior to any new construction on the designated land of a Landmark, the owner must apply for and receive a COA as to "exterior features" as set forth in this Section VII.A regardless of whether the new construction follows the loss (whether due to destruction by fire, demolition, or otherwise) of a constituent structure (including the principal structure) of that Landmark.

In considering a COA application for new construction, the HLC will consider the "exterior features" identified in N.C. Gen. Stat. § 160D-947(a) and in this Section VII.A and the CMHLC Standards in determining whether the alteration of the Landmark by the new construction would be congruous or incongruous with the special character of the Landmark.

For purposes of this Section VII.A, new construction includes erecting the exterior portion of any building or other structure, including masonry walls, fences, light fixtures, pavement, above-ground utility structure(s), outdoor advertising sign(s), or any other appurtenant features on a Landmark.

Ordinance at issue be repealed either in whole or in part.

B. Principles and Standards for Consideration of COAs

The CMHLC has adopted the CMHLC's Standards for Rehabilitation (attached) as the standards to be used to make decisions on COAs, as provided by law.

C. Application Process

An application for a COA shall be submitted to the CMHLC using its online application portal. Applications shall include the documents, photographs, and other information specified in the document entitled "Application Instructions for a Certificate of Appropriateness," which is available at the CMHLC's website. These Application Instructions may be updated and amended from time to time by or at the direction of the CMHLC and/or MCHLD Staff and the then-current version posted on the "Applications" page of the CMHLC website shall govern.

D. Minor Works COAs

A COA application is for a "Minor Works COA" if the work proposed does not significantly affect the historic character of the Landmark and clearly meets the CMHLC's Standards for Rehabilitation, and is included in the CMHLC's adopted list of "Projects Appropriate for Minor Works." which is incorporated herein by reference. CMHLC Staff shall review and render an administrative decision on any Minor Works COA. If CMHLC Staff finds that the proposed work will not significantly affect the historic character of the Landmark property and clearly meets the CMHLC's Standards for Rehabilitation, CMHLC Staff shall issue the Minor Works COA as soon as is practicable after this administrative decision is made.

Any COA application that is not suitable for treatment as a Minor Works COA – as determined by CMHLC Staff– shall be deemed a "Major Works COA" and shall be reviewed, considered, and voted upon by the full CMHLC in a Hearing as set forth below.

E. Hearings for Major Works COAs

Pursuant to N.C. Gen. Stat. § 160D- 947, all Hearings before the CMHLC, whether on a a Major Works COA or otherwise, are quasi-judicial in nature and shall be conducted in accordance with the provisions of N.C. Gen. Stat. § 160D-406 as set forth herein.

1. Notice of Hearing.

A Notice of Hearings shall be mailed to the person or entity who submitted the COA application and to the owner of the Landmark that is the subject of the hearing if the owner did not submit the COA application. Prior to any Hearing on a Major Works COA, the CMHLC will ensure proper notification of all property owners within 100 feet of a Landmark for which it has received a Major Works COA application. Such notice shall be

in writing, shall include a brief description of the proposed work, and shall include the date, time, and place of the Hearing on the Major Works COA. In the absence of evidence to the contrary, the CMHLC shall rely on the county tax listing to determine owners of property entitled to mailed notice. The Notice of Hearing shall be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. The CMHLC may contact and provide notice of the Major Works COA to other parties with an interest in the Landmark at issue. The site of the project will be posted and shall include the date, time, and place of the Hearing on the Major Works COA. If a hearing is set for a given date and a quorum of the CMHLC is not then present, the hearing shall be continued until the next regular meeting of the CMHLC.

2. Administrative Materials.

CMHLC Staff shall transmit to the Commissioners of the CMHLC all applications, reports, and written materials relevant to each COA application prior to the hearing. Such written materials may be provided in either paper or electronic format. CMHLC Staff shall provide such written materials to the Commissioners at least 24 hours prior to the hearing unless doing so is not practicable and, in such a case, shall provide them no later than the commencement of the meeting at which the hearing will occur. The administrative materials shall become a part of the hearing record. Objections to inclusion or exclusion of administrative materials may be made before or during the hearing. Rulings on unresolved objections shall be made by the CMHLC at the hearing.

3. CMHLC Staff Presentation.

After the hearing on a Major Works COA application is convened, the Chair shall allow CMHLC Staff to present a report describing the project at issue in the Major Works COA application and analyzing the application with respect to the CMHLC's Standards for Rehabilitation.

4. Presentation of Evidence.

The applicant and Landmark owner shall have the right to participate as a party at the hearing. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the CMHLC Chair. All testimony at a hearing – whether from the applicant, the owner, or any other witness – shall be made under oath.

