

Historic District Commission Rules of Procedure

1.0 Purpose

To establish procedures for organizing the business of the Hillsborough Historic District Commission, hereafter termed “Commission”, and processing applications for Certificate of Appropriateness for (1) Changes in the exterior appearance of existing structures and/or streetscapes: (2) the design of new structures and additions to existing structures: and (3) for demolition of existing structures within the Hillsborough Historic District, hereafter called “District”

2.0 General Rules

The Commission shall be governed by the terms of the Hillsborough Zoning Ordinance and by the terms of G.S. 160A-400.1 through 160A-400.14, as they may be amended or revised. For procedures not covered by these rules, the Commission shall follow the rules contained in the current edition of Robert’s Rules of Order.

3.0 Jurisdiction

The Commission’s jurisdiction for requiring Certificates of Appropriateness is mandated by the Town of Hillsborough Historic District Section of the Hillsborough Zoning Ordinance and is delineated on the map adopted as part of the Hillsborough Zoning Ordinance.

4.0 Members, Officers, and Duties

The Commission shall be composed of seven members, whose terms of office are set by the Hillsborough Board of Commissioners

- 4.1 *Chairman.* A chairman shall be elected by the members of the Historic District Commission. The chairman shall decide all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the Commission in session at a time. The chairman shall appoint any committees found necessary to investigate any matters before the Commission.
- 4.2 *Vice-Chairman.* A vice-chairman shall be elected by the Commission 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. Should both the chairman and the vice-chairman be absent, any member may serve as chairman with the consent of those members present.

- 4.3 *Secretary.* A member of the staff designated by the Hillsborough Board of Commissioners or the Zoning Officer shall serve as secretary to the Commission. The secretary, subject to the direction of the chairman of the Commission, shall keep records, conduct all correspondence of the Commission, and generally supervise the clerical work of the Commission. The secretary shall not be eligible to vote upon any matter.
- 4.4 *Elections.* Election of officers shall be held at the first regular meeting in October. The secretary shall make the election of officers a standing agenda item for the first regular meeting in October. The Secretary shall assume the chair for the purpose of administering the election of the chair. The Secretary shall open the floor to nominations for the chair by Board members. Nominees must be present at the organizational meeting in order to be eligible for nomination. The Secretary shall then entertain a motion to close the floor to nominations. After the motion has been seconded, but before the Board acts on the motion, any nominee may decline a nomination. Election of the chair shall be by roll call vote. A majority of the quorum of the Board present at the organizational meeting shall be required for election of the chair. Once a chair has been elected, the newly elected chair of the Board shall assume the duties of the chair and shall proceed immediately to the election of the vice chair. The election of the vice chair shall follow the same procedure as set forth above for the election of the chair.
- 4.5 *Attendance at meetings.* 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. Should a member fail to attend three consecutive regular meetings of the Commission, and should there be no adequate excuses for such absences, the chairman, with the concurrence of the majority of the entire Commission, shall notify the Board of Commissioners of a vacancy on the Commission and request that it be filled. Excused absences shall include but are not limited to: personal or family illness, death in the family, work related, and other leaves of absence provided reasonable notice is given to the Secretary. The secretary shall notify any member absent from three consecutive meetings of this requirement prior to the next regular meeting.
- 4.6 *Applications involving a member.* No Commission member shall take part in the hearing, consideration, or determination of any case in which he or she is a party or has a financial interest.
- 4.7 *Qualification to vote.* No Commission member shall vote on any matter deciding an application or a request to reconsider unless that member shall have attended the Commission's previous deliberations on such application,

or shall have read the minutes of the meetings at which the application was discussed.

- 4.8 *General Knowledge.* Each member of the Commission shall be thoroughly familiar with all statutes, laws, ordinances, and rules of procedure relating to the District and the Commission as time and circumstance permit.
- 4.9 *Vote.* The majority of those members present or a concurring vote of at least three (3) members of the Board, if only 5 or less members are present, shall be necessary in order to decide in favor of the applicant or any matter upon which it is required to pass by this Ordinance. A tie vote on the Findings of Fact does not halt procedure deliberation on an application. A tie vote on a Motion does not constitute a majority of the board members present and therefore the Motion fails.

