

Charlotte Historic District Commission
Rules of Procedure

Amended and adopted by the Charlotte Historic District Commission February 8, 2023

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Overview of the Charlotte Historic District Commission

The Charlotte Historic District Commission (HDC) was established in 1976 by the Charlotte City Council pursuant to the provisions of North Carolina General Statutes that are now codified as North Carolina General Statute sections 160D-303 and 160D-941.

As set forth in N.C.G.S. § 160D-942, the HDC has the following powers within the City of Charlotte:

1. Undertake an inventory of properties of historical, prehistorical, architectural, and/or cultural significance.
2. Recommend to the governing board areas to be designated by ordinance as "Historic Districts."
3. Acquire by any lawful means the fee or any lesser included interest, including options to purchase, to properties within established 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 governing board that designation of any area as a historic district or part thereof, be revoked or removed for cause.
6. Conduct an educational program regarding historic properties and districts within its jurisdiction.
7. Cooperate with the State, federal, and local governments in pursuance of the purposes of this Part. The governing board or the commission, when authorized by the 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 commission 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 local government's comprehensive plan.
10. Review and act upon proposals for alterations, demolitions, or new construction within historic districts.
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.

1. Members, Officers, and Duties

- 1.1. Number and Appointment of Commissioners.
The HDC shall be comprised of Commissioners representing each designated local historic district, one (1) Business Operator of Dilworth, and four (4) at-large members, one of which shall be a Planning Commission Representative, which shall not need to be a member of the Planning Commission. Commissioners shall be appointed to serve a term of three (3) years and may be reappointed for a second three (3) year term. Appointments to the HDC shall be made by the City Council and the Mayor of the City of Charlotte and shall be subject to the rules and regulations promulgated by the Office of the City Clerk.
- 1.2. The officers of the HDC shall be a Chairperson, a Vice Chairperson, and a Second Vice Chairperson. Of these three (3) positions, at least one must be an architect or general contractor. The officers will be known as the "Executive Board."
- 1.3. The Chair shall function as the presiding authority on all matters of conduct, procedure, and admissibility of evidence. The Chairperson shall appoint all standing and temporary committees, make assignments to design review committee meetings, have the right to vote, and may call special or emergency meetings of the HDC. The Chair shall act as the liaison between the HDC and HDC staff. The Chairperson or their designee is authorized to sign Certificates of Appropriateness (COA).
- 1.4. The Vice Chair shall preside at meetings in the absence of the Chairperson and shall have the same powers and duties as the Chairperson during such times. In the absence of both the Chairperson and the Vice Chairperson, the Second Vice Chairperson shall preside and may call special or emergency meetings of the HDC.
- 1.5. At the first regular meeting in June, the HDC shall elect officers for a term of one year. Officers shall take office the following July 1. If an office becomes vacant during a term, the HDC shall elect one of its members to serve the remaining portion of the unexpired term. Officers shall be eligible for reelection.
- 1.6. New members must complete the required Oath of Office and HDC orientation before being recognized as official voting members of the HDC.
- 1.7. A majority of the members of the HDC shall have demonstrated special interest, experience, or education in history, architecture, archaeology, or related fields as required by N.C.G.S. §160D-303.

2. Meetings

- 2.1. The regular meeting date of the Commission shall be the second Wednesday of each month. The Commission's designated times and places of its regular meetings shall be filed with the City Clerk and posted on the Commission's website.
- 2.2. Special meetings or emergency meetings of the HDC may be called by the Chairperson, Vice Chairs, or the HDC's staff with the consent of a majority of the members. Notices of all special meetings shall be communicated to all members of the HDC at least one week prior to the time of the meeting. Only those matters specified in the call may be considered.

- 2.3 The Commission may revise its regular meeting schedule to change the time or place of a particular meeting or all meetings within a specified period. The Commission shall ensure that the revised regular meeting schedule is filed with the City Clerk at least seven (7) calendar days before the first meeting held pursuant to the revised schedule. The Board shall also have the revised schedule posted on the Commission's website. Whenever there are no hearings or other business for the Commission, or whenever a quorum will not be available, the Chairperson may dispense with a regular meeting by giving written or oral notice to all members prior to the time set for the meeting.
- 2.4 The Commission may continue a hearing that has been convened without further advertisement per N.C.G.S. §160D-406(b).
- 2.5 If a hearing is set for a certain date and a quorum of the Commission is not present, the hearing shall be continued until the next regular Commission meeting without further advertisement.

