

CHAPTER 152: UNIFIED DEVELOPMENT ORDINANCE

HEARING PROCEDURES

152.065 QUASI-JUDICIAL DECISIONS

- A) Boards shall follow quasi-judicial procedures in determining appeals of administrative decisions, special use permits, certificates of appropriateness, variances, or any other quasi-judicial decision.
- B) The hearing shall be open to the public and all persons interested in the outcome of the application shall be given an opportunity to present evidence and arguments and ask questions of persons who testify.
- C) Boards may place reasonable and equitable limitations on the presentation of evidence and arguments and the cross-examination of witnesses so that the matter at issue may be heard and decided without undue delay.
- D) The board may continue an evidentiary hearing that has been convened without further advertisement. If an evidentiary hearing is set for a given date and a quorum of the board is not then present, the hearing shall be continued until the next regular board meeting without further advertisement.

152.067 EVIDENCE.

- A) The provisions of this section apply to all hearings for which a notice is required by §152.065.
- B) The applicant, the local government, and any person who would have standing to appeal the decision shall have the right to participate as a party at the evidentiary hearing. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the board.
- C) The chair of the board or any member acting as chair and the clerk to the board are authorized to administer oaths to witnesses in any matter coming before the board. Any person who, while under oath during a proceeding before the board determining a quasi-judicial matter, willfully swears falsely is guilty of a Class 1 misdemeanor.
- D) The board making a quasi-judicial decision under this Chapter through the chair or, in the chair's absence, anyone acting as chair may subpoena witnesses and compel the production of evidence.

152.069 VOTING

The concurring vote of four-fifths of the board shall be necessary to grant a variance.

A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari.

For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter under G.S. 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.

HISTORIC DISTRICT

152.478 CERTIFICATE OF APPROPRIATENESS.

- A) *When required.* No person shall be permitted to construct, alter, move or demolish any building or other structure (including masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features), nor above-ground utility structure, nor any type of outdoor advertising sign, in the Historic District without first applying for and obtaining a certificate of appropriateness for such construction, alteration, moving or demolition. The Historic Preservation Commission shall have the authority to issue a certificate of appropriateness subject to reasonable conditions necessary to carry out the purposes of this ordinance. Any building permit or other such permit not issued in conformity with this selection shall be invalid.
- B) For administrative purposes, exterior work items are divided into four categories: routine maintenance, staff approval, minor work, and major work. The category of review required for various types of exterior work shall be as set forth in the Certificate of Appropriateness List (§ [152.479](#)).
- C) *Required procedures.*
- (1) *Application submitted to the Administrator or his or her authorized agent.* An application for a certificate of appropriateness shall be obtained from the town, completed by the applicant, and filed with the town. The SHPC application completed in form and content, and the application is filed within the time frame according to town policy for application submittal, then the application shall be considered by the SHPC at its next regular meeting. Otherwise, consideration shall be deferred to the next regular meeting thereafter. An applicant may file with his/her application any additional information relevant to the application.

The Commission shall follow quasi-judicial procedures in acting on applications for certificates of appropriateness as specified in Section 152.065-152.071.

- (6) *Swansboro Historic Preservation Commission action on application.* The SHPC shall take action on each application for a certificate of appropriateness and shall take such action as shall provide a result that is congruous and in keeping with the special character of the district and the review criteria, contained in § 152.482. The SHPC's action on the application shall be approval, approval with modifications, disapproval or tabled. Prior to final action on an application, the Commission, using the review criteria in § 152.482 and the Historic District Design Standards, shall make written findings of fact indicating the extent to which the application is or is not congruous with the historic aspects of the district.
- (7) *Reasons for SHPC's actions to appear in minutes.* The SHPC shall cause to be entered into the minutes of its meeting the reasons for its actions, whether it be approval, approval with modifications, or denial.

