

EMILY KIMBROUGH
NEIGHBORHOOD DEVELOPMENT COMMITTEE

BYLAWS

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Article I. Name

The organization shall be known as the Emily Kimbrough Neighborhood Development Committee (hereinafter referred to as "Committee" or "EKNDC" or "NDC").

Article II. Authority

In accordance with Title III, Division 7, Section 34.102G, (G) of the Muncie City Administrative Code, the Muncie Historic Preservation and Redevelopment Commission (MHPRC or Commission) shall aid, assist, and encourage the formation of neighborhood development committees. These committees will advise the Commission in matters relating to the preservation and rehabilitation or restoration of the neighborhood where members of the committee live or hold property. (Ord. No. 239-76, 12-6-76; amend. Ord. No. 656-80, 5-4-81; amend Ord. No. 117-83, 12-19-83; amend. Ord. No. 66-89, 95-89; amend. Ord. No. 10-91, 6-3-91)

Independent of this authority the EKNDC is established as a democratic voice for the Emily Kimbrough Historic District and concerned with all matters of community development affecting that District.

Article III. Avoidance of Conflict

Provisions of the Bylaws shall not be in conflict with the ordinance and by-laws of the Muncie Historic Preservation and Redevelopment Commission (hereinafter referred to as "Commission" or "MHPRC"), nor with the United State's Secretary of the Interior's regulations governing local historic districts.

Article IV. Purpose

Section 4.01 The EKNDC shall act in accordance with the following purposes of historic preservation and neighborhood redevelopment:

- a. Historic preservation is a strategic factor in community development. Otherwise, the pursuit of preservation can detract from investment in the neighborhood. The object is to spur historically appropriate investment for the purpose of community development.
- b. Another strategic factor are public improvements and programs to spur investment and as an amenity to community living.
- c. Properties that lay fallow deserve attention as do properties that are being improved. These defunct or abandoned properties may present a present danger to public health and safety, as well as historic preservation and community development.
- d. Accordingly, the EKNDC must act in a manner consistent with the to-be-adopted Community Development Plan as that pertains to the downtown (defined as zip code 47305) and any other adopted community development plans.
- e. Both the district and its properties present an economy with distinguishing stages: from deterioration and disinvestment (loss or stagnation in value) to improvements

and property appreciation to an economy that treats properties as investment commodities. Preservation and redevelopment strategies must recognize this, and at each stage the improvements ought to be cost effective; that is, justified by the value added. As the sole source collateral, if an improvement cannot be underwritten in a conventional finance then requiring it ought to be reconsidered. Early stages of redevelopment may call for mitigation in the attendant costs and/ or the provision of subsidies, and even the deferment of full historic restoration.

- f. As per a survey of properties with degrees of historic and/ or architectural merit, there may emerge the highest classification of merit in "landmark properties" and so identified by the EKNDC. There are particular protections that apply to such landmark properties as further explicated in this section.
- g. In all matters the EKNDC must assist property owners and developers, and avoid the role of antagonist. Likewise, property owners and developers should act similarly and with respect for the Committee's work. This calls for inventiveness, reasonableness and friendliness. While no significant architectural feature of a property should be destroyed, properties and the neighborhood must be saved. Cooperation is a keystone of this endeavor.

Article V. Powers and Duties

Section 5.01 The EKNDC shall have the following powers and duties:

- a. Elect an initial set of Committee officers by democratic process as prescribed herein.
- b. Adopt and thereafter amend bylaws for carrying out the powers and duties set forth in this section.
- c. Survey the District for historic landmark properties and so identify
- d. Formulation, officer approval and Committee adoption of Historic Preservation and Redevelopment Guidelines (hereinafter "Guidelines"; refer to subsection on Guidelines below) for the District
- e. Further recommend District-specific Historic Preservation and Redevelopment Guidelines consistent with the "Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" and forward to the Commission for adoption. Periodically review Guidelines and propose amendments and changes thereto as conditions warrant. Publish guidelines and make them available to District constituents.
- f. Upon completion of the above responsibilities, so petition, with documentation as to qualifications, the Muncie Historic Preservation and Redevelopment Commission for recognition as a Neighborhood Development Committee; and once recognized:
- g. Conduct regular public meetings in accordance with its bylaws and submit minutes thereof to the Commission.-
- h. Provide assistance to property owners in interpretation of the Guidelines and preparation of Applications for Certificate of Appropriateness.
- i. Provide initial review of all Applications for Certificate of Appropriateness within the District, as so required under the Commission's by-laws. Determine appropriateness

