

## 18.0 HISTORIC OVERLAY DISTRICT – H

### 18.1 PURPOSE OF THE DISTRICT

The purpose of the historic overlay district is to provide for protection against destruction of or encroachment upon historic areas, buildings, monuments or other features, or buildings and structures of recognized architectural significance which contribute or will contribute to the cultural, social, economic, political, artistic or architectural heritage of the Town of Scottsville and the Commonwealth of Virginia. It is the purpose of the district to preserve designated historic areas and historic landmarks and other historic or architectural features, and their views and surroundings within a reasonable distance, from destruction, damage, defacement and obviously incongruous development or uses of land and to ensure that buildings, structures, streets, bridges, waterways, walkways, or signs shall be erected, reconstructed, altered or restored so as to be architecturally compatible with the character of the general area in which they are located and with the historic landmark buildings or structures within the district.

### 18.2 DEFINITIONS

The following terms and definitions are used in section 18, *Historic Overlay District – H*.

*Alteration.* Any change, modification or addition to a part or all of the exterior of any building or structure.

*Building permit.* An approval statement signed by the Mayor, or his/her designee, authorizing the construction, alteration, reconstruction, repair, restoration, demolition or razing of all or a part of any building.

*Certificate of appropriateness.* A certificate or other statement indicating approval by the Zoning Administrator or the Architectural Review Board as the case may require of plans for construction alteration, reconstruction, repair, restoration, relocation, demolition or razing of a building or structure or part thereof in a historic district.

*Contributing property.* A property so designated on the inventory map of landmarks and contributing properties which is adopted as a part of this ordinance, being generally those properties which by reason of form, materials, architectural details and relation to surrounding properties contribute favorably to the general character of the part of the historic district in which they are located but which by reason of recent age, lack of historic significance or other factors are not designated as historic landmarks under the criteria of this ordinance.

*Demolition.* The dismantling or tearing down of all or part of any building and all operations incidental thereto.

*Historic district.* An area containing buildings or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation.

*Historic landmark.* Any building or place listed on the National Register of Historic Places or on the Register of the Virginia Historic Landmarks Commission, or any building or place officially designated as a landmark structure or place by the Town of Scottsville on the inventory map which is adopted as a part of this ordinance.

*Reconstruction.* Any or all work needed to remake or rebuild all or a part of any building to a sound condition, but not necessarily of original materials.

*Repairs.* Any or all work involving the replacement of existing work with equivalent material for the purpose of maintenance, but not including any addition, change, or modification in construction.

*Restoration.* Any or all work connected with the returning to or restoring of a building, or a part of any building, to its original condition through the use of original or nearly original materials or new materials which result in preserving the integrity, characteristics and appearance of the original.

### 18.3 CRITERIA FOR ESTABLISHING HISTORIC DISTRICTS

#### 18.3.1 GENERAL CHARACTER

The boundaries of the historic overlay district (hereafter referred to as H) shall in general be drawn to include areas containing buildings or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation. The district may include either individual buildings or places of such character, and a reasonable distance beyond, or it may include areas or groupings of structures which have significance relative to their patterns of development or social and economic or architectural interrelationships even though some structures in the area might not possess significant merit when considered alone. In any case the location of the district shall be based upon careful studies which describe the characteristics of the area and support the purposes of conservation and preservation.

#### 18.3.2 OLD TOWN SCOTTSVILLE HISTORIC DISTRICT

The area bounded by the Town boundary prior to January 1, 1994, comprises a historic district. This historic overlay district is designated the "Old Town Historic District" or, in abbreviated form, "Old Town."

#### 18.3.3 INVENTORY OF LANDMARKS AND CONTRIBUTING PROPERTIES ESTABLISHED

The Architectural Review Board as herein established below shall prepare and recommend for adoption as a part of this ordinance an inventory map covering the H overlay district and based upon the criteria set forth in this ordinance. This map, hereinafter called the inventory map, when adopted shall be as much a part of this ordinance as if fully described herein and shall be filed as a part of this ordinance by the Clerk of the Town. The inventory map will include specific structures and sites within the Old Town Historic District as well as structures and sites within the part of Town external to Old Town. All structures or sites designated on said map as landmark structures or sites shall be considered as *landmarks* for the purposes of this ordinance. Structures or sites designated as properties which contribute to the historic character of the Town but which do not contain landmark structures or sites shall be known as *contributing properties* for the purpose of this ordinance. Structures or sites not designated as landmark or contributing properties shall be known as *noncontributing properties*. The inventory map may be amended from time to time in the same manner as the zoning district map.