5.0 Meetings

- 5.1 *Regular meetings.* Regular meetings of the Commission shall be held on the first Wednesday of each month at 7:00pm at the town Hall; provided, that meetings may be held at some other convenient place if directed by the chairman and posted at the scheduled meeting place.
- 5.2 *Special meetings.* Special meetings of the Commission may be called at any time by the chairman. At least 48 hours notice of time and place of special meetings shall be given by the secretary or chairman to each member of the Commission; provided that this requirement may be waived by action of a majority of all members.
- 5.3 *Cancellation of meetings.* Whenever there is no business for the Commission, the secretary may dispense with a regular meeting by the giving of notice to all members not less than 24 hours prior to the time set for the meetings.
- 5.4 *Quorum.* A quorum of the Commission, necessary to conduct any business shall consist of four (4) members.
- 5.5 *Conduct of meetings.* All meetings shall be open to the public. The order of business for regular meetings shall be as follows: (1) Roll call; (2) additions to the agenda; (3) approval of minutes of previous meetings; (4) swearing in of witnesses; (5) consideration of applications; (6) report of committees; (7) unfinished business; (8) information and discussion; (9) adjournment.

6.0 Application Procedures

- 6.1 *Filing of Application.* A complete application must be filed with the secretary on forms provided at least 10 working days prior to the next

meeting of the Commission, accompanied by all submittal requirements as deemed necessary by the staff, including but not limited to site plans, elevations, a narrative, and an exterior materials list. The application must comply with the requirements of the Hillsborough Zoning Ordinance. Applications shall be accompanied by the required fees and supporting information. Review and permits needed from other Boards should be secured before an application is heard by the Commission unless otherwise determined by staff. If the other Board(s) tables an application, the Commission shall table any such application until approval is received. If the permit(s) are denied, the application to the Commission shall be considered withdrawn.

- 6.2 *Notice to Neighboring Property.* The secretary shall notify by mail, not less than seven days prior to the meeting at which the application is to be heard, all of the property owners within 100 feet on all sides of the subject property.
- 6.3 *.Pre-application Meetings* It shall be the policy of the Commission in regard to applications involving extensive new structures or alterations or additions to existing structures that the Commission shall be available to meet with the applicant and or representative at some early stage in the design process in order to advise them informally concerning the Commission's standards and guidelines, the nature of the area where the proposed construction is to take place, and other relevant factors. The Commission, collectively and individually, shall refrain from any indication of approval or disapproval, but shall not, for this reason, be barred from reasonable discussion of the applicant's proposals. No advice or opinion given, or reported as having been given, by any member of the Commission at such informal meeting shall be in any official or binding upon the Commission at any future time. Notice of the need for such a conference shall be given to applicants by the secretary at the earliest possible time. Such conferences may also be requested by the applicant.
- 6.4 *Public Hearing.* In cases where the Commission deems it necessary, it may hold a public hearing concerning an application.
- 6.5 *Decision Timeline.* The Commission must issue or deny a Certificate of Appropriateness within 90 days of the first meeting where the application is reviewed, except when this limit has been extended by written mutual agreement between the applicant and the Commission. Failure of the Commission to decide on an application within 90 days constitutes approval without conditions.
- 6.6 *Approved Application.* If the application is approved, the secretary shall transmit a Certificate of Appropriateness clearly describing the nature of

the work which has been approved within 7 business days from the date of approval.

- 6.7 *Denied application.* If the application is denied, a letter describing the reasons for denial shall be sent to the applicant by the secretary within 7 business days from the date of denial. The minutes of the meeting shall also be made available at the Planning Department.
- 6.8 *Revocation of Certificate of Appropriateness.* The Zoning Officer shall revoke any Certificate of Appropriateness where the project is not completed in the same manner as approved by the Commission. Revocation of a Certificate of Appropriateness constitutes a violation of the Zoning Ordinance and shall be handled as such.

7.0 Consideration of Applications

Any party may appear in person or by agent or attorney at the meeting. All persons addressing the Commission shall be sworn.

The order of business for consideration of applications for Certificates of Appropriateness shall be as follows:

1. The secretary shall give a presentation of the application including all supporting material submitted.
2. The applicant shall present additional information in support of the application.
3. Statements or arguments in favor or in opposition of the application will be entered into the record by sworn testimony.
4. The chairman, or such person as he or she directs shall summarize the evidence which has been presented, giving all parties an opportunity to make objections or corrections.
5. The Commission shall thereafter proceed to deliberate whether to grant the Certificate or deny the application.