152.480 APPEALS OF DECISIONS

- (2) All decisions of the Historic Preservation Commission in granting or denying a Certificate of Appropriateness may be appealed to the Board of Adjustment in the nature of certiorari within times prescribed for appeals of administrative decisions in NC G.S. 160D-405(c). To the extent applicable, the provisions of NC G.S. 160D-1402 shall apply to appeals in the nature of certiorari to the Board of Adjustment.

§ 152.482 REVIEW CRITERIA.

(A) *Intent.*

- (1) The SHPC shall take no action under this section except to prevent the construction, reconstruction, alteration, restoration, moving, or demolition of buildings, structures, appurtenant fixtures, outdoor advertising signs, or other significant features in the district which would be incongruous with the special character of the district. Nothing in this subchapter is construed to prevent the ordinary maintenance or repair of any exterior elements of any building or structure within the Historic District.
- (2) Authorized town officials may certify that a building in an unusually deteriorated condition is dangerous, hazardous, or unsafe; however, before a razing can be ordered, the Swansboro Historic Preservation Commission should have both the opportunity and authority to make recommendations to the property owner (s), town officials, and other interested parties in order to avert the necessity for the building's demolition.
- (3) In granting a certificate of appropriateness, the Commission shall take into account the historic or architectural significance of the structure under consideration and the exterior form and appearance of any proposed additions or modifications to that structure as well as the effect of such change or additions upon other structures in the vicinity.

(B) *Exterior form and appearance.*

- (1) All applications for certificates of appropriateness shall be subject to review based upon the design guidelines in effect. The Historic Preservation Design Standards are an appendix in the Unified Development Ordinance.
- (2) The characteristics and aspects of design that are illustrated and detailed in the Swansboro Historic Preservation Design Standards shall be considered, when relevant, by the SHPC in reviewing applications for a certificate of appropriateness.

(C) *Interior arrangements not considered.* The Historic Preservation Commission shall not consider interior arrangements.

Appendix III

HISTORIC DISTRICT DESIGN STANDARDS

SECTION 2: DEFINITIONS.

2.1 Roof Form and Pitch

The Roof Form and Pitch are among the major distinguishing characteristics of different styles of architecture. Roofs can be flat, pitched, hipped, curved, or arranged in various combinations of all of these forms. Certain architectural styles are distinguished by roof types - for example, a

Second Empire style building always displays some form of a mansard or curved roof. Buildings styled after Classical forms usually feature simple hipped or pitched roofs.

Roofing materials contribute to the character of early Swansboro buildings. Depending on the ages and styles of the buildings, roofs can be covered with a variety of materials ranging from asphalt shingles to terne-plated metal. It is extremely important to install appropriate roofing material when conserving the character of early buildings.

1) ASPHALT SHINGLES. Shingles manufactured from saturated roofing felts (rag, asbestos, or fiber glass) coated with asphalt and having mineral granules on the side exposed to weather.

2) DOWNSPOUT. A vertical pipe, often of sheet metal, used to conduct water from a roof drain or gutter to the ground or cistern.

3) FLASHING. A thin impervious material placed in construction to prevent water penetration, to provide water drainage or both, especially between a roof and a wall.

4) GABLE. The vertical triangular piece of a wall at the end of a ridged roof, from the level of the eaves to the summit.

5) GALVANIZE. To coat steel or iron with zinc, as for example, by immersing it in a bath of molten zinc.

6) GAMBREL ROOF. A gable roof more or less symmetrical, having four inclined surfaces, the pair meeting at the ridge having a shallower pitch.

7) GUTTER. A shallow channel of metal or wood set immediately below or built in along the eaves of a building to catch and carry off rainwater.

8) HIPPED ROOF. A roof without gables, each of whose sides, generally four, lies in a single plane and joins the others at an apex or ridge.

9) JERKIN HEAD ROOF. A roof whose end had been formed into a shape midway between a gable and a hip, resulting in a truncated or "clipped" appearance; sometimes called a "clipped gable".

10) LEAD ROOF. A flat roof covered with sheet lead.