#### 18.3.4 APPLICATION OF THE DISTRICT – RELATION TO OTHER ZONING DISTRICTS

To enable the district to operate in harmony with the plan for land use and population density embodied in these regulations, the H overlay district is created as a special district to be superimposed on other districts contained in these regulations and is to be so designated by a special symbol for its boundaries on the zoning district map. The uses, housing types, minimum lot requirements, minimum yard requirements, maximum height, and accessory uses and accessory signs shall be determined by the regulations applicable to the other districts over which the H overlay district is superimposed except as these other district regulations may be modified by application of the regulations in the H overlay district.

18.3.5 PERMITTED USES

18.3.5.1 A building or land shall be used only for the following purposes, and except as provided herein, in each case subject to approval by the Zoning Administrator or Architectural Review Board, as the case may require, in accordance with the standard set forth in this section and the standards and procedures for administration and enforcement set forth elsewhere in this ordinance:

- a. Any use permitted by right in the zoning district in which the premises are situated and upon which the H overlay district is superimposed. The normal maintenance of an historic area or building or the charging of admission fees for visitors, or the conduct of visitor tours, centers or services within the H overlay district shall not be considered as commercial uses.
- b. Any use permitted in the zoning district requiring a special use permit in which the premises are located, subject to the procedures and standards of this ordinance for approval of conditional uses and subject in all cases to report by the Architectural Review Board in accordance with the purposes and standards of the H overlay district.
- c. Any special exception or variance permitted in the zoning district in which the premises are located, subject to the procedures and standards of this ordinance for approval of special exceptions and variances and subject to report by the Architectural Review Board and specific findings of the Planning Commission regarding the purposes and standards of the H overlay district; provided, however, that if said special exception or variance is of such a minor nature as to be exempted from review by the Architectural Review Board by the terms of the regulations in the H overlay district, then no such review or report shall be required.

18.3.5.2 The following uses and provisions are applicable only to landmark and contributing commercial structures that front on Valley Street or Main Street and any other structure within the Old Town Historic District so recommended by the Architectural Review Board and approved by the Town Council:

- a. Dwelling units and business offices are permitted that are located above the first floor of the building, legally existed as such prior to the enactment of this ordinance, and have adequate access for such use.
- b. Multiple family dwellings and apartment buildings that were approved uses or otherwise legally existed as such prior to enactment of this ordinance are permitted uses.
- c. Reasonable attempts shall be made to comply with all provisions of this ordinance. However, the historic preservation objectives described in section 18.1 are paramount with respect to many provisions of this ordinance and may justify less than full compliance with sections 11.3 (and 4.11), *Off-Street Parking and Loading Requirements*; 11.6, *Minimum Landscaped Area*; 11.7, *Minimum Yard Requirements*; and certain other sections of this ordinance. The Architectural Review Board may recommend to the Town Council variances to this ordinance to achieve preservation objectives. Approval of such variances by the Town Council renders the associated property as conforming with respect to the provision waived.

18.4 ARCHITECTURAL REVIEW BOARD ESTABLISHED

Reference section 23, *Architectural Review Board*.

18.5 ADMINISTRATIVE REVIEW PROCEDURES

### 18.5.1 SUMMARY

In general it is the purpose of this section to establish review procedures for actions affecting properties in the H overlay district (the EC district shall also be administered by these procedures) which will be relatively simple with minimum delay for those actions which will have little if any permanent effect on the character of the historic district or on a significant structure but to require a more thorough review for actions which may have a substantial effect on the character of the district or on a significant structure. To this end some actions are exempted from special historic and architectural review altogether, except as normal review may be necessary for issuance of a building permit. Other actions, depending on the possible consequences thereof, may be reviewed by the Zoning Administrator or by the Architectural Review Board acting with original jurisdiction, or, in the more serious cases, action by the Town Council following action by the Architectural Review Board. In all cases the decisions of the Zoning Administrator may be appealed to the Architectural Review Board, the decisions of the Architectural Review Board may be appealed to the Town Council, and the final decisions of the Town Council may be appealed to the Board of Zoning Appeals.