3. Quorum

- 3.1. In all circumstances, a majority of the members of the HDC, not counting vacancies, shall constitute a quorum for the purpose of conducting business.
- 3.2. A quorum may be lost due to an HDC member's conflict of interest or failure to be present for the entire hearing on a particular Certificate of Appropriateness application.

4. Attendance

- 4.1. The HDC attendance policy shall be the same as the City Council's attendance policy for Boards and Commissions.

5. Voting

- 5.1. All HDC members present shall vote in favor of, or against any presented Certificate of Appropriateness application or motion, unless excluded per Section 5.1.1. Commission members shall not abstain from voting if present for the entire hearing.
 - 5.1.1 An HDC member may not vote on any motion or Certificate of Appropriateness if the HDC member has been excused for a conflict of interest or is not present for the entire hearing.
 - 5.1.2 No action shall be taken unless by a quorum of the HDC with a majority of the membership voting in favor of such action. Any calculation of a quorum shall not include any HDC member with a conflict of interest or who fails to be present for the entire hearing on a particular Certificate of Appropriateness application.

6. Conflicts of Interest

- 6.1. No HDC member shall vote on or participate in the consideration of a matter in which the member has a conflict of interest or has the appearance of a conflict of interest. For purpose of this section,

and by way of illustration, but not limitation, a member has a conflict of interest (i) if the member has a financial interest in the outcome of the matter, either directly or indirectly, from a decision on the pending matter, (ii) if the member owns or leases property that is within three hundred (300) feet of the property that is the subject of an application, (iii) if the member has a close familial relationship, or a personal relationship with an applicant that is of a type that may color the member's judgment, or (iv) if the member works for any business entity that contributed to the subject of an application or has a business, or other associational relationship with an affected person.

- 6.2. When considering an application for a Certificate of Appropriateness, the HDC is acting in a quasi-judicial capacity. Due process requires that a quasi-judicial decision be made by unbiased and non-predisposed decision-makers on evidence appearing in the record. To this end, an HDC member shall not form or communicate a predisposition on any application prior to the consideration of the application at an HDC meeting. No HDC member shall discuss any case with any party prior to the public hearing on that case. An HDC member shall not participate in or vote on any matter in which the member has had undisclosed *ex parte* communications prior to the public hearing on the case. For purposes of this section, discussion of an application in a design review committee meeting or pre-application workshop shall not constitute a violation of this section provided that the member does not indicate to the applicant or other interested parties a commitment to support or oppose a particular application.
- 6.3. An HDC member who has a conflict of interest, or believes that a conflict of interest may exist, must contact the HDC staff before the scheduled meeting to ensure a quorum can be met.
- 6.4. An HDC member who determines that a conflict of interest exists shall declare the existence and nature of the conflict prior to consideration of the matter and shall be excused from further consideration of the application.
- 6.5. An HDC member who believes they may have a conflict of interest shall declare the possible conflict. The applicant shall have the opportunity to object to the HDC member being able to vote on the Certificate of Appropriateness. The HDC shall make a determination by majority vote of the members, excluding the HDC member who allegedly has a conflict, on whether or not a conflict of interest exists. If the vote of the HDC determines a conflict of interest exist, the member shall be excused from voting on the application.
- 6.6. A challenge of the existence of a conflict of interest may be made by a member of the HDC or by any interested person. Such a challenge shall be considered by the HDC, and the HDC shall determine by majority vote of the members, excluding any HDC member being challenged, whether a conflict of interest exists. If the vote of the HDC determines that the member has a conflict of interest, the member shall be excused from voting on the application.
- 6.7. 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 considerations because of the business or profession with which a member is associated.