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

In considering an application, witnesses may be called and factual evidence may be submitted, but the Commission shall not be limited to considerations of such evidence as would be admissible in a court of law.

8.0 Reconsideration of Applications which have been denied

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

1. The chairman shall entertain a motion from a member of the Commission 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 Commission to determine whether or not there has been a substantial change in the facts, evidence, or conditions relating to the application; provided, however that the applicant shall be given the opportunity to present any other additional supporting evidence, if the Commission decided to reconsider his or her application.
2. After receiving the evidence, the Commission shall proceed to deliberate whether or not there has been a substantial change in the facts, evidence, or conditions relating to the application which would warrant reconsideration. If the Commission finds that there has been such a change, it shall thereupon treat the request as a new application received at that time.
3. Notice of possible reconsideration shall be given to the Secretary in advance of the meeting so that the item can be researched and included in the agenda packet. Notifications required in Section 6.2 shall also be made prior to Commission reconsideration.

9.0 Modifications of Applications

A pending application for a Certificate of Appropriateness may be modified during the Commission's deliberation. Such modifications shall be accompanied by elevations, plans, and sketches where necessary. If the Commission finds that the modification constitutes a substantial change which might affect surrounding property owners, it shall request the Secretary notify affected owners following the procedure set out in Section 6.2 before taking action on the application. The Commission shall thereupon treat the request in the same manner as any other application as outlines in Section 6.0.

An approved Certificate of Appropriateness may be modified upon consultation with the Zoning Officer. If he/she finds that the modification constitutes a substantial change which might affect surrounding property owners, he/she shall request that a new application be made to the Commission. Upon re-application, the project shall be treated in the same manner as any other application as outlines in Section 6.0.

10.0 Extensions and Re-Applications

The Certificate of Appropriateness is valid for a period of twelve months from the date of issuance.

If the work approved by the issuance of a Certificate of Appropriateness has not commenced within twelve months, the Certificate becomes inactive. A new Certificate of Appropriateness may be issued by the Zoning Officer if he/she can determine that there have been no changes to the application or significant changes in the neighborhood or regulations during the past twelve months. If the Zoning Officer cannot make this determination, the applicant shall re-apply for a new Certificate of Appropriateness with notification and review procedures the same as a new application.

If the work approved by the issuance of a Certificate of Appropriateness has not been complete within twelve months, the Certificate expires, and the applicant shall apply for an extension to the original application. This extension may be approved by the Zoning Officer if he/she can determine that there have been no changes to the application or significant changes in the neighborhood or regulations in the past twelve months. If this determination cannot be made, the application will be considered with the standard notification and review procedures by the Commission. This review is to insure that no significant changes have taken place in the neighborhood or regulations in the past twelve months that would make the project unacceptable.

A new Certificate of Appropriateness or extension issued by the Zoning Officer does not require payment of the standard fee.

11.0 Emergency Works

Work that is of an emergency nature may be brought before the Commission without meeting the filing deadline established in Section 6.1. These applications do not require the standard neighbor notifications described in Section 6.2. Instead, the applicant or Zoning Officer must notify the neighboring property owners at least 2 hours before the meeting, either in person or by hand delivered notice. Any application approved under this section will carry approval with conditions that the neighbors do not have significant complaint regarding the work. Neighboring property owners will be allowed the standard seven days to comment on the application.

An emergency work is defined as any repair or reconstruction which must be done before a meeting of the Historic District Commission that would allow the application to comply by the filing deadline AND that is necessary to maintain the long term structural integrity of the structure. This includes, but is not limited to: leaking roof, significant storm damage, and vandalism. The determination of emergency status is the responsibility of the Zoning Officer.