### 18.5.2 CERTAIN MINOR ACTIONS EXEMPTED FROM REVIEW BY THE ARCHITECTURAL REVIEW BOARD

Within the H overlay district certain minor actions which are deemed not to have permanent effects upon the character of the historic district are exempted from review for architectural compatibility by the Architectural Review Board. It is the intention that application of any of the exempted actions not substantively detract from or degrade the appearance or character of the structure or site. Such actions shall include the following and any similar actions which in the opinion of the Zoning Administrator will have no more effect on the character of the district than those listed:

- a. Repainting resulting in the same or similar color. (Original painting of masonry surfaces is not exempted from review.)
- b. Replacement of missing or broken window panes, roofing slates, tiles or shingles and except on landmark structures outside doors, window frames, or shutters where no substantial change in design or material is proposed.
- c. Addition or deletion of storm doors or storm windows, window gardens, awnings, canopies, or similar appurtenances and portable air conditioners located in existing windows, doors or other existing wall openings.
- d. Addition or deletion of television and radio antennas, or skylights and solar collectors in locations not visible from a public street or road.
- e. Landscaping involving minor grading, walks, low retaining walls, temporary fencing, small foundations, ponds and the like, which will not substantially affect the character of the property and its surroundings.
- f. Minor additions or deletions to a building or accessory building or structure which will not substantially change the architectural character of the structure or which are generally hidden from public view.
- g. Construction of accessory buildings and structures on properties which are not designated as landmark or contributing properties and which are generally in keeping with the character of the existing structure and its surroundings.

- h. Construction of off-street loading areas and off-street parking areas containing five spaces or less in a commercial or industrial district and is not visible from a public street or road.
- i. Creation of outside storage in a commercial or industrial district which does not require structural changes or major grading and is not visible from a public street or road.
- j. Interior alterations to contributing and non-contributing structures.

Provided however that the Zoning Administrator shall have authority to order that work be stopped and that an appropriate application be filed for review by the Architectural Review Board in any case where in this opinion the action may have an adverse effect on the Historic District or may produce undesirable effects, contrasts of materials or colors, or details clearly inconsistent with the character of the present structures or with the prevailing character of the surroundings and the historic district.

Construction of ramps and modifications for the handicapped, in accordance with section 4.8, *Buildings and Structures: Handicapped Access*, will be permitted. However, their design is subject to review and possible modification.

The Architectural Review Board shall periodically review the list of exemptions contained in this section and make recommendations to the Zoning Administrator as necessary to accomplish the purposes of these regulations or recommend to the Town Council that the list of exemptions be changed by amendment.

### 18.5.3 APPROVAL OF ARCHITECTURAL REVIEW BOARD REQUIRED

Except as herein provided no building or structure, including signs, shall be erected, reconstructed, restored or substantially altered in exterior appearance and no building or structure shall be razed or demolished within a historic district and no permit authorizing same shall be granted unless and until the same is approved by the Architectural Review Board and a Certificate of Appropriateness has been issued by that body, with right of direct appeal to the Town Council as hereinafter provided, as being architecturally compatible with the historical, cultural and/or architectural aspects of the structure and its surroundings.

*Substantial alterations* shall be defined as any and all work done on buildings, structures or sites in a historic district other than those specifically exempted herein and other than the following general examples:

General examples of *nonsubstantial* alterations:

- a. Work done to prevent deterioration or to replace parts of a structure with similar materials in order to correct any deterioration, decay of or damage to any structure or on any part thereof, or
- b. To restore same as nearly as practical to its condition prior to such deterioration, decay or damage.

Examples of work not constituting substantial alteration include those minor actions exempted from review by section 18.5.2.