7. Submission Requirements

- 7.1. A property owner must sign an application for a Certificate of Appropriateness. Applications

will not be assigned a permanent case number until the property owners' signature is received.

- 7.2 Application fees cannot be accepted until a permanent application number is assigned.
- 7.3 Applicants seeking approval from the HDC must consult with HDC staff prior to submission of materials outlined in Section 7.4.
- 7.4 The following materials shall constitute a complete application for a Certificate of Appropriateness. The applicant shall be responsible for providing all necessary materials and required fees to meet the requirements of this section. Failure to do so will prevent the application from being placed on an agenda for HDC consideration.
 - 7.4.1 Submission Requirements for All Applications (except Demolition)
 - 7.4.1.1 All drawings must be to scale with dimensions from legal boundaries and clear, legible details. Drawings and supporting documentation should be submitted electronically, preferably in PDF format. If electronic files cannot be submitted, one set of full size plans (e.g. 24"x36") is acceptable.
 - 7.4.1.2 Photographs - Clear photographs of project site and all elevations of the existing structure.
 - 7.4.1.3 Detail on drawings all materials to be used and their dimensional and property characteristics. Relate information to the Standards as much as possible.
 - 7.4.1.4 Detail on drawings where any existing materials will be removed/replaced beyond the indicated extent of the renovation/addition. Drawings shall be dimensioned.
 - 7.4.1.5 Provide drawings, literature, specifications, photographs, or similar for all major new elements. Items include, but are not limited to, windows, doors, siding, trim, louvers, shutters, and roofing. Relate information to the Standards as much as possible. If materials, sizes, and appearance of new elements do not match the existing conditions, provide rationale for changes.
 - 7.4.2 Additional Requirements for Additions and New Construction
 - 7.4.2.1 Site Survey – Applications for significant additions and all new construction must include a registered survey with the following information: Lot dimensions, existing structures, existing setback and yard lines, topography lines, mature trees, unique site features, fences, walls, easements, public rights of way, utilities, driveways, and other relevant information.
 - 7.4.2.2 Site Plan – The site plan must include: All structures (existing and proposed), setback dimensions (porch and thermal wall), yard dimensions, driveways and alleys, tree protection and/or tree removal, HVAC location(s) and percentage of lot coverage. Provide a grading plan where site slopes affect the project significantly and/or its height.

- 7.4.2.3. Photographs – Provide photos of the surrounding context (structures on the same block and across the street). Include photos of other properties in the same historic District with similar design and/or feature(s), if any, or other photos to explain design. Property address should be identified for each photo of other District properties.
- 7.4.2.4. Removal of mature, significant trees on private property must include a report by a certified arborist or landscape architect.
- 7.4.2.5. Streetscape – Applications for new construction must provide composite streetscape elevations showing the proposed project with existing adjacent buildings and height dimensions. The same applies to building additions that are taller or wider than the existing structure.
- 7.4.2.6. Elevations – Building elevations must include dimensions, material notes, window and door details, topography, foundation height, porch details and other relevant information as requested. For additions, the existing structure and proposed addition must be clearly shown. The plans must clearly identify the building elements to be demolished or removed, using dashed lines.
- 7.4.2.7. Architectural Details – Detailed drawings for wall section(s), windows, roof eaves, porch columns, material samples or other information may be requested by the Commission or staff as a condition of future review.
- 7.4.3. Submission Requirements for Demolition
 - 7.4.3.1. Provide thorough documentation of existing conditions consisting of photographs; sketch plans/elevations; notations of height, width and setback; and, if possible, professional measure drawings of the entire property.
 - 7.4.3.2. Provide photographs of the existing building(s) and site, including trees to be removed, and site features (i.e., walls, fences, formal landscape gardens)
 - 7.4.3.3. Provide photographs of architectural details including, but not limited to, windows, front entrances, brackets, shutters, roof/eave details, porches and railings, columns, and trim.
 - 7.4.3.4. Provide a property survey, stamped, and sealed with the following information clearly labeled, setbacks, lot dimensions, building dimensions, alleys, walkways, driveways, and other site features (i.e., retaining walls).
 - 7.4.3.5. Provide photos of the surrounding context (structures on the same block and across the street). Property address should be identified for each photo of other District properties.
 - 7.4.3.6. Provide a Zoutewelle Streetscape survey showing the building(s) to be demolished.
 - 7.4.3.7. If an applicant requests a stay of demolition of less than 365 days or requests to waive the stay in its entirety, then the applicant shall provide a certified engineering report documenting the condition of the property and attempts at repair.
 - 7.4.3.8. The property owner, or designee, who applies for full demolition are the only parties that can request the Certificate of Appropriateness or request a renewal.

