

**DOWNTOWN DESIGN REVIEW COMMITTEE**  
**RULES OF PROCEDURE**

1.0 PURPOSE

To establish procedures for organizing the business of the Downtown Design Review Committee, hereinafter termed "Committee;" for processing applications for permits.

2.0 GENERAL RULES

The Committee shall be governed by the regulations pertaining to design review as incorporated in the City's Unified Development Code, Section 1.04 J. and Section 6.09 and 6.10. For procedures not covered by the aforementioned, the Committee shall follow the rules contained in the current edition of Robert's Rules of Order.

3.0 JURISDICTION

The Committee's jurisdiction for its activities shall coincide with the City's zoning jurisdiction for the Central Business (CB), Central Business Perimeter (CBP), Downtown Municipal Tax District (signage only) as delineated and shown on the official zoning map for the City of Statesville.

4.0 MEMBERS, OFFICER AND DUTIES

The Committee shall be composed of five (5) members, whose terms of office are set by the Statesville City Council.

4.1 Chairman

A Chairman shall be elected by the members of the Design Review Committee. The Chairman shall decide all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the Committee in session at the time. The Chairman shall appoint any sub-committees found necessary to investigate any matters before the Committee.

4.2 Vice Chairman

A Vice Chairman shall be elected by the Committee from among its members in the same manner as the Chairman. The Vice Chairman shall serve as acting Chairman in the absence of the Chairman, and at such times shall have the same powers and duties as the Chairman.

4.3 Secretary

A member of the City staff, designated by the City Manager to serve as the administrative liaison to the Committee, shall also serve as Secretary to the Committee. The Secretary subject to the direction of the Chairman of the Committee, shall keep all records, conduct all correspondence of the Committee and generally supervise the clerical work of the Committee. The Secretary, being an ex officio member of the Committee, shall not be

eligible to vote on any matters which come before the Committee. DSDC staff person shall also serve as an ex officio member with no voting power.

#### 4.4 Elections

Election of officers shall be selected at the first regular meeting of each calendar year.

#### 4.5 Attendance at Meetings

Faithful and prompt attendance at all meetings of the Committee and conscientious performance of the duties required of members shall be a prerequisite to continuing membership on the Committee. Should a member fail to attend two consecutive regular meetings of the Committee, and should there be no adequate excuse for such absences, the Chairman, with the concurrence of a majority at the entire Committee, shall recommend to the appropriate authority that a vacancy be declared and that the vacated position be filled.

#### 4.6 Applications Involving Member/Conflict of Interest

No Committee member shall take part in the hearing, consideration or determination of any case in which he/she is a party or has a financial interest.

#### 4.7 Knowledge of Controlling Rules and Regulations

Each member of the Committee shall be thoroughly familiar with all statutes, laws, ordinances and rules of procedure relating to design review and the authority of the Committee.

### 5.0 MEETINGS

#### 5.1 Regular Meetings

Regular meetings of the Committee shall be held on the second Thursday of each month at 8:30 a.m. in the Conference Room at City Hall; provided, that meetings may be held at some other convenient place if directed by the Chairman in advance of the meeting.

#### 5.2 Special Meetings

Special meetings of the Committee may be called at any time by the Chairman. At least forty eight hours notice of the time and place of special meetings shall be given, by the Secretary or by the Chairman, to each member of the Committee; provided, that this requirements may be waived by action of a majority of all the members.

#### 5.3 Cancellation of Meetings

Whenever there is no business for the Committee, the Chairman may dispense with a regular meeting by giving notice to all the members prior to the time set for the meeting.

#### 5.4 Quorum

A quorum shall consist of three (3) members of the Committee. A quorum can be met with Member/s through the use of a phone conference.

#### 5.5 Conduct of Meetings

All meetings shall be open to the public. The order of business at regular meetings shall be as follows: (a) roll call; (b) approval of minutes of previous meeting; (c) report of committees; (d) unfinished business; (e) consideration of applications; (f) new business to be brought to the attention of the Committee; (g) adjournment.

### 6.0 APPLICATION PROCEDURES

#### 6.1 Filing of Application

An application must be filed with the Secretary to the Committee at least fifteen (15) working days prior to the next meeting of the Committee, accompanied by sketches, drawings, photographs, specifications, descriptions, etc. of the proposed project per the design guidelines.

#### 6.2 Time for Decision

The Committee must take formal action to issue or deny a permit within a reasonable time, not to exceed 45 days from the date the application for a permit is filed. The imposed time limit may be extended upon mutual agreement of the applicant and the Committee. The applicant requesting work must be at the meeting or a representative of the applicant must be present.

#### 6.3 Approved Application

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

#### 6.4 Denied Applications

If an application is denied, a copy of the minutes of the meeting and written reasons for denial shall be made available to the applicant.

### 7.0 CONSIDERATION OF APPLICATIONS

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

- (a) The Chairman, or such person as he/she shall direct, shall give a preliminary statement describing the application;

- (b) Statements or arguments submitted by an official, Committee, any local, State or Federal agency shall be presented as directed by the Chairman
- (c) The applicant shall present the arguments in support of the application.
- (d) Persons for or against granting the application shall present arguments.
- (e) The Chairman or such person as he shall direct shall summarize the information which has been presented, giving all parties an opportunity to make objections or corrections.
- (f) The Committee shall thereafter proceed to deliberate whether to grant approval of the application, approval with conditions or to deny it.

The Committee may, in its discretion, view the premises and obtain additional facts concerning any application before arriving at a decision. All decisions of the Committee shall be supported by appropriate findings, and where necessary, shall be accompanied by such conditions and/or recommendations as it may determine to be reasonable under the circumstances.

In considering applications, applicant may be asked and information may be submitted.

#### 8.0 RECONSIDERATION OF APPLICATIONS WHICH HAVE BEEN DENIED

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

- (a) The Chairman shall entertain a motion from a member of the Committee that the applicant is allowed to present information in support of the request for reconsideration. Such information shall be limited to that which is necessary to enable the Committee change in the facts, information or conditions relating to the application; provided however; that the applicant shall be given the opportunity to present any other additional supporting information, if the Committee decides to reconsider the application.
- (b) After receiving the information, the Committee shall proceed to deliberate whether or not there has been a substantial change in the facts, information or conditions relating to the application which would warrant reconsideration. If the Committee finds that there has been such a change, it shall thereupon treat the request as a new application received at that time.

#### 9.0 MODIFICATIONS OF APPLICATIONS

An approved or pending application for a permit may be modified by a written request from the applicant to the Committee. Such a request shall include a description of the proposed change and shall be accompanied by elevations, plans or sketches, where necessary. The Committee shall thereupon treat the request in the same manner as any other application as outlined in Section 6.0.

10.0 NOTIFICATION OF ADJOINING PROPERTY/BUSINESS OWNERS

As a courtesy of the Downtown Statesville Development Corporation notification of application and meeting date will be given to adjoining property owners and business owners prior to the case being heard.

11.0 VOTE

The vote of a majority of those members present shall be sufficient to decide matters before the Committee, provided a quorum is present.

12.0 APPEALS

Appeals from decisions of the Committee shall be made to City Council within thirty days of the approved Committee minutes of the meeting containing the decision being appealed.

13.0 AMENDMENTS

These rules may, within the limits allowed by law, be amended at any time by an affirmative vote of not less than three (3) members of the Committee, provided that such amendment shall have first been presented to the membership in writing at a regular or special meeting preceding the meeting at which the vote is taken.

Approved by the Committee the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary