

## § 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).

(1) Routine maintenance does not require a certificate of appropriateness for repairs using original materials or designs that do not alter the exterior appearance of the property.

(2) Minor work will require a certificate of appropriateness, and will be reviewed by the Minor Work Committee (M.C.) of the Swansboro Historic Preservation Commission. Minor work may be referred to the full SHPC if the staff/ committee determines that the change involves substantial alterations, additions, or removals that could impair the integrity of the district.

(a) Members of the M.C. will consist of the chairman, vice-chairman of the SHPC, and the non-voting administrator of the SHPC. If either voting committee member is not available, the other member will choose a committee member from among the members of the SHPC including alternate members. If the non-voting administrator is unable to attend, the administrator's assistant will take the position.

(b) The Minor Work Committee (M.C.) will consider minor work applications within seven working days of application submittal. Should the two voting members not agree on the request, it is the right of the applicant to be heard by the full SHPC or if the two M.C. members decide that the item is best heard before the SHPC. The minor work request shall be scheduled for the next regular meeting, as long as the Town's time policy for SUBMITTAL to the SHPC is met. All decisions of the M.C. will be reported in writing to the SHPC at the next regular meeting.

(3) Major work will require a certificate of appropriateness and is reviewed by the Historic Preservation Commission. In general, major work projects involve a change in the appearance of a structure, and are more substantial in nature than routine maintenance or minor work projects. Where a certificate of appropriateness is required, the Town of Swansboro and all public utilities will conform in the same manner as private property owners.

### (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.

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(b) The Commission shall follow quasi-judicial procedures in acting on applications for certificates of appropriateness as specified in §§ 152.065 through 152.071.

### (2) *Contents of application.*

(a) The SHPC shall require data as are reasonably necessary to determine the nature of the application. An application for a Certificate of Appropriateness shall not be considered complete until all required data have been submitted.

(b) The applicant and/or his designee shall be present at the meeting at which his application is to be considered. If a third party is to represent the applicant, such permission must be in writing and become part of the application for certificate of appropriateness. (Nov. 7, 1991)

(c) When the proposed application is also subject to any state/federal regulations, the complete application from the appropriate officials must be made a part of the application for certificate of appropriateness. The certificate of appropriateness application will be put in a holding file pending approval of the state and federal application.

(d) An application fee as established by the Town of Swansboro shall be paid by the applicant upon filing of a major work application with the Administrator. An approved certificate of appropriateness may be re-submitted for minor revisions without payment of an additional application fee. Significant changes will require approval by the Commission in the same manner as the original application and appropriate fee.

(3) *Notification of Swansboro Historic Preservation Commission.* Upon receipt of an application, the Administrator shall

notify the Swansboro Historic Preservation Commission at least five working days before its regularly scheduled meeting.

(4) *Review of application by SHPC.* As part of its review procedure, the SHPC may view the premises and seek the advice of the Department of Cultural Resources or such other expert advice as it may deem necessary under the circumstances.

(5) *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 Guidelines, 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.

(6) *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.

(7) *Time limits.* All matters will be processed by the SHPC at the meeting when the matter is first considered, if reasonably possible. All applications for certificate of appropriateness shall be reviewed and acted upon within a reasonable time, not to exceed 180 days from the date the application for a certificate of appropriateness is filed, as defined by the ordinance.

(8) *Submission of new application.* If the SHPC determines that a certificate of appropriateness should not be issued, a new application affecting the same property may be submitted, only if substantial change is made in plans for the proposed construction, reconstruction, alteration, restoration, or moving.

(Ord. 2005-O3, passed 3-15-2005; Am. Ord. Ord. 2007-O4, passed 4-17-2007; Am. Ord. 2008-O33, passed 11-18-2008; Am. Ord. 2016-O10, passed 9-13-2016; Am. Ord. 2021-O3, passed 5-24-2021)