- 7.4.4. Until an application meets the requirements of Section 7.4, it shall not be deemed complete, not be filed for purposes of N.C. Gen. Stat. § 160D-947(d), and not be submitted to the HDC for consideration.

8. HDC Agenda Requirements

- 8.1. Applications and complete submission materials will be due to the HDC office according to the *Commission Deadline and Meeting Schedule* available at the HDC office or on the HDC website. The application form must be signed by the property owner and any designee.
- 8.2. Failure to provide all required materials and fees by this date will result in the project not being placed on the HDC agenda for consideration.
- 8.3. The application deadline cannot be waived except in the following circumstances:
 - 8.3.1. There is a demonstrable life and safety consideration that requires immediate attention, or
 - 8.3.2. An approved project is under construction, and a design change is necessary to complete construction, or
 - 8.3.3. An objective or policy for historic preservation is advanced by the immediate consideration by the HDC.
- 8.4. For purposes of N.C. Gen. Stat. § 160D-947(d), applications are considered filed either (i) when accepted by the HDC for an initial evidentiary hearing, or (ii) seven days after receipt of a complete application for Administrative Approval. Administrative applications are deemed complete when all required information is received by staff.
- 8.5. The total number of Applications for Certificates of Appropriateness placed on the regular monthly agenda for HDC meetings shall not exceed sixteen (16). Staff may place additional applications on the agenda with the approval of the Chairperson.
- 8.6. The Commission may establish reasonable ending times for hearings.
- 8.7. City staff shall transmit to the Commission all applications, reports, and written materials relevant to the matter being considered. The administrative materials may be distributed to the members of the Commission prior to the hearing if at the same time they are distributed to the Commission, a copy is also provided to the applicant and to the property owner if that person is not the applicant. The administrative materials may be provided in written or electronic form. 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 Commission at the hearing per N.C.G.S. §160D-406(c).

9. Optional Committees

- 9.1. The HDC or Chairperson may appoint committees to research, review, or make recommendations to support the business of the Commission.
- 9.2. Any committee of the HDC will meet according to the call of an HDC Officer, and all Committee meetings shall comply with the open meetings laws.
- 9.3. It is recommended that any committee consist of at least three members comprised of an HDC officer, one HDC design professional, and one other member. HDC staff will also be present.

10. Optional Pre-Application Workshop

- 10.1 Applicants of large or complex projects may submit a written request to HDC staff to attend a pre-meeting workshop of the Commission to obtain high-level, non-binding feedback about the proposed project. Workshops are held monthly prior to regularly scheduled Commission meetings. Workshop projects will be scheduled as time allows in the agenda. Applicants are eligible to request, attend, and participate in a pre-application workshop provided that an application has not been submitted via Accela Citizen Access and assigned an official case number.