of proposed work in accordance with the adopted District Guidelines or, where Guidelines have not been adopted or are silent on the proposed work, in accordance with "Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings." Forward recommendations for approval, denial, and/or conditions to the Commission.

- j. When requested by the applicant, a member of the EKNDC shall attend the Commission meeting to represent an applicants COA application and advocate for the NDC's recommendation.
- k. Identify violations of the Ordinance within the District and report same to the Commission. Assist property owners in rectifying violations. Make recommendation to the Commission regarding all reported violations. Assist the Commission in enforcement of the Ordinance when required.
- l. Assist the Commission in its duty to promote public interest in historic preservation. Assist the Commission in developing and carrying out public relations and community education programs.
- m. Review and make recommendations for any proposal to modify the District by adding properties or for the dissolution of the District by petition of its property owners
- n. Review and recommendations on City or other governmental plans impacting on the District; conduct neighborhood development planning for the District
- o. Serve as the review board of initial referral by the MHRPC, and as a recommending body to the MHRPC, and thereafter to the City's Historic Preservation Officers (hereinafter "HPO") and other City agencies and officials.
- p. Promote public interest in historic preservation by initiating and carrying on a public relations and community education program.
- q. Otherwise, advise and assist owners of historic landmarks in the preservation of those landmarks.
- r. Perform any other work as appropriate that promotes the community development, historic preservation and redevelopment objectives of the District, including the following:
 - i. Assist the Commission in preparation of an historic preservation plan as it pertains to the NDC's district. The plan shall include maps, surveys, studies, and recommendations for the district.
 - ii. Survey the District and identify historic landmark properties. Assist property owners in obtaining local landmark designation.
 - iii. Propose additional blocks or properties for inclusion in the district. Assist property owners in preparation of petitions and support or oppose additions, where appropriate, to the District before City Council.
 - iv. Identify technical and financial resources available to District property owners. Provide assistance to develop appropriate, cost-effective strategies for each property.
 - v. Identify abandoned, vacant, and neglected properties within the district. Develop strategies for rehabilitation of such properties. Assist owners of such properties and government agencies in redevelopment of these properties.

- vi. Attend¹ to properties in need of redevelopment but laying fallow
 - vii. Attend to properties proposing restoration/ redevelopment
 - viii. Attend to public properties, such as right-of-ways, parks and public facilities instrumental in community development
 - ix. Attend to property maintenance standards as presented in the Guidelines for the District
 - x. Provide technical assistance and advocacy as to a cost-effective strategy for each property
 - xi. Provide technical assistance and advocacy as to the means to finance the aforementioned strategy, inclusive of tax, expenditure and regulatory instruments
- s. In all the aforementioned tasks to utilize the personnel and resources of the Office of Community Development with the approval of the director of the Office of Community Development and the personnel and resources of the College of Architecture and Planning of Ball State University as they are made available.

Article VI. Membership

Section 6.01 Membership in the EKNDC shall be constituted, as follows:

- a. Every resident or property owner within the District shall be entitled to membership with one vote.
- b. Proof of residency or ownership may be assumed by a sign-in/ address sheet at a meeting of the Committee or documented by a variety of public or private records (tax, deed, lease, utility bill, etc.)

Article VII. Officers

Section 7.01 General Procedures

- (a) At the annual meeting the Membership shall elect by democratic vote the following seven (7) voting officers who shall carry out the duties and powers of the Committee.
- (b) There may be non-voting, of-officio officers.