11) MANSARD ROOF. A modification of the hipped roof in which each side has two planes, the upper being more shallow. This roof is characteristic of the Second Empire style.

12) PANTILES. A roofing tile that has the shape of an S laid on its side.

13) PITCHED ROOF. A roof having two slopes that meet at a central ridge, sometimes called a "gable end roof".

14) ROOFING TILE. A tile for roofing, usually of burnt clay; available in many configurations and types such as plain tiles, single-lap tiles, and interlocking tiles.

15) SHAKES. Any thick, handsplit shingle usually edge-grained; formed by splitting a short log into tapered radial sections.

16) SHEET METAL. A flat, rolled metal product, rectangular in cross section and form; when used as roofing material, it is usually terne or zinc-plated.

17) SHINGLES. A roofing unit of wood, asphalt, slate, tile or other materials cut to stock lengths, widths and thicknesses; used as an exterior covering on roofs and applied in an overlapping fashion.

18) SLATE. A hard, brittle, metamorphic rock consisting mainly of clay materials characterized by good cleavage along parallel planes; used in thin sheets as roofing or in thicker slabs for flooring.

19) TARPAPER. A roofing material manufactured by saturating a dry felt with asphalt and then coating it with a harder asphalt mixed with a fine mineral.

20) TERNE-PLATE. Sheet metal coated with terne metal which is an alloy of lead containing up to 20% tin.

21) TERRA-COTTA. Hard, unglazed fired clay; used for ornamental work and roof and floor tile.

22) TIN.

(1) A lustrous white, soft and malleable metal having a low melting point; relatively unaffected by exposure to air; used for making alloys and coating sheet metal;

(2) To coat with a layer of tin.

23) ZINC. A hard bluish-white metal, brittle at normal temperatures and not subject to corrosion; used in making alloys and for galvanizing sheet metal.

SECTION 3: ROOFS.

3.1 Roofs - Standards

1) Preserve or restore original and significant later roof forms, shapes, and major roof architectural elements such as dormers, gables, chimneys, and eave overhangs. It is not appropriate to make alterations to the front or other primary portions of the roof of a contributing structure if that roof slope can be seen from the public view.

2) Preserve, maintain, and repair historic roofing details and materials such as slate, standing-seam metal, and tile wherever possible. Replace in-kind only if necessary due to deterioration or damage.

3) New roofing materials should be compatible with either the existing or original roofing material. The new material should match the historic material as closely as possible in color, shape, size, and texture. Asphalt or fiberglass-asphalt shingles are acceptable substitutes for standing-seam tin, wood shingles, or metal shingles, provided the new replacement shingles are of a darker solid color. Barn tin (also known as “five-vee” tin) or coated steel may be used to replace a standing-seam tin roof in new construction.

4) Retain historic roof-top features such as ornamental eaves, cornices, rake-boards, dormers, gables, chimneys, finials, cresting, steeples, belfries, cupolas, and railings. These

elements all add much to the overall architectural character of a structure. All such original and significant later features should be preserved and restored, rather than removed.

5) Contemporary or non-historic roof features should be installed on areas of the roof not seen from the public view or on other secondary roofs. Included are skylights, roof-mounted vents, dormers, chimneys, antennas , and solar collectors. In certain instances, new dormers may be permitted on side or rear elevations if their design is compatible with the building and the roofline.

6) Install new gutters without damaging or obscuring architectural features. Gutters of all materials except copper shall have a painted finish. Half-round gutters are appropriate for most contributing properties. Gutters are usually reviewed as a “minor works” item. If installed on a contributing building, the SHPC must review application at SHPC meeting.

7) Ridge vents, where needed, should be of the low profile type and should not diminish the original design of the roof or destroy any character-defining architectural details. Other vents, such as gable vents and roof-mounted vents, should be installed so as not to be visible from the public view where possible. In the event that they must be visible, they should be installed to respect the architectural details and character of the subject building.

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