

PART 16

HISTORIC DISTRICT COMMISSION

Section 16.1 Creation

There is hereby established the City of Lincolnton Historic District Commission, hereafter referred to as the Historic District Commission or Commission, to consist of five (5) regular members and two (2) alternate members. Members are appointed by the City Council of the City of Lincolnton. The Commission shall serve without compensation.

Alternate members shall serve in the absence of regular Commission members. Such alternate members, while attending any regular or special meeting of the Commission and serving in the absence of any regular member, shall exercise all of the powers and duties of such regular member so absent. No member or alternate member of the Historic District Commission shall vote on any matter concerning an application for a Certificate of Appropriateness unless that member or alternate shall have been present during the hearing and deliberation concerning said application.

Section 16.2 Tenure

Members of the Historic District Commission shall serve overlapping terms of two (2) alternate members. Members are appointed by the City Council of the City of Lincolnton. The Commission shall serve without compensation.

Alternate members shall serve in the absence of regular Commission members. Such alternate members, while attending any regular or special meeting of the Commission and serving in the absence of any regular member, shall have exercised all of the powers and duties of such regular member so absent. No member or alternate member of the Historic District Commission shall vote on any matter concerning an application for a Certificate of Appropriateness unless that member or alternate shall have been present during the hearing and deliberation concerning said application.

Section 16.3 Qualifications

All members of the Historic District Commission shall be residents of the territorial zoning jurisdiction of the City of Lincolnton and a majority of the regular members and both of the alternate members shall have demonstrated special interest, experience or education in history, architecture, archaeology or related fields.

Section 16.4 Meetings

The Historic District Commission shall establish a meeting time, and shall meet at least quarterly and more often as it shall determine and require. All meetings of the Commission shall be open to the public and reasonable notice of the time and place thereof shall be given to the public. All meetings shall conform to the North Carolina Open Meetings Law (G.S. 143-33C).

Section 16.5 Attendance of Meetings

Any member of the Historic District Commission who misses more than three consecutive regular meetings or more than half the regular meetings in a calendar year shall lose his or her status as a member of the Commission and shall be replaced or re-appointed by the City Council. Absence due to sickness, death or other emergencies of like nature shall be recognized as approved absences and shall not affect the member's status on the Commission except that in the event of a long illness or other such cause for prolonged absence, the member shall be replaced.

Section 16.6 Rules of Procedure

The Historic District Commission shall adopt and make available to the public rules of procedure for the conduct of its business.

Section 16.7 Annual Report, Required

An annual report shall be prepared and submitted by the first day of March of each year to the City Council. Such report shall include a comprehensive and detailed review of the activities, problems and actions of the Commission, as well as any budget requests and/or recommendations.

Section 16.8 Meeting Minutes

The Commission shall keep permanent minutes of all its meetings. The minutes shall record attendance of its members, its resolutions, findings, recommendations and actions.

The minutes of the Commission shall be a public record.

Section 16.9 Commission Powers

16.9.1 General Responsibilities of the Commission

The Commission shall seek to promote, enhance and preserve the character of the Historic District provided the Commission shall not require the reconstruction of individual or original buildings or structures or portions thereof.

16.9.2 Specific Authority and Powers

The Historic District Commission is authorized and empowered to undertake such actions reasonably necessary to the discharge and conduct of its duties and responsibilities as outlined in this Ordinance and Part 3C, Article 19 of Chapter 160A of the General Statutes of the State of North Carolina, including but not limited to the following.

- a. To recommend to the Planning Board districts or areas to be designated by Ordinance as "Historic District" and individual structures, buildings, sites, areas, or objects to be designated by Ordinance as "Landmarks".
- b. To recommend to the Planning Board that designation of any district or area as a Historic District be revoked or removed.

- c. To consider and grant or deny applications for Certificates of Appropriateness in accordance with Section 7.23.8 of this Ordinance.
- d. To give advice to property owners concerning the treatment of the historical and visual characteristics of their properties located within the District, such as color schemes, gardens and landscape features, and minor decorative elements.
- e. To propose to the City Council changes to this or any related Ordinance and to propose new ordinances or laws relating to the Historic District or relating to the total program for the development of the historical resources of the City of Lincolnton and its environs.
- f. To cooperate with other City of Lincolnton boards or commissions or with agencies of the City of Lincolnton or other governmental units; to offer or request assistance, aid, guidance, or advice concerning matters under its purview or of mutual interest.
- g. To publish information about, or otherwise inform the owners of property within the District, of any matters pertinent to its duties, organization, procedures, responsibilities, functions or requirements.
- h. To undertake programs of information, research, or analysis relating to any matters under its purview.
- i. To report violations of this Ordinance, or related ordinances to the local official responsible for enforcement.
- j. To assist the City of Lincolnton staff in obtaining the services of consultants to aid in carrying out programs of research or analysis.
- k. To accept funds granted to the Commission from private or non-profit organizations.
- l. To contract, with the approval of the City Council, for services or funds from the State of North Carolina and agencies or departments of the United States Government.
- m. To recommend to the City Council and the State of North Carolina structures, sites, objects or districts worthy of national, state or local recognition.
- n. To initiate and participate in negotiations with owners and other parties in an effort to find means of preserving buildings scheduled for demolition.
- o. To establish guidelines under which the Administrator or his designee may approve minor modifications on behalf of the Commission. No application shall be denied without first being considered by the Commission.
- p. To conduct public hearings on applications for Certificates of Appropriateness where the Commission deems that such a hearing is necessary.
- q. To organize itself and conduct its business by whatever legal means it deems proper and in accordance with its Rules of Procedure.
- r. Undertake an inventory of properties of historical, pre-historical, architectural and/or archaeological significance.

- s. Recommend to the City Council that designation of any area as a historic district or part thereof, or designation of any building, structure site, area or object as a landmark, be revoked or removed for cause.
- t. Conduct an educational program with respect to historic districts and properties within its jurisdiction.
- u. Prepare and recommend the official adoption of a preservation element as part of the City's comprehensive land use plan.
- v. To exercise such other powers and perform other duties as are required or allowed elsewhere by this Ordinance, the General Statutes of North Carolina or by the City Council.