Section 7.02 Composition

- (a) The officers are classified:
 - 1. Expert Officers
 - a. One (1) expert in historic preservation
 - b. One (1) expert in community development economics and housing rehabilitation finance
 - c. One (1) expert in building inspection, construction and repair

¹ Attend to herein means to make periodic determinations of problems and effective solutions thereof.

- d. Should a good faith effort result in one or more of the above experts not participating as an officer of the Committee, then, as appropriate, the Committee shall be filled with a Constituent Officer or Officers and the Committee shall then be obliged to consult on an ad hoc basis with the appropriate expert(s).
2. Four (4) Constituent Officers , of which at least three must own property and up to one may rent property; the owners need not be residents of EKHD; the Committee may also elect up to four (4) Alternate Constituent Officers who shall serve in the absence of a Constituent Officer and in the manner of alphabetical (surname) rotation.
3. A staff member designated by the mayor as the historic preservation officer (HPO), who is knowledgeable in the field of historic preservation. Such HPO will serve as a nonvoting (Ex Officio) officer of the Committee.
4. Option for one (1) or more other Ex Officio officer(s) as appointed by Common Council or the Mayor.
5. An officer of the Committee may be a member of the MHPRC or another NDC

Section 7.03 Terms of Officers

- (a) The term of EKNDC Officers shall be three years
- (b) Officers shall be limited to two consecutive three-year terms plus a staggered term of less than three years. There may be multiple non-consecutive terms and double terms.
- (c) Staggered Initial Terms:
 - 1) *One Ex Officio officer at one year initial term*
 - 2) *Three Expert officers at one, two and three year initial terms and designations:*
 - a) One (1) expert in historic preservation at one (1) year
 - b) One (1) expert in community development economics and housing rehabilitation finance at two (2) years
 - c) One (1) expert in building inspection, construction and repair at three (3) years
 - 3) *Two Constituent officers and up to two Alternates at two year initial term and designations at the discretion of the membership*
 - 4) *Two Constituent officers and up to two Alternates at three year initial term and designations at the discretion of the membership*

Section 7.04 Vacancies

- (a) Upon resignation or incapacity of an officer of the Committee, the remaining officers shall nominate and elect a replacement for the residual term, and do so within ninety (90) days.
- (b) Upon the expiration of the terms of each officer affected by resignation that officer shall

continue to serve until a replacement shall be appointed by the Committee.

Section 7.05 *Nominations and Election of Officers*

- (a) Nominees for each officer shall be made from the floor at the annual meeting of the EKNDC; nominees may be announced in advance of the meeting as well
- (b) A nomination may be made by one member
- (c) Each nominee, or if absent a surrogate for the nominee, shall recite the nominee's interest and qualification for the specified position; members may then question the nominee and discuss the nominees
- (d) Election shall be by majority vote; if a majority is not evident upon the first ballot, then a run-off election shall immediately ensue with those nominees demonstrating the highest plurality
- (e) Voting method shall be determined at the meeting by a show of hands, and among the methods are by voice, hands, written ballot.
- (f) Written proxy votes by members may be accepted if nominees are known in advance of the meeting.
- (g) Nominations and Election of Executive Officers
 - 1. **Executive Officers:** The executive officers of the Committee shall be Chairperson, Vice-Chairperson, and Secretary-Treasurer. These executive officers shall comprise the Executive Council of the Committee.
 - 2. **Election:** The Chairperson, Vice-Chairperson, and Secretary-Treasurer shall be elected at the last regular meeting of the calendar year and shall take office May 1. They shall serve for one year.
 - 3. **Duties:** The duties of the members of the Executive Council shall be as follows:
 - a. **Chairperson:** The Chairperson shall (a) preside over meetings of the Committee, (b) appoint members to subcommittees and designate the chairperson of each subcommittee established under Article 7, (c) discharge all duties which devolve upon a presiding officer, and (d) perform such other duties as these Bylaws or the Committee, by resolution, prescribe.
 - b. **Vice-Chairperson:** The Vice-Chairperson shall perform the duties incumbent upon the Chairperson during the Chairperson's absence and such other duties as these Bylaws or the Committee, by resolution, prescribe.
 - c. **Secretary:** The Secretary shall (a) prepare and maintain agendas and minutes for all meetings of the Committee and its subcommittees, (b) maintain a Certificate of Appropriateness file for each locally designated landmark or property, (c) forward copies of agendas and minutes to the Historic Preservation Officer as Secretary of the MHPRC, and (d) perform such other duties as these Bylaws or the Committee, by resolution, prescribe.