12.0 Certain Actions Exempted

Certain actions of regular maintenance or of a temporary nature are exempted from obtaining a Certificate of Appropriateness. These actions are limited to the following:

- 1) Street, sidewalk and underground utility work which does not change the appearance of the streetscape, such as the replacement of water and sewer lines, replacement of sidewalks, and the replacement and/or installation of standard utility boxes. This exemption is also extended to utility meters for gas, water, electricity, and the like.
- 2) Painting the same color as existing paint, including slight variation in shades of the same base color as determined by the Zoning Officer.
- 3) Replacement of roof or roofing material, if the shape, dimensions, and color are the same as those previously existing, including slight variations in materials and color as determined by the Zoning Officer.
- 4) Temporary signs and flags listed as exempt in Section 8.4 of the Zoning Ordinance.
- 5) One residential occupant sign per lot not exceeding 4 SF with the address, occupant's name, name of the structure, and dates of construction located in the front or side yard outside of the public right-of-way. These signs must be constructed of wood, painted white or painted to match the house and not exceed 3 feet in height.
- 6) Historical markers placed by the Historical Society or the State of North Carolina.
- 7) Play equipment (not exceeding 300 SF in area) and movable play houses (not exceeding 100 SF) when located in the backyard. Setbacks must be met.
- 8) Outside furniture, except public facilities.
- 9) All window mounted HVAC units.
- 10) All minor residential landscaping, which includes but is not limited to maintenance trimming, removal of unhealthy plants, and the creation of new landscaped areas.
- 11) Removal of trees larger than 12" in diameter at 4 ft. above the ground that have been severely damaged or brought down by disease or extreme weather.
- 12) Installation of radio and television antenna, but not towers. Installation of satellite dishes, 20" or less in diameter, not attached to the front of the house and not visible from the public right-of-way.
- 13) Repair/ in kind replacement of awnings, canopies, and shutters.
- 14) Installation/addition/removal of gutters and downspouts.
- 15) Installation of house numbers and mailboxes.
- 16) Alteration/addition/removal of existing patios not visible from the public right-of-way.
- 17) Alteration of flat roof coverings not visible from the public right-of-way.
- 18) Removal of storm windows.

13.0 Action Required on Proposed Minor Works

Work of a minor nature, as set out below, does not require a Certificate of Appropriateness and may be approved by the Zoning Officer if the work is described below and is appropriate to the District. Approved applications for Minor Works shall be recorded and records kept in the Planning Department. Minor Works include:

- 1) Removal of artificial siding when the original wood siding is to be replaced or repaired and painted or stained.
- 2) Installation of foundation vent on side and rear only, soffit and roof vents, gable end vents, replacement of wood access doors, and installation of foundation access doors which cannot be easily seen from the street.
- 3) Installation of mechanical equipment such as heating and air conditioning units which are screened from the public right-of-way (setbacks must be met).
- 4) Fences located behind the front line of the primary structure, made of wood, not taller than 4 feet, and of the picket, post and rail, or split rail style. To qualify as a minor work, fences must also be painted white or stained white.
- 5) Pet enclosures of any non-opaque fencing material that are not attached to the house and are behind the rear line of the house, and enclose less than 25% of the lot.
- 6) New or replacement red brick walkways of a width of 2 feet to 5 feet. Brick is not to be used as a replacement material when the original material is stone, metal, wood or other natural materials. These materials should be replaced in kind.
- 7) New or replacement red brick steps not to exceed 7 risers. Brick is not to be used as a replacement material when the original material is stone, metal, wood or other natural materials. These materials should be replaced in kind.
- 8) New or replacement red brick patios in the back yard not to exceed 600 SF.
- 9) A flag pole (not exceeding 25'), flag pole base (not to exceed 25 SF).
- 10) Replacement of missing, deteriorated, or damages portions of structures, provided there is little change in appearance and dimension, with new materials that are identical or closely similar in color and composition to those previously existing. Extensive repair or replacement of any structure or portion of a structure requires Commission review of the application if the Zoning Officer determines the change in appearance or dimension to be significant. Any replacement of natural materials (wood, brick, stone, etc.) with synthetic materials (aluminum, vinyl, etc.) is reviewed by the Commission.
- 11) Landscaping that does not alter the streetscape. This includes but is not limited to the installation of garden furniture, trellises, arbors, and the like behind the front line of the house or as part of an existing hedge, retaining

structures that do not exceed 2 feet in height, and removal of trees that are smaller than 12” in diameter 4 feet above the ground. Removal of healthy foundation plantings, hedges, or extensive landscaped areas visible from the public right-of-way requires Commission approval.