General examples of work constituting substantial alterations include:

- a. Construction of a new building at any location or a new accessory building on a landmark or contributing property or on a site within the historic district adjacent to a designated landmark site.
- b. Any addition to or alteration of a structure which increases the square footage of the structure or otherwise alters substantially its size, height, contour or outline.

- c. Any change or alteration of the exterior architectural style of a contributing or landmark structure, including removal or rebuilding of porches, openings, dormers, window sash, chimneys, columns, structural elements, stairways, terraces and the like.
- d. Addition or removal of one or more stories or alteration of a roof line.
- e. Landscaping which involves major changes of grade or walls and fences more than three and one-half feet in height.
- f. All signs visible from a public street or road or from an historic landmark.
- g. Any other major actions not specifically covered by the terms of this section but which would have a substantial effect on the character of the historic district.

In any case in which there might be some question as to whether a project may be exempted from review, may constitute a minor action or may constitute substantial alteration, the Zoning Administrator shall be contacted for an interpretation prior to commencement of work.

18.5.4 (Removed 5-21-01)

#### 18.5.5 CERTIFICATE OF APPROPRIATENESS

Evidence of the approval required under the terms of the H overlay district shall be a certificate of appropriateness issued by the Architectural Review Board stating that the demolition, moving or changes in the exterior architectural appearance of the proposed construction, reconstruction, alteration or restoration for which application has been made are approved by the Architectural Review Board. The Architectural Review Board, or the Zoning Administrator in a case within his/her authority, may permit modifications of original proposals if such modifications are formally acknowledged, clearly described and recorded in the records of the case. A certificate of appropriateness shall be in addition to any other permits required. Any action by applicants following issuance of a permit requiring certificate of appropriateness shall be in accord with the application and material approved and any conditions appended thereto.

#### 18.5.6 STANDARDS FOR REVIEW

In order to achieve the purposes of the H overlay district, the Zoning Administrator and the Architectural Review Board shall be guided in their decisions by the stated purposes of the H overlay district and by the standards and guidelines set forth below and as these may be supplemented from time to time by additional standards and guidelines adopted and published by the Town Council. In application of the standards and guidelines it should be recognized that the Old Town Historic District may contain a considerable diversity in its architecture. Therefore, variety of architectural detail can be tolerated in such an area where such variety would not be acceptable in the case of an area where consistency in architectural detail is the key to preservation of the charm of the historic district.

It shall be the duty of the Architectural Review Board to prepare and adopt, subject to approval of the Town Council, specific guidelines, illustrated as necessary, for those areas of the Old Town Historic District which have special characteristics and architectural features which are peculiar to the area and which should be preserved, and to make these guidelines available to property owners within each area and to the general public. Specific guidelines shall be adopted for such areas of the Old Town Historic District as may require specific guidelines.

#### 18.5.6.1 GENERAL GUIDELINES FOR ALL DECISIONS

- a. The public necessity of the proposed construction, demolition or use.
- b. The public purpose or interest in land or buildings to be protected.
- c. The historic or architectural value and significance of a particular structure and its relationship to the historic value of the surrounding area.
- d. The age and character of an historic structure, its condition and its probable life expectancy and the appropriateness of the proposed changes to the period or periods during which the structure was built.
- e. The general compatibility of the site plan and the exterior design arrangement, texture and materials proposed to be used.
- f. The view of the structure or area from a public street or road present and future.
- g. The present character of the setting of the structure or area and its surroundings.

#### 18.5.6.2 GUIDELINES FOR NEW CONSTRUCTION

Where new construction is proposed the design should take into account those special visual and special qualities that the H overlay district is established to protect, including building heights; scale of buildings; orientation, spacing and site coverage of buildings; facade proportions and window patterns; size, shape and proportions of entrance and porch projections; materials, textures, color; architectural details; roof forms; horizontal or vertical emphasis; landscaping, walls and fences. Since architectural styles and details vary from one section of the H overlay district to another, application of architectural guidelines for new construction should recognize relationships among buildings in the immediate setting rather than specific styles or details.