Section 7.06 *Powers & Duties Delegated*

- (a) Review at Annual Meeting

All of the powers and duties accorded under Article V shall be delegated to the Officers upon their installation, subject to an annual review of certain powers and duties, as

specified as the By-Laws, Plan, and Guidelines. At the annual meeting the Officers shall describe and provide the rationale for amending the aforementioned documents, and the Committee may “floor challenge” any amendment with a resolution to re-amend.

Article VIII. Procedures

Section 8.01 Meetings

- (a) **Regular Meetings:** The Committee's regular monthly meeting shall be at the Fellowship Hall of the Methodist Church on South Pershing Street, Muncie, Indiana, on the third Monday of each month at 6:00 p.m. unless otherwise determined by resolution of the Committee. The logistics of this meeting prescription is to occur three days prior to the Thursday meeting of the Commission. By arrangement, in the Commission's legal notice and advertisement of its meetings the Committee's meetings also shall be noted.
- (b) **Special Meetings:** Special meetings may be called by the Chairperson or three (3) members of the Committee by giving at least forty-eight (48) hours notice to each member and the local media.
- (c) **Quorum:** A quorum shall consist of four voting officers of the Committee, or a majority of those serving.
- (d) **Action:** Action shall be taken by the Committee when a motion or resolution is passed by a majority of a quorum.
- (e) **Chairperson Voting:** The Chairperson shall vote on all motions, resolutions, or other matters that are put to a vote.
- (f) **Voting:** An officer may vote by attendance at the meeting or by written proxy delivered to the Chairperson
- (g) **Rules of Procedure:** Either civility or Roberts Rules of Order shall govern the procedures of the Committee and its subcommittees.
- (h) **Order of Business:** The order of business at any regular or special meeting of the Committee, unless otherwise directed by the Chairperson or provided by resolution of the Committee, shall be as follows:
 - (1) Call to Order
 - (2) Approval of Minutes
 - (3) Announcements
 - (4) Certificate(s) of Appropriateness Applications
 - (5) Subcommittee Reports
 - (6) Unfinished Business
 - (7) New Business
 - (8) Privilege of the Floor
 - (9) Adjournment

Section 8.02 Subcommittees

- (a) Subcommittees may be established by resolution of the Committee to serve at the pleasure of the Committee. The Chairperson may establish subcommittees between regular Committee meetings to act upon urgent matters and report at the following

regular meeting of the Committee. Such subcommittees established by the Chairperson may continue if authorized by resolution of the Committee.

- (b) The Chairperson shall appoint members to subcommittees and designate the chairperson of each subcommittee.

Article IX. Conflict of Interest

Section 9.01 Defined

- (a) A member of the Committee is considered to have a conflict of interest with respect to any matter being considered by the Committee if any of the following has a personal or financial interest in such matter:
 - (b) The officer, his/her spouse, his/her minor child, or partner; or
 - (c) A for-profit organization in which the officer is serving as an officer, director, trustee, partner, or employee; or
 - (d) A nonprofit organization in which the officer received greater than \$10,000 per year of any year over the past three years in fees for services rendered
 - (e) Any person or organization with which the officer is negotiating or has any arrangement concerning prospective employment.
 - (f) Each officer, in order to protect him/herself and the Committee from allegations of a conflict of interest or favoritism, must take individual responsibility for evaluating his/her personal or financial interest (or that of his/her family or partner) in any matter being considered by the Committee.

Section 9.02 Action upon a Determination

- (a) Prior to consideration of any matter being considered by the Committee, an officer with a conflict must physically move from his/her chair so that he/she will not participate in the Committee's deliberation or vote.

