

Raleigh Historic Development Commission

Rules of Procedure

I. OBJECT AND PURPOSE

The Raleigh Historic Development Commission (or “RHDC”) is a historic preservation commission established and appointed by the Raleigh City Council pursuant to N.C. Gen. Stat. § 160D-303.

II. POWERS AND DUTIES

The duties and powers of the RHDC are created by statute, see N.C. Gen. Stat. § 160D-942, and are administered via the City’s Unified Development Ordinance (the “UDO”). The powers and duties granted to the RHDC by the Raleigh City Council are set forth in UDO Section 10.1.4.

III. CERTIFIED LOCAL GOVERNMENT

The City of Raleigh is designated a Certified Local Government (CLG) under the Federal historic preservation program. As the City’s historic preservation commission RHDC has a required role in the National Register Nomination process regardless of who submits the application. There are annual reporting and training requirements as part of the certification. North Carolina’s CLG program is administered by the NC State Historic Preservation office per H.R.5496 - National Historic Preservation Act Amendments of 1980.

IV. MEMBERSHIP

1. Membership. The membership of the Commission shall be as set forth in the UDO.
2. Attendance: 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. Any member of the Commission who fails to attend one-quarter of the total combined regular and committee meetings of the Commission to which a member has been assigned within a given fiscal year may, upon recommendation of the Chair or other designated office, be removed or replaced by the City Council. Any member of the Commission who is absent without being excused from three (3) consecutive meetings may, upon recommendation of the Chair or other designated officer, be removed or replaced by the Council.

In the event that a Commission member must be absent from a meeting, the member shall contact the staff liaison before the meeting to advise the Commission of the absence.

V. OFFICERS

1. Election of Officers. The RHDC shall elect from its membership a chairperson and vice-chairperson, who shall serve for terms of 1 year, beginning on July 1st of each year. Officers shall be eligible for reelection and have the right to vote. The nomination and election of the Chairperson and Vice-Chairperson shall occur during the regular June meeting of the Commission. In the event of a vacancy in the offices of Chairperson or Vice-Chairperson, the vacancy shall be filled by an election at the next regular meeting.
2. Chair. The chairperson shall preside over meetings of the RHDC. The Chairperson shall appoint the members and chairs of the regular subcommittees as described in Section VII of these Rules of Procedure.
3. Vice-Chair. In the absence or disability of the chairperson, the vice-chairperson shall perform the duties of the chairperson.

VI. MEETINGS

The RHDC and subcommittees of the RHDC are public bodies and must comply with Open Meetings Law.

1. Regular Meetings. The Commission shall hold regularly scheduled monthly meetings. Regular meetings of the Commission shall be held at a location set forth on the meeting agenda on the third Tuesday of each month at 7:45 a.m. unless the regular meeting date is changed because of a holiday; provided that meetings may be held at some other time or place if directed by the Chairperson at least 48 hours in advance of the meeting.
2. Special Meetings. Special meetings may be called at the discretion of the Chairperson. Notice of the time and place of special meetings shall be given to the City of Raleigh sufficient to permit that office to give notice 48 hours in advance of the meeting.
3. Committee Meetings. Committees shall hold regularly scheduled monthly meetings except where there are no matters for discussion.

4. Quorum. A majority of members of the RHDC shall constitute a quorum at a regular or special meeting of the Commission. A majority of committee members shall constitute a quorum of the committee.

VII. COMMITTEES

Per UDO Section 10.1.4.A.2.e the Historic Development Commission may appoint advisory bodies and committees from within its membership.

1. Research. This committee shall be responsible for guiding policy recommendations and performance or recommending engagement of others for the research necessary to identify and describe certain structures, buildings, sites, areas, or objects of historical, prehistorical, architectural, or cultural significance and to prepare recommendations to the Commission for those that are appropriate for designation as a Raleigh Historic Landmarks, as Historic Overlay Districts or to be nominated for inclusion in the National Register of Historic Places by the Commission as the designee of a Certified Local Government with a comprehensive program.
2. Community Awareness. This committee shall be responsible for guiding policy recommendations and performance or recommending engagement of others for the development and distribution of promotional materials online and/or in print as part of an educational program on Raleigh's Historic Landmarks, Historic Overlay Districts, and historic preservation in general. It may also undertake other educational activities and community engagement that will be beneficial to the Commission's historic preservation mission, including but not limited to heritage tourism, receptions, workshops, and newsletters to the owners and/or tenants of the landmarks and districts.
3. Certificate of Appropriateness, hereafter termed "COA Committee," shall be responsible for acting on and issuing Certificates of Appropriateness, pursuant to NC Session Law 1993-168 and UDO Section 10.1.4. It shall be composed of five members and two alternate members. A majority of the members must have demonstrated special interest, experience, or education in history or architecture. The alternate members serve in the event a regular member has a conflict of interest or must be absent from a scheduled meeting of the COA Committee.
4. Nominations. This committee shall be responsible for identifying and soliciting qualified candidates for new appointments and reappointments to the Commission and report its findings to the Chair for recommendation to the City Council. All members of the Commission shall be invited to submit names of possible candidates to the committee for its consideration. The Nominations Committee will meet as needed.