#### 18.5.6.3 GUIDELINES FOR REHABILITATION, REPAIR OR ALTERATION OF EXISTING STRUCTURES

- a. Every reasonable effort should be made to provide a compatible use for a property which requires minimal alteration of the building structure or site and its environment, or to use a property for its originally intended purpose.
- b. The distinguishing original qualities or character of a building structure or site and its environment should not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- c. All buildings, structures and sites should be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance should be discouraged.
- d. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance should be recognized and respected.
- e. Distinctive stylistic features or examples of skilled craftsmanship, especially hardware, woodworking and masonry details which characterize a building structure or site should be treated with special care.

f. Deteriorated architectural features should be repaired rather than replaced whenever possible. In the event replacement is necessary the new material should match the material being replaced in size, shape, design, color, texture and other visual quality. Repair or replacement of missing architectural features should be based on accurate duplications of features substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

g. The surface cleaning of structures should be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials should not be undertaken.

h. Every reasonable effort should be made to protect and preserve archeological resources affected by, or adjacent to any property.

i. Contemporary design for alterations and additions to existing properties should not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material and such design is compatible with the size, scale, color, material and character of the property and its surroundings.

j. Whenever possible, new additions or alterations to structures should be undertaken in such a manner that if such additions or alterations were to be removed in the future the essential form and integrity of the structure would be unimpaired.

#### 18.5.6.4 GUIDELINES FOR MOVING OR RELOCATION OF A LANDMARK BUILDING OR STRUCTURE

The reviewing body shall take into account the following factors in considering proposals to move or relocate a landmark building or structure:

a. Whether or not the proposed relocation would have a detrimental effect on the structural soundness of the landmark building or structure.

b. Whether or not the proposed relocation would have a detrimental effect on the historical aspects of other landmarks in the district.

c. Whether the proposed relocation would provide new surroundings that would be harmonious with or incompatible with the historical and architectural aspects of the landmark, building or contributing structure.

d. Whether or not plans for future use of the site after relocation are appropriate at this location in the district.

e. Whether or not the proposed relocation is the only feasible means of saving the structure from demolition or demolition by neglect.

#### 18.5.6.5 GUIDELINES FOR DEMOLITION

The reviewing body shall take into account the following factors in considering proposals to demolish an existing building or structure:

a. Whether or not the building or structure is of such architectural or historic interest that its removal would be to the detriment of the public interest.

- b. Whether or not the building or structure is of such interest or significance that it would qualify as a National, State or local historic landmark.
- c. Whether or not retention of the building or structure would help to preserve and protect an historic place or area of historic interest in the Town.
- d. Whether or not plans for future use of the site after demolition are appropriate at this location in the district.

#### 18.5.6.6 GUIDELINES FOR SIGNS

Signs should relate to, rather than obscure and disrupt, the design elements of the building with which they are associated or to which they are attached. Signs should also be compatible with other signs and buildings along the street. Considerations for compatibility include dimensions, subject matter, materials, color, letter styles, legibility, lighting, overall effect and placement on the lot or on the building. All signs in or clearly visible from the historic district will comply with the requirements of section 18.5.4.

#### 18.5.6.7 GUIDELINES FOR PARKING AREAS

All parking areas should be suitably landscaped and where appropriate screened from public view by fences, walls or screen planting. Paved parking areas other than driveways should generally be located to the side or rear of buildings and not located between a building and the street.

#### 18.5.6.8 GUIDELINES FOR LANDSCAPING AND ACCESSORY STRUCTURES

Plants, trees, fencing, walls, walkways, gazebos and other outbuildings should be retained or designed to reflect the property's history and development. Underground utilities should be encouraged at all locations. Municipal utility appurtenances should be selected to harmonize with the character of the historic district or placed in inconspicuous locations.

#### 18.5.6.9 GUIDELINES FOR UTILITIES (Added 6-28-05)

Any future utilities located within the Historic District of the Town of Scottsville, Virginia, located between 265 Valley Street and Warren Street (Utility Stations 104+00 and 113+45) and between 300 Main Street and Page Street (Utility Stations 200+00 and 308+50) as referenced for Federal Project EN00-153, PE-101, RW-201, C-501, also called the Scottsville Drainage Improvement Plan, shall be placed underground within these areas.