Section 9.03 Gifts

- (a) No officer shall accept or receive a gift or gratuity of property of any kind which in any way, directly or indirectly, relates to officership on the Committee.

Article X. Designation Procedures

Section 10.01 Local Landmarks

- (a) Owner(s) wishing to establish a local landmark within the District may petition the Committee according to the following rules:
- (b) The owner(s) must be the fee simple (deeded) owner(s) of the property proposed to be a landmark.
- (c) The subject property must be a building, site, structure, object or other single property listed as, or determined eligible to be designated as, a contributing element on the District's nomination to the National Register of Historic Places to be designated as a local historic landmark.
- (d) The owner(s) must give adequate justification for seeking designation as a landmark. The property must be listed on or determined eligible for listing on the National Register of Historic Places (either individually or as part of a district).
- (e) The owner(s) seeking local landmark designation must present to the Committee a petition which shall include the following information:
 - (i) Street address of the property to be designated,
 - (ii) Legal description of the property and Sidwell number, and
 - (iii) Name and signature(s) of the owner(s) and their address (es).
- (iv) This information may be obtained from the Center Township Assessor's Office located in the Delaware County Building. The Muncie Historic Preservation Officer, at the direction of the Committee, may assist property owners in gathering this information.
- (f) After consideration, the Committee may recommend to the Commission the filing of an ordinance with the City Clerk for the proposed landmark's designation by the Common Council of the City of Muncie. If the ordinance is approved, it shall be recorded in the Delaware County Recorder's Office, at the expense of the Commission.

Section 10.02 Local Landmark Designation Without Owners Consent

- (a) As defined by the National Register; a building, site, structure, object or other single property listed on or determined eligible for listing on the National Register of Historic Places may be designated as a local historic landmark without owner consent by an ordinance introduced by a member of the common Council and approved by a majority of the Common Council.
- (b) After consideration and determination that the property is designated as a Contributing element on the National Register nomination for the district or is eligible to be so designated, and pursuant to the Administrative Code of the City, the Committee may recommend to the Commission to draft and file an ordinance with the City Clerk for the proposed landmark's designation by the Common Council of the City of Muncie. The owner must be notified via certified mail of the introduction of the ordinance. The notification must be mailed on or before the filing deadline for the City Council meeting at which the ordinance will be introduced.

- (c) If the ordinance is approved, it shall be recorded in the Delaware County Recorder's Office, at the expense of the Commission.

Section 10.03 Additions to the Historic District

- (a) Owners wishing to add their property to the Emily Kimbrough Historic District may petition the Committee according to the following rules:
- (b) The owners must be the fee simple (deeded) owners of property within the proposed District addition area.
- (c) The owners must give adequate justification for seeking addition into the District. The proposed addition area must be within the boundaries of the Emily Kimbrough Historic District as listed on the National Register of Historic Places and must be contiguous with the existing boundaries of the local district.
- (d) The owners must present to the Committee the following information about all properties located within the proposed District addition area:
 - (i) Street addresses, and
 - (ii) Owner(s) of each property in the proposed addition area and their mailing addresses.
 - (iii) This information may be obtained from the Center Township Assessor's Office located in the Delaware County Building. The Muncie Historic Preservation Officer, at the direction of the Committee, may assist property owners in gathering this information.
- (e) The Committee shall develop in accord with the Commission a procedure for verification of signatures on the petition submitted for local historic district annexation
- (f) The Committee shall oppose, revise or recommend to the Commission for review the drafting and filing of an ordinance and its further referral to the City Clerk for the proposed district added area's designation by the Common Council of the City of Muncie. Such ordinance shall include a scale drawing and legal description of the area, the names and addresses of all owners of real estate within the proposed district, and a petition signed by those property owners in favor of designation.
- (g) If passed by the Common Council, the ordinance shall be recorded in the Delaware County Recorder's Office, at the expense of the Commission.
- (h) The Committee shall apply the adopted District Guidelines to this added area.