VIII. CONFLICT OF INTEREST

All Commission members must comply with the conflict of interest provisions found at N.C. Gen. Stat. § 160D-109.

1. Advisory Decisions. Members of the Commission shall not vote on any advisory or legislative decision regarding a development regulation where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. Members of the Commission shall not vote on any zoning amendment if the landowner of the property subject to the rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.
2. Quasi-Judicial Decisions. A member of the Commission exercising quasi-judicial functions shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.
3. Familial Relationship. For purposes of this section, a “close familial relationship” means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.
4. Resolution of Objection. If an objection is raised to a Commission member's participation at or prior to the hearing or vote on a particular matter and that member does not recuse himself or herself, the remaining members of the board shall by majority vote rule on the objection.

IX. VOTING

1. Advisory Decisions and Other Matters. All other matters shall be decided by a simple majority.

2. Quasi-Judicial Decisions. A majority of the Commission (Preliminary Subdivisions) or COA Committee (COA applications) is required to decide any quasi-judicial matter. See N.C. Gen. Stat. § 160D-406(i). For the purposes of quasi-judicial decisions, vacant positions and members who are disqualified from voting on a quasi-judicial matter under N.C. Gen. Stat. § 160D-109(d) (conflict of interest) shall not be considered members for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

X. CERTIFICATES OF APPROPRIATENESS

Certificate of Appropriateness (COA) applications are submitted, reviewed and decided in accordance with UDO Sec. 10.2.15 and N.C. Gen. Stat. §§ 160D-406 and 160D-947. Notice shall be in accordance with UDO Sec. 10.2.1. Evidentiary hearings will follow UDO Sections 10.2.15 and 10.2.1. and N.C. Gen. Stat. § 160D-406.

1. Minor Work Decisions. The Planning and Development Officer or a designee may review and approve COA applications for minor work as administrative decisions when in conformance with the historic development standards and as provided in the list below. COA applications for all other exterior changes must follow the procedures for the major works COA Applications heard by the COA Committee. No application may be denied without formal action by the COA Committee. Failure of administrative officials to approve the requested Minor Work shall in no way interfere with the applicant's right to be heard by the COA Committee.
2. Minor Work Reporting. Certificates of Appropriateness for Minor Work issued by an administrative official shall be reported to the COA Committee on a monthly basis.
3. Major Work projects are reviewed by the COA Committee in a quasi-judicial evidentiary hearing. In general, major work projects involve a change in the appearance of a structure or site and are more substantial in nature than routine maintenance or minor work projects, such as new construction, expansion of a building footprint, or significant changes in landscape features.
4. Routine Maintenance. A COA is not necessary for routine maintenance, which includes repair or replacement where there is no change in the design, materials, or general appearance of elements of the structure or grounds.

MINOR WORK LIST

	TYPE OF WORK	STAFF REVIEW (minor work)	COA COMMITTEE (major work)
1	Construction of a new primary structure		X
2	Additions less than 25% to a primary structure		X
3	Additions 25% or greater to a primary structure		X
4	Demolition of any primary contributing structure		X
5	Demolition of any primary non-contributing structure		X
6	Relocation of structures		X
7	Removal of any contributing part of a structure		X
8	Alteration/Removal of Archeologically Significant Features		X
9	Alteration of Accessory Structures with no expansion of building footprint	X	
10	New Accessory Structures with total area less than 144 sq. ft.	X	
11	New Accessory Structures with total area 144 sq. ft. or greater		X
12	Additions to Accessory Structures with total area less than 144 sq. ft.	X	
13	Additions to Accessory Structures with total area 144 sq. ft. or greater		X
14	Demolition of Accessory Structures that are architecturally or historically significant		X
15	Demolition of Accessory Structures that are not architecturally or historically significant with total area less than 144 sq. ft.	X	
16	Demolition of Accessory Structures that are not architecturally or historically significant with total area 144 sq. ft. or greater		X
17	Alteration/Construction/Removal of Architectural Details	X	
18	Alteration/Construction/Removal of Awnings	X	

