

CITY OF GAITHERSBURG
HISTORIC DISTRICT COMMISSION

**RULES
OF
PROCEDURE**

JUNE 1996

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Prepared by
Planning and Code Administration
June 1996

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Historic District Commission

A. PURPOSE

To establish procedures for organizing the business of the Gaithersburg Historic District Commission, hereafter referred to as HDC, including the processing of applications for historic designation of sites, resources, or districts, and for Certificates of Approval and Tax Credit Eligibility.

B. GENERAL RULES

The HDC shall be governed by the terms of the Historic Preservation Ordinance, as contained in the Gaithersburg City Code, Article XII, Section 24-223 through 233, and by Article 66B, Section 8.01 et seq., of the Annotated Code of the State of Maryland. For procedures not covered by these rules, the HDC shall follow the current edition of Robert's Rules of Order.

C. MEMBERS, OFFICERS AND DUTIES

The HDC shall be composed of six regular members, a majority of which members shall be residents of the City of Gaithersburg. The terms of appointment of members are three years in length, established by the Historic Preservation Ordinance. The requirement for commission membership in Article 66B Section 8.03 MD. CODE ANN., under the category of demonstrated special interest, may be satisfied by prior service on the City Council, City Planning Commission, Board of Appeals, Historic Preservation Advisory Committee, or citizen organization involved in historic preservation matters, or by formal training or practical experience in one or more of the fields listed in Section 8.03.

1. **Chairman.** A Chairman shall be elected annually by the members of the HDC. The Chairman shall preside at all meetings, and decide all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the HDC in session at the time. The Chairman shall appoint any committees found necessary to investigate any matters before the HDC.
2. **Vice Chairman.** A Vice Chairman shall be elected by the HDC 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.
3. **Staff Liaison.** A member of the Planning and Code Administration staff, designated by the Director of Planning and Code Administration, shall serve as staff liaison to the HDC. The staff liaison, subject to the direction of the Chairman of the HDC, shall keep all records, conduct all correspondence of the HDC, and generally supervise the clerical work of the HDC. The staff liaison shall not be eligible to vote upon any matter.
4. **Recording Secretary.** A recording secretary shall take minutes of the meetings, and record and transcribe all public hearings.
5. **Elections.** Election of officers shall be held at the first regular meeting in ~~May~~ *Nov.*
6. **Applications Involving Members.** No HDC member, in an official capacity, shall take part in the hearing, consideration or determination of any case in which the member is a party or has a financial interest or represents a party in any professional capacity. This provision shall not apply to any application or case filed by the City Council or any official of the City on behalf of the City Council or the City government.
7. **Qualification to Vote.** No HDC member shall vote on any matter deciding an application or a request to reconsider unless that member shall have attended the HDC's

previous deliberations on such application, or shall otherwise have reviewed the entire record including any transcript and minutes.

8. **Impartiality Required.** No HDC member shall discuss ex parte any pending application with any parties prior to the HDC's deliberations on such application; provided, however, that members may seek and/or receive information pertaining to the application from any other member of the HDC or its staff prior to the hearing. At the beginning of each public hearing, any HDC member having had prior communication, should disclose such action stating the nature of the exchange.
9. Each member of the HDC shall be as thoroughly familiar with all statutes, laws, preservation criteria, ordinances, and rules of procedure relating to preservation of historic resources and the HDC as time and circumstances permit.
10. The HDC will conduct its meetings in accordance with the open meetings law. Polling opinions for purposes of decision making outside of the public meeting on matters regarding applications is prohibited.
11. All members will abide by the City Code of Ethics.

D. MEETINGS

1. **Regular Meetings.** The HDC shall hold meetings once during each calendar month to entertain matters presented to the HDC. Meetings shall be held in City Hall or at such other place and on such date and at such time as shall be publicly announced. All meetings shall conform to the State Open Meetings Law.
2. **Special Meetings.** Special meetings of the HDC may be called at any time by the Chairman. At least forty-eight hours written notice of the time and place of special meetings shall be given, by the staff liaison or by the Chairman, to each member of the HDC and the general public; provided, that this requirement may be waived by action of a majority of all members.

3. **Cancellation of Meetings.** Whenever there is no business for the HDC, the Chairman may dispense with a regular meeting by giving notice to all the members not less than twenty-four hours prior to the time set for the meeting.
4. **Quorum.** A quorum shall consist of four members of the HDC.
5. **Conduct of Meetings.** Meetings shall be subject to the provisions of the State Open Meetings Law. The order of business at regular meetings shall be as follows: (a) call to order; (b) approval of minutes of previous meeting; (c) public hearings; (d) consent items and courtesy reviews; (e) consideration of other business; (f) updates; and (g) adjournment.