Section 10.04 Dissolution of the Emily Kimbrough Historic District

- (a) Owners of property located in an established local historic district may petition the Common Council to dissolve the existing district accordingly:
- (b) The owners must be the fee simple (deeded) owners of property within the proposed district.
- (c) The owners must present to the Committee on initial review and thereafter to the Commission the following information about all properties located within the boundaries of the local historic district proposed for dissolution:
 - (i) Street addresses, and
 - (ii) Owner(s) of each property and their mailing addresses
 - (iii) List of property owners in the district that did not sign the dissolution petition and

their mailing addresses.

- (iv) This information may be obtained from the Center Township Assessor's Office located in the Delaware County Building.
- (d) The dissolution ordinance must include a scale drawing and legal description of the district proposed for dissolution, the names and addresses of all owners of real estate within the existing district, and a petition signed by those property owners in favor of the dissolution.
- (e) If passed by the Common Council, the ordinance shall be recorded in the Delaware County Recorder's Office, at the expense of the Petitioners.

Article XI. Certificates of Appropriateness

Section 11.01 Certificate of Appropriateness Application Deadlines

- (a) Certificate of Appropriateness Applications for properties located in the District are due in the Office of Community Development by the close of business (4PM) on the Friday prior to the Committee's Monday meeting and also the Commission's Thursday meeting.

Section 11.02 Consideration of Certificate of Appropriateness Applications by the Committee

- (a) A. The Committee may table an application for a specified amount of time with the owner's consent.
- (b) B. Applications that have not been approved, approved with conditions, denied, or tabled with owners consent will be considered to receive a recommendation for approval if no action has been taken within 45 days.

Section 11.03 Conditions to be met by Applicants

- (a) The following documentation is required in order to apply for a certificate of appropriateness. Incomplete Certificate of Appropriateness Applications will not be accepted for consideration.**
 - (i) Rehabilitation of an Existing Structure and Major Landscaping:
 - 1. Photographs and written statement indicating existing condition.
 - 2. Description, brochure and/or samples of materials to be used.
 - 3. For a substantial rehabilitation project, applicants must also supply site plans, elevations, floor plans, and additional supporting materials necessary for the Commission to make a decision.

(ii) Demolition:

Note: Items #1 through #3 are not required if the structure for which demolition is proposed is classified as "non-contributing."

1. Photographs indicating existing condition.
2. Structural report prepared by an architect or engineer.
3. Appraisal prepared by a qualified appraiser.
4. Detailed plan for site after demolition.

(iii) New Construction:

1. Site plan indicating existing structures, driveways, major landscaping, and location of proposed new buildings, driveways, and landscaping.
2. Photographs showing a view of the street with the building site and adjacent properties.
3. Elevations of proposed new building.
4. Description and/or samples of materials to be used.
5. Any additional supporting materials necessary for the Committee to make a decision.

(b) Items Not Requiring Certificates of Appropriateness.

A Certificate is not required for the following:

- (i) Replacement of foliage with a full growth height of up to four (4) feet.
- (ii) Landscape maintenance, pruning, or replacement of foliage with plants of similar type and size.
- (iii) Removal of trees on private property smaller than eight (8) inches in diameter for shade and evergreen trees and four (4) inches in diameter for ornamental trees.
- (iv) Repair or replacement of existing sidewalks, driveways, and steps not attached to a building.
- (v) Normal maintenance of the property.
- (vi) The removal of inappropriate fences: Note: Chain-link, board and batten, basket weave, louver, split rail, and stockade, cannot be replaced once they are removed.
- (vii) The installation of a single, wall mounted mailbox near the main entrance on the front of the structure.

(c) Approval is not required for the following roofs and gutter repairs and maintenance:

- (i) Repair of storm damaged roof areas if the new surface matches the existing surface.
 - (ii) Replacement of up to fifty percent (50%) of deteriorated roof shingles on any roof surface if new shingles match existing roof shingles.
 - (iii) Repair or reroofing of any flat roof provided it is not visible from the ground and its shape is not altered.
 - (iv) Repair or relining of built-in gutters provided that no portion of the gutter which is visible from the ground is altered.
 - (v) Replacement of deteriorated portions of existing gutters if the new portions match those removed.
 - (vi) Replacement or installation of mechanical equipment, skylights, or vents on a flat roof provided the new element is not visible from the ground.
- (d) A Certificate of Appropriateness is not required to paint a structure when colors are not being changed.**

Section 11.04 Conditional Approval of Certificate of Appropriateness Applications.