	TYPE OF WORK	STAFF REVIEW (minor work)	COA COMMITTEE (major work)
19	Alteration/Construction/Removal of existing Canopies	X	
20	Alteration of Carports/Porte Cocheres	X	
21	Construction/Addition to/Removal of Carports/Porte Cocheres		X
22	Alteration/Construction/Removal of service/utility Chimneys	X	
23	Alteration/Construction/Removal of character-defining Chimneys		X
24	Alteration/Addition to/Construction of Decks with a maximum height 42" or less	X	
25	Alteration/Addition to/Construction of Decks with a maximum height greater than 42"		X
26	Construction of new Decks with a maximum height 42" or less	X	
27	Construction of new Decks with a maximum height greater than 42"		X
28	Removal of Decks	X	
29	Alteration/Removal of Doors /door openings/trim	X	
30	Installation of Doors /door openings/trim	X	
31	Alteration/Removal of Dormers		X
32	Construction of Dormers		X
33	Construction of Driveways	X	
34	Alteration/Removal of Driveways	X	
35	Alteration/Construction/Removal of Fences, Walls 42" or less in height	X	
36	Alteration/Construction/Removal of Fences, Walls greater than 42" in height		X
37	Alteration of exposed Foundations	X	

	TYPE OF WORK	STAFF REVIEW (minor work)	COA COMMITTEE (major work)
38	Alteration/Construction/Removal of Gardens, Planting Beds, or Shrubbery affecting less than: 25% of front yard area (from house face); 50% of total side and rear yard area (Minor plantings of Flowers and Shrubbery in existing beds is considered Routine Maintenance and no Certificate of Appropriateness is required)	X	
39	Alteration/Construction/Removal of Gardens, Planting Beds, or Shrubbery affecting 25% or more of front yard area (from house face); 50% or more of total side and rear yard area		X
40	Alteration/Construction/Removal of Gutters and Downspouts	X	
41	Construction of Hedges or other Screen Plantings 42" or less in mature height	X	
42	Construction of Hedges or other Screen Plantings greater than 42" in mature height		X
43	Removal of existing Hedges or other Screen Plantings greater than 42" in height		X
44	Pruning of Hedges originally installed for the specific purpose of screening views	X	
45	Alteration/Construction/Removal of House Numbers	X	
46	Review of Landscape Master Plans affecting less than: 25% of front yard area (from house face); 50% of total side and rear yard area	X	
47	Review of Landscape Master Plans affecting 25% or more of front yard area (from house face); 50% or more of total side and rear yard area		X
48	Alteration/Installation/Removal of exterior Lighting Fixtures	X	
49	Alteration/Installation/Removal of Mailboxes	X	
50	Installation/relocation/removal of Mechanical Equipment , such as heating and air conditioning units. See also Solar Collectors (101, 102) and Electric Vehicle Charging Units (103)	X	
51	Painting when there is a change in color	X	

	TYPE OF WORK	STAFF REVIEW (minor work)	COA COMMITTEE (major work)
52	Painting of previously unpainted masonry		X
53	Alteration/Removal of existing Parking Lots	X	
54	Construction of/Addition to Parking Lots		X
55	Alteration/Addition to/Removal of existing Patios	X	
56	Construction of new Patios	X	
57	Alteration of existing Porches	X	
58	Construction/Addition to/Removal of Porches		X
59	Alteration/Addition to/Construction/Removal of Ramps or Lifts	X	
60	Alteration of Roof coverings	X	
61	Alteration of Roof form		X
62	Installation of Satellite Dishes and/or Television Antennas	X	
63	Construction/Alteration/Removal of existing Shutters	X	
64	Alteration/Installation/Removal of Signs	X	
65	Installation of Skylights	X	
66	Alteration/Construction/Removal of exterior Stairs and Steps	X	
67	Construction of new exterior Stairs and Steps	X	
68	Alteration/Construction/Removal of Storefronts	X	
69	Alteration/Construction/Removal of Storm Doors	X	
70	Alteration/Construction/Removal of Storm Windows	X	
71	Alteration/Construction/Removal of exterior Surfaces	X	
72	Alteration/Addition to/Construction of Swimming Pools		X
73	Removal of Swimming Pools	X	
74	Planting of New Trees with a mature size 8 inches and greater in diameter, measured 4-1/2 feet above ground level	X	