The applicant and the owner of the Landmark, after being placed under oath, shall have the opportunity to present evidence and testify in support of the COA applications following the presentation by CMHLC Staff.

If any person appears for a hearing who would like to testify in support of or in opposition to the COA application or other matter before the CMHLC in a quasi-judicial setting, that person must inform CMHLC Staff prior to the commencement of the hearing that he or she wishes to testify, whether his or her testimony would be in support of or in opposition to the matter before the CMHLC, and a the nature of his or her anticipated testimony. Following the presentation of evidence and testimony by the applicant and owner, the Chair shall inquire of CMHLC Staff if any persons have informed staff of their desire to testify and the

nature of their proposed testimony. The Chair (in consultation with CMHLC Staff, other Commissioners, and/or legal counsel, as needed) shall then determine if each such person's testimony is competent, material, and not repetitive. If so, the Chair shall call such person(s) to be placed under oath and testify and/or present evidence.

Persons who wish to give testimony/evidence in support of the COA application or other matter shall speak first; followed by persons who which to give testimony/evidence in opposition to the COA application or other matter. Any such witnesses, whether speaking in support or opposition of a COA application or other matter, shall each receive three minutes to speak, however the Chair, in his or her sole discretion, may allow additional time. Alternatively, any group of three individuals that associate, and are recognized by the CMHLC Chair in their association, may be given a total of ten minutes to speak, unless the Chair, in the Chair's sole discretion, grants additional time to the same. Such associated individuals will not be given additional opportunity to speak on the same agenda matter.

Following the presentation of testimony or other evidence by persons other than the applicant or owner, the Chair shall allow the applicant and owner to present testimony and/or evidence in rebuttal. However, such rebuttal shall not be duplicative of prior testimony or evidence and shall only address issues newly raised following the applicant or owner's initial presentation.

At any time during the presentation of evidence, Commissioners – upon recognition by the Chair -- may ask questions of the applicant, owner, or other witnesses related to their testimony and/or other evidence.

Following the rebuttal, if any, the Chair shall give the applicant and owner the opportunity to make a brief closing statement. Thereafter CMHLC Staff shall have the opportunity to provide a brief closing statement. After the closing statement by CMHLC Staff, the Chair shall close the presentation of evidence.

The Chair shall, at all times, retain the ability to limit the presentation of testimony and other evidence which is, in his or her opinion, irrelevant, repetitive, or otherwise disrupts or unnecessarily prolongs the proceedings.

5. Oaths.

The Chair or any Commissioner acting as Chair is authorized to administer oaths to witnesses in any matter coming before the CMHLC. Any person who, while under oath during a proceeding before the CMHLC determining a quasi-judicial matter, willfully swears falsely is guilty of a Class 1 misdemeanor.

6. Subpoenas.

The CMHLC, when meeting for the purpose of making a quasi-judicial decision, whether on a Major Works COA application or otherwise, through the Chair or, in the Chair's absence, anyone acting as Chair may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, the applicant, the owner, or CMHLC Staff may make a written request to the Chair explaining why it is necessary for certain witnesses

or evidence to be compelled. The Chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The Chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the Chair may be immediately appealed to the full CMHLC. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the CMHLC or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.

7. Discussion by Commissioners.

Following the closure of the evidence by the Chair, the Chair may allow a period for the Commissioners to ask questions of CMHLC Staff and/or to discuss the matter before the CMHLC. The Chair shall preside over such question/discussion period. If any Commissioner plans to vote "Approve with Conditions" on a Major Works COA, that Commissioner shall so state during the discussion period and specify his or her proposed conditions and request that the CMHLC allow a vote of "Approve with Conditions" when a vote is called. If another Commissioner seconds this request, the Chair shall call a vote on the request to allow a vote of "Approved with Conditions" with the specified conditions.

8. Voting.

Following this discussion period, if any, the Chair shall call for a vote on the matter before the CMHLC, and such vote shall be taken by roll call.

For a vote on a Major Works COA, the Commissioners shall have the option of voting to "Approve" the COA, "Deny" the COA, or – if approved during the discussion period – "Approve with Conditions."

A vote of "**Approve**" indicates that the Commissioner finds and concludes that the work proposed will not significantly affect the historic character of the Landmark and is consistent with the CMHLC's Standards for Rehabilitation.

A vote of "**Approve with Conditions**" indicates that the Commissioner finds and concludes that the work ***as proposed*** will significantly affect the historic character of the Landmark and/or is inconsistent with the CMHLC's Standards for Rehabilitation; but that with the conditions imposed by the CMHLC, the work will not significantly affect the historic character of the Landmark and will be consistent with the CMHLC's Standards for Rehabilitation.

A vote of "**Deny**" indicates that the Commissioner finds and concludes that the work proposed will significantly affect the historic character of the Landmark and/or is inconsistent with the CMHLC's Standards for Rehabilitation.