11. HDCEvidentiary Hearing Procedures

- 11.1. Order for each HDC agenda item:
 - 11.1.1. The HDC chairperson will ask all persons wishing to present evidence on an item to stand and be sworn in. All testimony must be given under oath.
 - 11.1.2. An HDC staff member will present the application.
 - 11.1.3. The applicant presents their testimony and evidence in support of the application.
 - 11.1.4. Other interested persons wishing to present evidence, pro or con, will be given reasonable time to present competent, material, and substantial evidence that is not repetitive, based on the HDC Design Standards, as allowed by the Commission. All interested persons who plan to give testimony, pro or con, must complete the required speaker form to speak prior to the commencement of the hearing for a particular application.
 - 11.1.5. The HDC may question the applicant, other persons providing testimony, and HDC staff members.
 - 11.1.6. The applicant will be given an opportunity to cross-examine any witnesses and provide any rebuttal or final comments. HDC staff will be given a similar opportunity.
 - 11.1.7. The HDC shall close the hearing for discussion and deliberation. An HDC member may request the hearing to be re-opened for further questioning.
 - 11.1.8. The HDC will craft a motion for Approval, Approval with Conditions, Continuation, or Denial.
 - 11.1.9. A final vote by the HDC will close the hearing.
- 11.2. The HDC is acting in a quasi-judicial capacity for purposes of the hearings and can accept only sworn testimony. While the HDC will not specifically exclude hearsay evidence, it is only given limited weight. Objections regarding jurisdictional and evidentiary issues may be made to the Commission. The HDC Chairperson shall rule on any objections, and the Chairperson's rulings may be appealed to the full Commission.
- 11.3. Optional Consent Agenda Items

For minor projects that appear to have met the Design Standards but require HDC approval, those applications may be listed by staff as Consent Agenda Items. Under this category, HDC staff shall recommend full approval without the need for testimony by the applicant or deliberation by the Commission. The HDC shall open the application for a full hearing if requested by a Commission member, or if an interested party has signed up to speak in opposition.

12. Decisions of the HDC

If the Certificate of Appropriateness Application contains sufficient information for the HDC to consider the Application, the HDC will take one of the following actions on the Application:

12.1. Approval

- 12.1.1. Approved as Submitted: The project proposal is approved as presented. The applicant shall provide final, permit-ready construction plans that remain in compliance with the *Design Standards* to staff within twelve (12) months from the date of the written approval issued by the HDC. If the final, permit-ready construction plans are not received within the twelve-month timeframe from the date of the written approval issued by the HDC, the Commission's decision will be rendered null and void and re-application will be required.
 - 12.1.2. Approved in Part: If a distinct part of a project proposal meets the Design Standards, but another distinct part of the project does not, the HDC may approve one part of the project and continue or deny the remaining part(s) (e.g., approve primary residential structure, but not accessory unit). Separate motions are required for each vote. Final, permit-ready construction plans that remain in compliance with the *Design Standards* must be provided to staff within twelve (12) months from the date of the written approval issued by the HDC. If the final, permit-ready construction plans are not received within the twelve-month timeframe, the Commission's decision will be rendered null and void and re-application will be required.
 - 12.1.3. Approved with Conditions: The project proposal is approved with conditions set forth by the HDC and with subsequent verification by HDC Staff for compliance. The applicant shall submit final, permit ready construction plans that satisfy any and all conditions and remain in compliance with the *Design Standards* within twelve months from the date of the written approval issued by the HDC, unless specified otherwise by the HDC in its motion, in order for the HDC to issue a Certificate of Appropriateness. If the applicant does not satisfy any and all conditions and receive verification from the HDC Staff for compliance within twelve months from the date of the written approval issued by the HDC, then the HDC's decision shall become null and void for failure to comply with the conditions precedent, and the project must be resubmitted to the HDC.
- 12.2. Continuance: The project proposal is continued for further consideration by the HDC. The HDC may refer the project proposal to a Design Review Committee before resuming its consideration. Revised plans and submission materials for any continued application are due to the HDC office according to the *Commission Deadline and Meeting Schedule*. Once revised plans are received, the project proposal will be scheduled for the next regular HDC meeting or Design Review Committee; provided, however, any revised plans comply with the requirements of Section 7. A Motion to Continue is not a final determination by the HDC.

- 12.3. Denial: The Commission may deny, in whole or in part, an application for a Certificate of Appropriateness when the project proposal, or a part thereof, is incongruous with the special character of the historic district or does not otherwise meet the Design Standards for approval.