- 12) Minor alterations to existing private drives such as maintenance grading, re-surfacing, re-alignment, and the installation of gravel, concrete, or asphalt and resurfacing of public streets.
- 13) Reinstallation of above ground fuel tanks (propane, oil, etc.) for residential use when not located in the Number 1 fire district and screened from the public right-of-way. New installations of these tanks must meet the above criteria and must also comply with all conditions of the North Carolina State Building Code.
- 14) Painting of previously painted surfaces. When this entails a new color combination for an entire structure, the main body and the trim shall be a dark color/light color combination with no more than two additional accent colors to receive staff approval.
- 15) New and replacement commercial signs of wood or metal construction, not to exceed 24” x 36”, that comply with the Zoning Ordinance. No more than 3 signs for different businesses or 2 signs for a single business in one structure can be permitted without Commission review.
- 16) Installation of handicap ramps constructed of wood. Such ramps must be removable without damage to the building when they are no longer needed.
- 17) Removal of existing accessory structures or buildings that are not architecturally or historically significant and are less than 144 SF
- 18) Alteration/ addition to/ removal of decks that are less than 4 feet tall and are located behind the front line of the house
- 19) Construction of new decks made of wood that are less than 4 feet tall and are located behind the front line of the house and are less than 144 SF
- 20) Alteration/ addition/ removal of existing patios that are located behind the front line of the house
- 21) Construction of new patios made of wood, stone, or brick that are located behind the front line of the house and less than 144 SF
- 22) Construction of new walls made of wood or stone or brick that are less than 4 feet tall and are located behind the front line of the house
- 23) Alteration/ addition/ removal of existing stairs and steps that are located behind the front line of the house
- 24) Installation/ alteration/ or removal of handrails made of wood or metal to existing steps and stairs
- 25) Installation/ alteration/ removal of temporary features that are necessary to ease difficulties associated with a medical condition
- 26) Alteration/ addition/ removal of gardens, planting beds, or shrubbery affecting less than 25% of the front yard that are not historically significant
- 27) Installation of hedges or screen plantings that are located behind the front line of the house and do not alter the streetscape

- 28) Removal of existing fences, wall, hedges, and screen plantings that are not historically significant and are less than 4 feet tall
- 29) Installation/ alteration/ or removal of storm doors and storm windows
- 30) Changes to previous Certificates of Appropriateness deemed by staff not to be substantial

14.0 Design Guidelines

In 2000, the Town adopted the Hillsborough Historic District Design Guidelines, which is designed as an interpretive document for the Standards of Evaluation listed in Section 21.6.3 of the Zoning Ordinance. The following topics are covered by specific guidelines and are hereby listed and incorporated into this document as a part of the Rules of Procedure.

1. Changes to Existing Building Exteriors
 - a) Masonry
 - b) Wood
 - c) Architectural Metals
 - d) Paint and Exterior Colors
 - e) Exterior Walls
 - f) Windows and Doors
 - g) Roofs
 - h) Porches, Entrances, and Balconies
 - i) Accessibility and Life safety Considerations
 - j) Utilities and Energy Retrofit
 - k) Outbuildings and Garages
 - l) Storefronts
2. New Construction and Additions
 - a) New Construction of Primary Buildings
 - b) New Construction of Outbuildings and Garages
 - c) Additions to Existing Buildings
 - d) Decks
3. Historic District Setting
 - a) Site Features and Plantings
 - b) Fences and Walls
 - c) Public Right-of-Way
 - d) Archaeological Features
 - e) Exterior Lighting
 - f) Signage
4. Relocation and Demolition
 - a) Relocation of Existing Buildings
 - b) Demolition of Existing Buildings

15.0 Appeals Procedure (as per Section 21.6.8 of the Zoning Ordinance)

A decision of the Commission on an application for a Certificate of Appropriateness may be appealed on procedural grounds to the Board of Adjustment by an aggrieved party. Such an appeal shall be made within 30 days of the filing of the decision in the Planning Department or the delivery of the notice required in Section 21.6.7 of the Hillsborough Zoning Ordinance.

16.0 Amendments

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

Approved by the Commission on the 2nd day of December, 1982.

Revised and readopted by the Commission the 2nd day of September, 1987.

Amended: November 7, 1989
 June 6, 1990
 July 18, 1990
 March 20, 1991
 January 15, 1992
 July 17, 1996
 Sept 5, 2007