



## ORDINANCE

### Amending the Town of Hillsborough Unified Development Ordinance Section 2.5, Administration – Historic District Commission

**WHEREAS**, an application was initiated by Planning and Economic Development staff to amend Unified Development Ordinance Section 2.5 to remove two vacant seats from the Historic District Commission and align its quorum and voting requirements with the North Carolina General Statutes; and

**WHEREAS**, the application was referred to the town Planning Board for its recommendation, and the Planning Board has provided the town board with a written recommendation addressing the consistency of the proposed text amendment with the town's Comprehensive Sustainability Plan and such other matters as the Planning Board deemed appropriate; and

**WHEREAS**, the town board has, prior to acting on the application, adopted a statement describing the consistency of the proposed text amendment with the town's Comprehensive Sustainability Plan and explaining why the action contemplated by the town board as reflected herein is reasonable and in the public interest.

**NOW, THEREFORE**, the Hillsborough Board of Commissioners ordains:

**Section 1.** The Unified Development Ordinance of the Town of Hillsborough is hereby amended as attached hereto.

**Section 2.** All provisions of any town ordinance in conflict with this ordinance are repealed.

**Section 3.** This ordinance shall become effective upon adoption.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this 22<sup>nd</sup> day of June in the year 2026.

Ayes:

Noes:

Absent or excused:

---

Sarah E. Kimrey, Town Clerk

## 2. ADMINISTRATION

### 2.5 HISTORIC DISTRICT COMMISSION

The Hillsborough Historic District Commission is hereby established in accordance with North Carolina General Statute § 160D-303.

#### 2.5.1 POWERS AND DUTIES

The Historic District Commission shall have the following powers:

- 2.5.1.1** Pass upon the appropriateness of the alteration, location or relocation, or demolition of any building, structure, site, or appurtenant feature on a property which has been designated as a landmark or is located within an Historic District; and issue a Certificate of Appropriateness if approved. This shall include location of buildings and structures on the site to the extent that location impacts the congruity with the overall character of the landmark or the District.
- 2.5.1.2** Pass upon the appropriateness of exterior architectural features, including signs and other exterior features of any new building or structure to be constructed at a property which has been designated as a landmark or is located within an Historic District. This shall include location of new buildings, structures and signs on the site to the extent that location impacts the congruity with the overall character of the district.
- 2.5.1.3** Cooperate with other town boards or commissions or with agencies of the Town or other governmental units; offer or request assistance, aid, guidance, or advice concerning matters under its purview or of mutual interest.
- 2.5.1.4** Recommend to the Planning Board districts or areas to be designated by the Ordinance as "Historic Districts." Recommend to the Town Board properties to be designated by ordinance as landmarks.
- 2.5.1.5** Recommend to the Planning Board that designation of any district or area as a Historic District be revoked or removed. Recommend to the Town Board that designation of any property, district or area as a landmark be revoked or removed.
- 2.5.1.6** Give advice to property owners concerning the treatment of the historical and visual characteristics of their properties which has been designated as landmarks or are located within an Historic District, such as color schemes, gardens, and landscaping features and minor decorative elements.
- 2.5.1.7** Propose to the Planning Board changes to this or any related Ordinance and to propose new Ordinances or laws relating to designated landmarks, Historic Districts or relating to the total program for the development of the historical resources of the Town and its environs.
- 2.5.1.8** Publish information about, or otherwise inform the owners of property designated as landmarks or located within an Historic District, of any matters pertinent to its duties, organization, procedures, responsibilities, functions, or requirements.

- 2.5.1.9** Undertake programs of information, research, or analysis relating to any matters under its purview.
- 2.5.1.10** Report violations of this Ordinance, or related ordinances to the local official responsible for enforcement.
- 2.5.1.11** Assist the Town staff in obtaining the services of private consultants to aid in carrying out programs of research or analysis.
- 2.5.1.12** Recommend to the Town Board and the State of North Carolina structures, sites, objects, or districts worthy of national, state, or local recognition.
- 2.5.1.13** Initiate and participate in negotiations with owners and other parties in an effort to find means of preserving structures or buildings scheduled for demolition or sites scheduled for destruction.
- 2.5.1.14** Establish guidelines under which the Planning Director with approval of the Commission Chairperson may approve minor modifications on behalf of the Commission. No application shall be considered denied without first being considered by the Commission.
- 2.5.1.15** Conduct evidentiary hearings on applications for Certificates of Appropriateness.
- 2.5.1.16** Organize itself and conduct its business by whatever legal means it deems proper.
- 2.5.1.17** Exercise such other powers and perform such other duties as are required elsewhere by this Ordinance, the General Statutes of North Carolina, or by the Town Board.
- 2.5.1.18** Review and offer comments on Special Use Permits for properties located within the Historic Overlay district. The commission may not accept public comment on these reviews. Any comments or recommendations must be reduced to writing and presented both verbally and in writing at the evidentiary hearing on the application by a Commission member.

## **2.5.2 MEMBERSHIP**

The Commission shall consist of five (5) regular members. A majority of the members shall have demonstrated special interest, experience, or education in such fields as history, architecture, archaeology, or related fields. All members shall serve without compensation, but they may be reimbursed for incidental expenses incurred in connection with official duties.

## **2.5.3 APPOINTMENT**

Every member shall reside within the zoning jurisdiction of the Town of Hillsborough and shall be appointed by the Town Board.

## **2.5.4 TERMS OF OFFICE**

The tenure of office shall be three (3) years. Appointments to fill vacancies shall be for the unexpired term. A member may be appointed for a second successive term, but after two (2) consecutive full terms a member shall be ineligible for reappointment until one calendar year has elapsed from the date of completion of the second full term.

**2.5.5 STAFF**

The Planning Director shall provide staff support to assist the Historic District Commission in carrying out its duties.

**2.5.6 MEETINGS**

**2.5.6.1 Meeting Minutes**

The Commission shall maintain minutes of its meetings as a permanent public record. Such minutes shall record the attendance of its members, its findings, recommendations, and a summary of information, data, and testimony presented to it.

**2.5.6.2 Open to the Public**

All meetings of the Commission shall be open to the public and the Commission shall cause notices to be given as required by Article 33C, Chapter 143 of the North Carolina General Statutes, as amended.

**2.5.7 QUORUM AND NECESSARY VOTE**

**2.5.7.1** A quorum of the Commission necessary to conduct any business shall be a majority of the filled seats.

**2.5.7.2** A concurring vote of the majority of the filled seats shall be required to decide quasi-judicial matters before the board. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter under NC GS § 160D-109(d) shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

**2.5.8 RULES OF PROCEDURE**

The Commission shall adopt Rules of Procedure and regulations for the conduct of its affairs. Rules of procedure shall be consistent with the procedural requirements of this Ordinance and state law.