9. Decisions.

The CMHLC shall determine contested facts and make its decision within a reasonable time. The CMHLC's decisions on all matters brought before it for hearing shall be based upon

competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing, reflect the board's determination of contested facts and their application to the applicable standards, and be approved by the CMHLC and signed by the Chair or other duly authorized member of Commission.

The Commission will issue its Decision as soon as is practicable following the hearing. As a Major Works COA, the CMHLC must render its Decision and either issue or deny the Certificate of Appropriateness within 180 days after the filing of the application, unless the applicant and the CMHLC mutually consent in writing to an extension of time.

A quasi-judicial Decision is effective upon filing the written Decision with the CMHLC Staff and shall be delivered within a reasonable time by personal delivery, electronic mail, or first-class mail to the applicant, Landmark owner, and any other person who has submitted a written request for a copy prior to the date the decision becomes effective. Each Decision shall include a "Certificate of Service" signed by CMHLC Staff specifying the manner in which the Decision was sent, all persons to whom it was sent, and the date on which it was sent. This certificate shall be deemed conclusive in the absence of fraud.

If the CMHLC votes to "Approve" or "Approve with Conditions" a Major Works COA application, CMHLC Staff shall transmit to the applicant, along with the Decision, the approved Certificate of Appropriateness clearly describing the nature of the work which has been authorized and any conditions imposed by the CMHLC.

If the CMHLC vote to "Deny" a Major Works COA application, a new application affecting the same Landmark may be submitted only if substantial change is made in plans for the proposed construction, reconstruction, alteration, restoration or moving.

10. Other Provisions.

A. Commissioners should not engage in *ex parte* communications regarding a Certificate of Appropriateness outside of the hearing.

B. Commissioners are authorized to view the premises; however, any additional information discovered by Commissioners during their examination of the premises and which may influence the Certificate of Appropriateness decision must be communicated at the hearing and the applicant or individuals opposed to the application will be given an opportunity to respond.

C. The CMHLC may ask Commission Staff to seek the advice of the North Carolina State Historic Preservation Office or such other expert advice as it may deem necessary under the circumstances. Any such advice obtained must be presented by said expert at the hearing, and the applicant must be given the opportunity to respond.

F. Appeals.

Every Decision issued by the CMHLC in granting or denying a certificate of appropriateness may be appealed to the Board of Adjustment in the nature of certiorari within the later of 30 days after the Decision is effective or 30-days after a written copy of the Decision is given in accordance the

provisions of Section VII. 9, above, as is set forth in N.C. Gen. Stat. § 160D-406(j). When first-class mail is used to deliver notice of the Decision, three days shall be added to the time to file the petition.

G. Modifications to Certificate of Appropriateness

A written request to modify a Certificate of Appropriateness may be submitted by an applicant. If the modification is not significant, as determined by CMHLC Staff CMHLC Staff may approve the change. If the modification is substantial or if it cannot be approved as a Minor Work COA, the modification request will be treated as a Major Work COA application and referred back to the CMHLC for a hearing.

H. Validity of Certificate of Appropriateness

A Certificate of Appropriateness issued by the CMHLC shall be valid for twelve (12) months following its issuance and will thereafter expire. An expired COA is null and void and, if the work approved in the COA has not been completed, all work must cease until a new COA has been obtained.

I. Consent Agenda

Staff may place Major Work applications on a Consent Agenda if Staff finds the project has no significant incongruity with the CMHLC's Standards for Rehabilitation, or if the project has been approved by the NC HPO for federal or state historic tax credits, or if the project is in a historic district and has been approved for a Certificate of Appropriateness by a historic preservation commission for the local historic district. Adoption of the Consent Agenda will serve to approve all of the items on the consent agenda. Consent Agenda items will require the same Notice of Hearings, Administrative Materials, and Written Decision as described above.

Applications on the Consent Agenda may be pulled from the Consent Agenda and then considered as a Major Work as described above.

J. Conceptual Plan Review

Staff may introduce projects for a non-binding review by the CMHLC. The Conceptual Plan Review is not subject to a quasi-judicial hearing. The purpose of the Conceptual Plan Review is to allow a project team to present high level design concepts for non-binding comments from the CMHLC prior to applying for a COA. A quorum of the CMHLC is not required. The HLC may create a Conceptual Plan Review Committee to review the projects separate from the regularly scheduled monthly HLC meetings.

VIII. AMENDMENTS TO BYLAWS AND RULES OF PROCEDURE

These Bylaws and Rules of Procedure, as well as the CMHLC Standards, can be amended at any time by a vote of 75% of the members, provided that such proposed amendments have been provided to the CMHLC at least one week before the vote.

Date: 08/12/2026