#### 18.5.7 ALTERNATE PROCEDURE: OFFER TO SELL

In addition to the right of appeal hereinabove set forth, the owner of a designated historic landmark, building or structure, the razing or demolition of which is subject to the provisions of section 18.6 hereof, shall as a matter of right, be entitled to raze or demolish such landmark, building or structure provided that:

- a. The owner has applied to the Town Council for such right and
- b. he/she has for the period of time set forth in the time schedule hereinafter contained and at a price reasonably related to its fair market value, made a bona fide offer to sell such landmark, building or structure, and the land pertaining thereto, to the Town or to any person, firm, corporation, government or agency thereof, or political subdivision or agency thereof, which gives reasonable assurance that is willing to preserve and restore the landmark, building or structure and the land pertaining thereto; and

- c. that no bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such landmark, building or structure, and the land pertaining thereto, prior to the expiration of the applicable time period set forth in the time schedule hereinafter contained.

Any appeal which may be taken to the court from the decision of the Town Council, whether instituted by the owner or by any other proper party, notwithstanding the provisions heretofore stated relating to a stay of the decision appealed from shall not affect the right of the owner to make the bona fide offer to sell referred to above. No offer to sell shall be made more than one year after a final decision by the Town Council, but thereafter the owner may renew his/her request to the Town Council to approve the razing or demolition of the designated landmark, building or structure.

18.5.7.1 The time schedule for offers to sell shall be as follows:

- a. Three (3) months when the offering price is less than twenty-five thousand dollars (\$25,000).
- b. Four (4) months when the offering price is twenty-five thousand dollars (\$25,000) or more but less than forty thousand dollars (\$40,000).
- c. Five (5) months when the offering price is forty thousand dollars (\$40,000) or more but less than fifty-five thousand dollars (\$55,000).
- d. Six (6) months when the offering price is fifty-five thousand dollars (\$55,000) or more but less than seventy-five thousand dollars (\$75,000).
- e. Seven (7) months when the offering price is seventy-five thousand dollars (\$75,000) or more but less than ninety thousand dollars (\$90,000).
- f. Twelve (12) months when the offering price is ninety thousand dollars (\$90,000) or more.

18.5.7.2 If such bona fide offer is unaccepted after the designated time period, the owner shall be permitted to demolish such structure as a matter of right.

#### 18.5.8 HAZARDOUS BUILDINGS OR STRUCTURES

Nothing in this Article shall prevent the razing or demolition of any building or structure without consideration of the Architectural Review Board which is in such an unsafe condition that it would endanger life or property, and protection from such conditions is provided for in the building code and/or other applicable Town ordinance. However, such razing or demolition shall not be commenced without approval of the Town Council and written authorization of the Mayor, or his/her designee, verifying the conditions necessitating such action.

#### 18.5.9 MAINTENANCE AND REPAIR REQUIRED

All buildings and structures in the H overlay district shall be preserved against decay and deterioration and maintained free from structural defects to the extent that such decay, deterioration or defects may, in the opinion of the Architectural Review Board, result in the irreparable deterioration of any exterior appurtenance or architectural feature or produce a deterioration effect upon the character of the district as a whole or upon the life and character of the structure itself, including but not limited to:

- a. The deterioration of exterior walls or other vertical supports;

- b. The deterioration of roofs or other horizontal members;
- c. The deterioration of exterior chimneys;
- d. The deterioration or crumbling of exterior plaster or mortar;
- e. The ineffective waterproofing of exterior walls, roofs and foundations, including broken windows or doors;
- f. The peeling of paint, rotting, holes and other forms of decay;
- g. The lack of maintenance of surrounding environment (*e.g.*, fences, gates, sidewalks, steps, signs, accessory structures and landscaping);
- h. The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions.

After notice by the Architectural Review Board by certified or registered mail of specific instances of failure to maintain or repair and of an opportunity to appear before the Architectural Review Board or the Town Council, the owner or person in charge of said structure shall have ninety (90) days to remedy such violation. Thereafter, each day during which there exists any violation of this section shall constitute a separate offense and shall be punishable as provided in this ordinance. In the alternative, if the owner fails to act, the Zoning Administrator, with approval of the Mayor and after due notice to the owner, may enter the property and make or cause to be made such repairs as are necessary to preserve the integrity and safety of the structure and the reasonable costs thereof shall be placed as a lien against the property or, in a proper hardship case, paid by the Town.