13. Amendments and Duration, Certificates of Appropriateness

- 13.1. Amendments to Approved Certificate of Appropriateness – Major Change. Major changes to Certificate of Appropriateness previously approved by the HDC shall require a new application and full HDC review for the items that have been altered.
- 13.2. Amendments to Approved Certificate of Appropriateness – Minor Change. Modifications to approved projects that do not fall within Administrative approval authority and do not constitute a major change, may be reviewed by two (2) of the three (3) Executive Board members who shall either recommend full Commission review or authorize HDC staff to approve the modification(s).
- 13.3. The duration of a Certificate of Appropriateness is set forth in Section 10.203 of the City of Charlotte Zoning Ordinance, effective until May 31, 2023. As of June 1, 2023, the Duration of a Certification Appropriateness is set forth in the Unified Development Ordinance Chapter 14.1.L.7
- 13.4. An issued Certificate of Appropriateness that has expired may be eligible for reauthorization and slating on a Consent Agenda, provided a new application is submitted within 12 months of the expiration date, and that the project is either unchanged from the originally approved submission or meets the requirements for minor changes as outlined in 13.2.

14. Resubmission of Denied Applications

- 14.1. If an application for a Certificate of Appropriateness is denied, then the application may not be resubmitted until two (2) months from the date of the written denial issued by the HDC.
- 14.2. Notwithstanding 14.1., any application may be resubmitted prior to the expiration of the two (2) months if there has been a substantial change of circumstance affecting the property, such as, but not limited to, Fire Code regulations, Floodplain regulations, an Act of God, or condemnation.
- 14.3. Any resubmitted application must meet the requirements of Section 7.
- 14.4. The HDC will make a determination on whether the resubmitted application falls within the exceptions of Section 14.2. The HDC staff may give its recommendation on whether either exception applies to the resubmitted application. The applicant may present additional information to the HDC regarding the determination of substantial change of circumstance affecting the property. If the HDC determines that a substantial change of circumstance does not apply, then it is bound by its previous denial and cannot consider the resubmitted application.

15. Emergency Approvals, Certificates of Appropriateness.

- 15.1. In the event of an emergency, immediate restoration of pre-disaster conditions may be approved by Staff. An application and photos documenting the post-disaster conditions are required. If available, photos documenting pre-disaster conditions are also required. As soon as possible upon receipt of a complete application and photos, staff will issue a Certificate of Appropriateness in compliance with N.C.G.S. §160D-948.

16. Appeals of Decisions of the Commission

- 16.1. All rights of appeal and related procedures are set forth in Section 10.213 of the Charlotte Zoning Ordinance, effective until May 31, 2023. As of June 1, 2023, appeal procedures are set forth in the Unified Development Ordinance (UDO) Chapter 14.1.M.
- 16.2. For appeals filed on or prior to May 31, 2023, the Charlotte Zoning Board of Adjustment (ZBA) will review and make a decision on the action of the HDC based on the written record of the HDC meeting. The ZBA cannot consider information or testimony that was not available to the HDC at the HDC's meeting. The responsibility of the ZBA is to review the record of the meeting and determine if the members of the HDC followed proper procedure in reaching its conclusion, and that the HDC decision was supported by both the evidence before the HDC and the HDC Design Standards.
- 16.3. On or after June 1, 2023, an appeal in the nature of certiorari may be taken by any aggrieved party to the Mecklenburg County Superior Court from the Historic District Commission's action granting or denying the Certificate of Appropriateness pursuant to N.C.G.S. § 160D-1402, or as amended.

17. Enforcement

- 17.1. Enforcement actions are set both in Section 10.214 of the Charlotte Zoning Ordinance, effective until May 31, 2023. As of June 1, 2023, Enforcement actions are set forth in the Unified Development Ordinance Chapter 14.1.N and Section 39.2 subsections A and L.
- 17.2. There are three circumstances that can lead to the commencement of enforcement procedures against a property owner within a local historic district:
 - 17.2.1. Work is done that requires a Certificate of Appropriateness without a Certificate being issued.
 - 17.2.2. A Certificate of Appropriateness is denied by the Commission, and the project is carried out in defiance of the denial.
 - 17.2.3. Work is approved by the HDC or its staff and is then carried out in a manner inconsistent with the approval.
- 17.3. Any changes from or additions to the project will void the Certificate of Appropriateness unless a new application has been approved.