- (a) The Committee may recommend approval of a Certificate of Appropriateness Application with conditions. If approved by the Commission, the conditions must be met when the work is performed or the work will be considered to have been completed without an approved Certificate of Appropriateness Application. If the owner does not agree with the conditions imposed a new COA application should be submitted for consideration by the Committee.

Section 11.05 Certificate of Appropriateness Applications submitted for approval after work has started or after work has been completed (ex post facto)

- (a) A property owner that has made changes without an approved Certificate of Appropriateness application can submit an application to the Committee seeking approval of the change. If the application receives a favorable recommendation by the Committee and is approved by the Commission, no further action is necessary.
- (b) If the application is denied or disapproved the applicant may reapply under the provisions outlined in section "Reconsideration of a Denied Certificate of Appropriateness" within a period of time specified by the Committee.
- (c) *Ex post facto* COAs will be judged by the Committee as if the work has not been done.
- (d) Failure of an owner to obtain an approval for work installed without an approved Certificate of Appropriateness Application will result in the matter being referred to the Commission as a violation of the historic preservation ordinance and thereafter to Circuit Court.

Section 11.06 Reconsideration of Denied Certificate of Appropriateness Applications.

- (a) The chair will entertain a motion from an officer of the Committee that the applicant be allowed to present evidence in support of the request for reconsideration. Such evidence shall be limited to that which is necessary to enable the Committee to

determine whether or not there has been a substantial change in the facts, evidence or conditions relating to the application. 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. If the commission finds there has not been a substantial change the application will not be reconsidered.

- (b) At the Committee's discretion, a special public hearing may be called, with adequate notice provided to all constituents of the District, to hear an appeal and for the Committee to gain an understanding of constituent views in interpreting the Guidelines. Further, such a public hearing may be conducted prior to and in anticipation of a denial of a COA, and with a suspension of the rules as to time period for action on a COA. In each case the public hearing is with the written consent of the applicant.

Article XII. Commission Actions

Section 12.01 Advocacy

- (a) The Committee in making its recommendations on additions to the district, Certificates of Appropriateness, and on all matters affecting the District shall forward its recommendations to the HPO and Commission at least two (2) days in advance of the next Commission meeting. The Committee shall be represented at the Commission meeting where action is scheduled on the subject matter by the HPO, as an ex officio officer of the Committee, and at least one other officer of the Committee.

Section 12.02 Appeal

- (a) In the event that the Commission takes action at variance with the Committee's recommendation the Committee may appeal, utilizing any or all of the following methods:
 - (i) Negotiation with the Commission
 - a) In the case of a demure review the Committee shall request a specified challenge to the Commission, indicating the requisite clarification or rationale regarding the EKNDC's recommendations.
 - b) In all cases but approval the *Committee shall request of the Commission to issue to both the applicant and the EKNDC its reasons as documented*
 - c) Should a negotiated conclusion to a demure or a proposed modification not ensue between the Commission and the EKNDC, or in the case of a reversal, the EKNDC has the right to appeal under law.

Article XIII. Changes to these Bylaws

Section 13.01 Super Majority

- (a) These Bylaws may be altered, amended, repealed, supplemented, or superseded by a

two-thirds majority vote of the Committee.

Section 13.02 Notice

- (a) Officers shall be provided with a copy of the proposed change(s) at least two (2) days prior to their introduction.

Section 13.03 Action

- (a) Any proposed change(s) shall be introduced at one regular meeting and acted upon at the next regular meeting. Introduction and action may occur, however, at special meetings scheduled not less than twenty-four (24) hours apart and with at least two (2) days notice to each officer.
- (b) All changes to these Bylaws shall be forwarded to the Commission through its Secretary, the Historic Preservation Officer.

Adopted: June 24, 2007