#### 18.5.10 FILE OF ACTIONS TO BE MAINTAINED

In order to provide guidance for application of standards and guidelines, for the improvement of standards and guidelines, and for assistance to future applicants and the promotion of consistent policies in guiding applicants toward better standards of design, the Zoning Administrator and the Architectural Review Board shall maintain a complete case file of all instances. The file documents shall remain the property of the Town but shall be held available for public review.

### 18.6 ADMINISTRATION

The following administrative procedures shall be followed in both the historical and entrance corridor overlay districts.

#### 18.6.1 ZONING ADMINISTRATOR

Except as authorized herein, the Zoning Administrator shall not authorize a permit for any erection, reconstruction, integral exterior facade change, demolition or razing of a building or structure in the historic district until the same has been approved by the Architectural Review Board as set forth in the following procedures.

#### 18.6.2 RECEIPT OF APPLICATION

Upon receipt in the Office of the Town Clerk of an application for permit in the historic overlay district or the entrance corridor overlay district, the Zoning Administrator shall:

- a. Ensure receipt of three (3) copies of material, as required in section 20, *Administration, Enforcement and Interpretation*, and the applicable permit application fee, as specified in section 25, *Fees*.
- b. Within seven (7) calendar days forward to the Architectural Review Board a copy of the application, together with a copy of the site plan and the building plans and specifications filed by the applicant.
- c. Inform the members of Town Council that application has been filed.
- d. Maintain in his/her office a record of all such applications and of the handling and final disposition of the same.

### 18.6.3 MATERIAL TO BE SUBMITTED FOR REVIEW

By general rule, or by specific request in a particular case, the Architectural Review Board may require submission of any or all of the following in connection with the application: architectural plans, site plans, landscaping plans, construction methods, proposed signs with appropriate details to character, proposed exterior lighting arrangements, elevations of all portions of structure with important relationships to public view (with indications as to visual construction materials, design of doors and windows, colors, and relationships to adjoining structures), and such other exhibits and reports as are necessary for its determinations. Requests for approval of activities proposed in historic districts shall be accepted only from the record owner of the land involved in such proposal, or his/her agent.

For minor actions not required to be reviewed by the Architectural Review Board and which may be approved by the Zoning Administrator, an application shall be submitted on a form provided by the Town to determine if the proposed action is exempt from review by the Architectural Review Board. Should the proposed action not be capable of adequate description on the application form, the Zoning Administrator may require additional information, including photographs, sketches and samples of materials or such other information as may be required for a decision.

### 18.6.4 OTHER APPROVALS REQUIRED

Final action by the Architectural Review Board shall be taken prior to consideration of proposals requiring site plan approval by the Planning Commission. However, the Planning Commission may table a proposal in order to request additional comments of the Architectural Review Board. Preliminary subdivision plats shall be reviewed and commented upon by the Architectural Review Board prior to final action by the Planning Commission.

### 18.6.5 ACTION BY THE ARCHITECTURAL REVIEW BOARD; ISSUANCE OF CERTIFICATES OF APPROPRIATENESS

The Architectural Review Board shall render a decision upon any request or application for a Certificate of Appropriateness within sixty (60) days after the filing of an application accepted as complete. Failure of the Architectural Review Board to render such a decision within said sixty (60) day period, unless such period be extended with the concurrence of the applicant, shall entitle the applicant to proceed as if the Architectural Review Board had granted the Certificate of Appropriateness applied for. Prior to denying the Certificate of Appropriateness, the Architectural Review Board, on the basis of the review of information received, shall, upon request, indicate to the applicant the changes in plans and specifications, if any, which in the opinion of the Architectural Review Board, would protect and/or preserve the historical aspects of the landmark, building, structure, or district. If the applicant determines to make the suggested changes and submits this determination in writing, the Architectural Review Board may issue the Certificate of Appropriateness.