	TYPE OF WORK	STAFF REVIEW (minor work)	COA COMMITTEE (major work)
75	Removal of Trees with a combined stem girth of 8 inches and greater in diameter, measured 4-1/2 feet above ground level		X
76	Removal of dead, diseased, or dangerous Trees with a combined stem girth of 8 inches and greater in diameter, measured 4-1/2 feet above ground level when a replacement tree is proposed	X	
77	Removal of dead, diseased, or dangerous Trees with a combined stem girth of 8 inches and greater in diameter, measured 4-1/2 feet above ground level when no replacement tree is proposed		X
78	Removal of Trees with a combined stem girth of 8 inches and greater in diameter, measured 4-1/2 feet above ground level damaging historic resources when a replacement tree is proposed	X	
79	Removal of Trees with a combined stem girth of 8 inches and greater in diameter, measured 4-1/2 feet above ground level damaging historic resources when no replacement tree is proposed		X
80	Pruning of Tree Limbs 4" or greater in diameter	X	
81	Installation/Alteration/Removal of Vents and Ventilators	X	
82	Alteration/Construction/Removal of existing Walks	X	
83	Construction of new Walks	X	
	Walls: see Fences		
84	Alteration/Removal of existing Windows , sash, opening or trim	X	
85	Installation of new Windows	X	
86	Installation of Window Air Conditioners	X	
87	Alteration/Construction/Removal of other non-contributing Appurtenant Features and Accessory Site Features not specifically listed	X	
88	Alteration/Construction/Removal of other contributing Appurtenant Features and Accessory Site Features not specifically listed		X

	TYPE OF WORK	STAFF REVIEW (minor work)	COA COMMITTEE (major work)
89	Most changes to previous Certificates of Appropriateness	X	
90	Changes to previous Certificates of Appropriateness deemed by staff to be substantial in nature		X
91	Renewal of expired Certificates of Appropriateness	X	
92	Review of Programmatic Certificate of Appropriateness applications		X
93	Review of specific exterior changes covered under approved Programmatic Certificates of Appropriateness	X	
94	Removal of any Prohibited Element described in the historic development standards listed in Raleigh City Code § 10-2052	X	
95	Alteration/Construction/Removal of Temporary Features that are necessary to ease difficulties associated with a medical condition, not to exceed 6 months	X	
96	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	
97	Emergency installation of Temporary Features to weatherproof or stabilize damaged property following a natural disaster or declared state of emergency: six month duration; replacement with in-kind reconstruction or an approved certificate of appropriateness	X	
98	Emergency restoration or maintenance of any existing Above-Ground Utility Structure following a natural disaster or declared state of emergency, as long as repair results in substantially the same exterior appearance and location as before the disaster or emergency	X	
99	Work Items not listed here for which a clear citation can be made for conformance with the historic development standards	X	

	TYPE OF WORK	STAFF REVIEW (minor work)	COA COMMITTEE (major work)
100	Work Items not listed here that are deemed by staff to be substantial in nature, precedent setting, not addressed by the historic development standards, or not in conformance with the standards		X
101	Installation of Solar collectors in locations not prominently visible from the street	X	
102	Installation of Solar collectors in locations prominently visible from the street		X
103	Installation of EV charging stations	X	

XI. PRELIMINARY SUBDIVISIONS

Per UDO Sec. 10.2.5.G in Historic Overlay Districts and for designated Raleigh Historic Landmarks, RHDC hears preliminary subdivision plans in a quasi-judicial evidentiary hearing. Notice shall be in accordance with UDO Sec. 10.2.1. Evidentiary hearings will follow UDO Sections 10.2.15 and 10.2.1 and N.C. Gen. Stat. § 160D-406.

XII. AMENDMENTS

The Rules of Procedure for the Commission may be adopted by an affirmative vote of the majority of the Commission membership. Additionally, all amendments must be presented in writing at a regular or special meeting preceding the meeting at which the vote is taken.

Adopted 06/20/2023

Approved by City Council 07/05/2023