18. Designation Process for New Local Historic Districts

Pursuant to North Carolina State Statutes § 160D-942(2) and the City of Charlotte Unified Development Ordinance, the Charlotte Historic District Commission (HDC) may, “[r]ecommend to the governing board areas to be designated by ordinance as ‘Historic Districts’...” Section 14.1.C.2 of the City of Charlotte Unified Development Ordinance requires the HDC to make an investigation and report on the historical, architectural, or archaeological significance of the buildings, structures, features, sites, objects or surroundings included in a proposed district, and prepare a description of the boundaries of the district. In order to initiate the historic designation process, the HDC sets forth the following requirements that must be met by communities prior to requesting the HDC’s formal recommendation of a proposed local historic

district to the City of Charlotte Mayor and Council. A Rezoning petition for local historic district designation must follow the adopted procedures of the Charlotte-Mecklenburg Planning Commission. The following process applies to designating either an Historic District Overlay (HDO) or a Streetside Historic District Overlay (HDO-S).

18.1 Submit a historic district designation application and letter of support.

- 18.1.1 If the area proposed for a historic district is located within the jurisdiction of an active neighborhood organization, then a letter of support from the neighborhood organization must be submitted with the application, unless the proposed local district is a subset of the larger neighborhood.
- 18.1.2 If the proposed local district is a subset of a larger neighborhood or there is no active neighborhood organization, then the proponents shall form an ad hoc committee, designating a primary spokesperson, and all members of the ad hoc committee shall sign the letter of support.
- 18.1.3 The receipt of this information will constitute a formal request for HDC staff assistance, which will allow HDC staff to initiate conversations with the neighborhood in an official capacity and coordinate with the North Carolina Department of Natural Resources, State Historic Preservation Office (HPO).
- 18.1.4 If demand for HDO and HDO-S Districts result in multiple applications requesting initiation of the local historic district designation process at a similar time are received, then the Design + Preservation Division Director in cooperation with the HDC Program Manager and HDC Executive Board shall have the discretion to establish quantitative and/or locational criteria in order to prioritize those applications.

18.2 Prepare a Local District Designation Report.

- 18.2.1 Specific requirements are set forth by the State Historic Preservation Office (HPO) related to the information that must be contained within a Local District Designation Report, which may include, but is not limited to, a map of the proposed local district boundary, a written narrative about the history and development of the neighborhood, and a property-by-property survey with photos of every parcel within the proposed boundary.
- 18.2.2 The neighborhood will be responsible for any costs associated with the preparation and submission of the Local District Designation Report to the HDC and HPO. Technical assistance is available from HDC staff, which may include the following: meeting facilitation, educational materials, mapping, review of the designation report, and liaison with the HPO.
- 18.2.3 Once complete, the Local District Designation Report must be officially transmitted to the Charlotte Historic District Commission staff. Official transmittal may be via a letter signed by the neighborhood board president or a resolution of the neighborhood organization governing board. For neighborhoods without a formal association or board, official transmittal may be via a letter signed by the ad hoc committee primary spokesperson. Upon receipt, HDC staff will review the Report. If the Report is determined to be complete in accordance with the requirements set forth by the HPO, then HDC staff will submit the Report to the Charlotte Historic District Commission for review and approval. After an

affirmative majority vote by the members of the Historic District Commission to proceed, HDC staff will transmit the Report to the HPO in accordance with § 160D-944 of the North Carolina General Statutes.

18.3 Initiate the Rezoning process

The receipt of all the following items will constitute a complete Rezoning application. The application will be provided to the Charlotte Historic District Commission for review and recommendation. If the Charlotte Historic District Commission supports the Rezoning request, then the Chair will submit a formal letter of recommendation to accompany the Rezoning petition.

18.3.1 Rezoning application.

18.3.2 HPO review and comment of the Local District Designation Report pursuant to § 160D-944.

18.3.3 Local District Designation Report updated based on HPO recommendations, as applicable.

18.3.4 Petition signed by the owners of, at minimum, 51% of the parcels within the proposed local historic district boundaries, which must accompany the Rezoning application.