**E. APPLICATION PROCEDURES
FOR HISTORIC AREA WORK PERMITS**

1. **Filing of Application.** An complete application must be filed with the Planning and Code Administration at least nine working days prior to the next meeting of the Historic Preservation Advisory Committee (HPAC), accompanied by sketches, drawings, photographs, specifications, description, house location plat, and any other supporting documentation of the proposed project as required in the application for historic area work permits. No application will be considered completed and subject to public proceedings until all required submissions are entered.
2. **Notice to Neighboring Properties and Other Required Parties.** The staff liaison of Planning and Code Administration shall notify by mail, not less than five days prior to the meeting of the HPAC at which the matter is to be heard, the abutting and confronting property owners and other parties required by law. For larger projects, the staff shall notify property owners within 200 feet of the subject property in addition to those parties required by law.

3. **Courtesy Reviews.** It is the practice of the HDC and HPAC to encourage courtesy reviews prior to submission of formal applications in cases involving new structures or extensive alterations and/or additions to existing structures. The HPAC and/or the HDC may in its discretion meet informally with the applicant or agent at an early stage in the design process to advise them concerning the historic preservation guidelines, the nature of the area where the proposed construction is to take place, and other relevant factors.

During the courtesy review, the HDC, collectively, shall refrain from any indication of approval or disapproval of the proposal, but shall not be barred from a reasonable discussion of the applicant's proposals.

No advice or opinion given, or reported as having been given, in such informal meeting shall be in any way official or binding upon the HDC or the applicant.

4. **Public Hearings.** The HPAC will hold a public hearing on the applications and make recommendations to the HDC. In cases where the HDC deems it necessary, after reviewing HPAC's record and recommendations on an application, may hold an additional public hearing concerning the application. Otherwise, the HDC may decide any matter based upon the record of the HPAC proceedings without additional hearings.
5. **Time for Decision.** The HPAC must forward their recommendation to the HDC in time for a final decision to be made by the HDC within 45 days from receipt of a complete application, except when the time limit has been extended by mutual agreement between the applicant and the HPAC/HDC.
6. **Review Criteria.** The HDC shall review the application and, in doing so, shall apply the review criteria and design guidelines contained in the City Historic District Preservation Ordinance, the Secretary of the Interior's

Standards for Rehabilitation, the Maryland Preservation Commissions Handbook, and Resolution HDC-1-92.

7. **Approved Application.** If the application is approved, the HDC staff liaison shall transmit a Certificate of Approval clearly describing the nature of the approved work. Attached also should be a copy of the minutes of the meetings at which approval was granted and a placard Certificate of Approval to be displayed on the project. A copy of this information shall be forwarded at the same time to the inspections department, which is responsible for the enforcement of the provisions of this ordinance.
8. **Denied Application.** If an application is denied, a copy of the minutes of the meetings and written reasons for denial shall be mailed by the staff liaison to the applicant in a timely manner.
9. If the HDC denies an application for a Certificate of Approval, a new application affecting the same property may be submitted within one year of the denial only if either substantial change is made in plans for the proposed construction, reconstruction, alteration, restoration or moving or other conditions related to the District or surrounding uses have changed substantially.
10. The HDC shall use all reasonable efforts to expedite any concurrent process with the State Preservation Officer, if such a process is desired by the applicant for the purpose of securing both a Certificate of Approval and a Federal Historic Preservation Tax Credit.

F. MODIFICATIONS OF APPLICATIONS

An approved or pending application within the authority of the HDC may be modified by a written request from the applicant. Such a request shall include a description of the proposed change and shall be accompanied by elevations, plans or sketches, where necessary. If the HDC finds that the modification constitutes a substantial change, which might affect surrounding property

owners, it shall notify affected property owners following the procedures set out in Paragraph F before taking action on the modification. The HDC shall thereupon treat the request in the same manner as any other application.

G. VOTE

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

If a motion ties, Robert's Rules of Order will dictate results.

H. CONDITIONAL APPROVAL

The HDC may affix or establish necessary conditions to its approval of any matter to come before the commission.

I. RECONSIDERATION OR RESCISSION OF DECISIONS

The HDC may reconsider, rescind, or rehear matters on its own motion or upon the request of the applicant or any party of record. Procedures for the same shall be as provided in Robert's Rules of Order.

J. APPEALS

Appeals from the actions of the HDC on applications for issuance of Certificates of Approval and Tax Credit Eligibility shall be made as provided by law.

K. AMENDMENTS

These rules may, within the limits allowed by law, be amended at any time by an affirmative vote of not less than a simple majority of the members of the HDC, 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 City of Gaithersburg Historic District Commission the
3rd day of June, 1996.


Chairman