#### 18.6.6 REVIEW BY TOWN COUNCIL

The Town Council reserves unto itself the right to review all decisions of the Architectural Review Board made in administration of sections 18 and 19, *Entrance Corridor Overlay District – EC*, which, in its discretion, it shall deem necessary to the proper administration thereof. To this end, before the Architectural Review Board renders its final determination on the issuance of a Certificate of Appropriateness, the Architectural Review Board will inform the Town Council of its findings and intention to issue or deny the certificate.

#### 18.6.7 EXPIRATION OF CERTIFICATES OF APPROPRIATENESS AND PERMITS TO RAZE

Any Certificate of Appropriateness issued pursuant to this article and any permit to raze a building issued pursuant to this article shall expire of its own limitation twelve months from the date of issuance if the work authorized thereby is not commenced by the end of such twelve-month period; and further, any such certificate and permit shall also expire and become null and void if such authorized work is suspended or abandoned for a period of twelve months after being commenced. Any period or periods of time during which the right to use any such certificate or permit is stayed pursuant to this article shall be excluded from the computation of the twelve months.

#### 18.6.8 INSPECTION BY ZONING ADMINISTRATOR AFTER APPROVAL

When a Certificate of Appropriateness has been issued, the Zoning Administrator shall from time to time inspect the alteration or construction approved by such certificate and shall give prompt notice to the applicant of any work not in accordance with such certificate or violating any ordinances of the Town. The Zoning Administrator may revoke the certificate or the building permit if violations are not corrected by the applicant in a timely manner.

#### 18.6.9 DELAY OF APPROVAL

In the case of a proposal other than for demolition or moving but involving a designated landmark where the Architectural Review Board, or, on appeal, the Town Council cannot reach a satisfactory agreement with the owner and where the Architectural Review Board or, on appeal, the Town Council decides such action to be in the public interest and not in conflict with any provision of law, it may delay the effective date of an approval for a period of three months from the date of application or appeal to enable negotiations to be undertaken and completed for acquisition of the property for preservation or public use. Failure of negotiations within this period shall be the equivalent of a denial of the application by the Architectural Review Board, or on appeal, by the Town Council.

#### 18.6.10 CONDITIONS IMPOSED BY THE ARCHITECTURAL REVIEW BOARD

In approval of any proposal under this section, the Architectural Review Board or, on appeal, the Town Council may limit such approval by such reasonable conditions as the case may require.

#### 18.6.11 APPEAL TO THE TOWN COUNCIL

An appeal from a decision of the Architectural Review Board may be taken to the Town Council by the owner of the property in question or by any party aggrieved by said decision, which shall include any owner of property in the same historic district. Such appeal shall be taken within thirty (30) days after the decision appealed from by filing with the Zoning Administrator a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Clerk of the Town Council all the papers constituting the record upon which the action appealed from was taken. The Town Council shall fix a reasonable time for the

hearing, give public notice thereof as required by section 20, *Administration, Enforcement and Interpretation*, hereof and decide the same within sixty (60) days. Upon the hearing any party may appear in person or by agent or by attorney. In exercising its powers, the Town Council may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify, any order, requirement, decision or determination appealed from and make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the Architectural Review Board.

#### 18.6.12 APPEAL TO THE CIRCUIT COURT FROM A DECISION OF THE TOWN COUNCIL

An appeal from a final decision of the Town Council may be filed with the Circuit Court of Albemarle County within 30 days after said decision in the manner prescribed by law by the owner of the property in question or by the Architectural Review Board, or by any party aggrieved by said decision, which shall include any owner of property in the same historic district. The filing of an appeal shall stay the decision of the Town Council pending the outcome of the appeal to the court, except that the filing of such petition shall not stay the decision of the Town Council if such decision denies the right to raze or demolish a designated landmark, building or structure. The court may reverse or modify the decision of the Town Council, in whole or part, if it finds upon review that the decision of the governing body is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion, or it may affirm the decision of the Town Council.

#### 18.6.13 VIOLATIONS AND PENALTIES

Any violation of this section and the penalties for all such violations shall be as set forth in section 26, *Violations*, and section 27, *Penalties*, of this ordinance.