

**AN ORDINANCE TO APPROVE A ZONING ORDINANCE TEXT AMENDMENT TO
ARTICLE 3 TO AMEND THE PROPERTY MAINTENANCE PROVISIONS WITHIN THE
HISTORIC DISTRICT**

WHEREAS, Town Council seeks to update the property maintenance regulations found in Sections 3-5.3.4.10 Hazardous Buildings or Structures and 3-5.3.4.11 Demolition By Neglect; and

WHEREAS, the revisions would help staff with enforcement of property maintenance issues within the Historic District; and

WHEREAS, the revisions to Section 3-5.3.4.10 Hazardous Buildings or Structures identify when a Certificate of Appropriateness is not required prior to razing or demolition of a building in instances where life safety issues are found; and

WHEREAS, the revisions to Section 3-5.3.4.11 Demolition By Neglect give specific examples of Demolition By Neglect and provides a procedure when the Zoning Administrator determines a case for neglect exists and subsequent enforcement procedures when the violation is not abated; and

WHEREAS, the Town Council has determined that the health, safety, general welfare of the public and good zoning practice warrant this amendment; and

WHEREAS, the Town Council initiated this Zoning Ordinance text amendment on April 12, 2022; and

WHEREAS, the Town of Warrenton Planning Commission held a work session on the proposed amendment on July 26, 2022; and

WHEREAS, the Town of Warrenton Planning Commission held a public hearing on the proposed amendment on August 16, 2022 and unanimously recommended approval of the text amendment as drafted; and

WHEREAS, on September 13, 2022, the Town of Warrenton Town Council held a public hearing and considered written and oral testimony on the proposed text amendment; now, therefore, be it

ORDAINED by the Town Council of the Town of Warrenton this 13th day of September 2022, That the Town Council hereby approves the following text amendment to Article 3 of the Zoning Ordinance:

Tommy Cureton, Town Clerk

Article 3 Zoning Districts and Map

Amended by Town Council: March 11, 2008
February 12, 2013
April 12, 2016
June 14, 2016
August 9, 2016
December 11, 2018
August 11, 2020
August 10, 2021
September 13, 2022

Contents (Sections)

- 3-1 Zoning Districts Established**
 - 3-1.1 Base Districts
 - 3-1.2 Overlay Districts
- 3-2 Zoning Map**
- 3-3 Zoning District Boundaries**
- 3-4 Requirements for Base Zoning Districts**
 - 3-4.1 R-15 Residential District
 - 3-4.2 R-10 Residential District
 - 3-4.3 R-6 Residential District
 - 3-4.4 RT Residential Townhouse District
 - 3-4.5 RMF Residential Multifamily District
 - 3-4.6 R-40 Residential District
 - 3-4.7 R-E Residential District
 - 3-4.8 RO Residential Office District
 - 3-4.9 PSP Public-Semi-Public Institutional District
 - 3-4.10 C Commercial District
 - 3-4.11 CBD Central Business District
 - 3-4.12 I Industrial District
- 3-5 Requirements for Overlay Zoning Districts**
 - 3-5.1 FPD - Floodplain District
 - 3-5.2 PUD - Planned Unit Development District
 - 3-5.3 HD - Historic District

Article 3 Zoning Districts and Map

3-5.3 HD - Historic District

3-5.3.1 Legislative Intent

Districts may hereafter be created which are designated as Historic Districts (HD). They shall include historic areas as defined in the 1950 Code of Virginia § 15.2-2201. See also Code of Virginia § 15.2-2280-2283 and § 15.2-2306. districts may be created by amendment of the Zoning Ordinance and shall be overlay districts, as defined herein.

Pursuant to the purposes and provisions of the 1950 Code of Virginia § 15.2-2306 and for the purposes of implementing the Comprehensive Plan, promoting the general welfare, education, and recreational pleasure of the public, through the perpetuation of those areas or individual structures and premises which have been or may be officially designated by the Town Council as having historic or architectural significance, historic districts are created. Regulations within such districts are intended to protect against deterioration, destruction of, or encroachment upon, such areas, structures, and premises; to encourage uses which will lead to their continuance, conservation, and improvement in an appropriate manner; and to assure that new structures and uses within such districts will be in keeping with the character to be preserved and enhanced.

It is further the intent of this article that the Town Council along with the Planning Commission shall seek and obtain the advice and assistance of the Architectural Review Board, created herein, as well as other organizations or individuals qualified by interest, training, and experience in achieving the objectives set forth.

3-5.3.2 Creation and Composition of Architectural Review Board

3-5.3.2.1 Creation. For the general purposes of administering this article and specifically to preserve and protect historic places and areas in the Town through the control of demolition of such places and through the regulation of architectural design and uses of structures in such areas, there is hereby created a board to be known as the "Architectural Review Board" (ARB) to be composed of five (5) voting members. The members of said Architectural Review Board shall be appointed by the Town Council.

3-5.3.2.2 Membership. The Membership shall consist of five (5) members, a majority of which shall be residents of the Town, and all of who have

reasonable knowledge and have demonstrated an interest in historic or architectural development within the Town.

3-5.3.2.3 Terms. Members shall be appointed for a term of four (4) years. Initial appointments shall be three (3) members for four (4) years, and remaining members for two (2) years.

3-5.3.2.4 Organization. The ARB shall elect from its own membership a chairman and vice-chairman who shall serve annual terms and may succeed themselves. The Planning Director or his designee shall serve as Secretary to the ARB.

3-5.3.2.5 Rules. The ARB shall meet in regular session at least once a month, whenever an application has been filed for their consideration. Special Meetings of the ARB may be called by the Chairman or a majority of the members after twenty-four (24) hours written notice to each member served personally or left at his usual place of business or residence. Such notice shall state the time and place of a meeting and the purpose thereof.

Written notice of a special meeting is not required if the time of the special meeting has been fixed at a regular meeting, or if all members are present at a special meeting or file a written waiver of notice. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all voting members of the ARB. The ARB may make, alter, or rescind rules and forms for its procedures, consistent with the ordinances of the Town and the general laws of the State of Virginia.

The ARB shall establish procedures for all matters coming before it for review and all meetings shall be open to the public. Adequate notice shall be given to applicants, but meetings need not be advertised in advance except in the case of a proposal to demolish or move a designated landmark or contributing structure. Notice when required shall be the publication of the agenda in a newspaper of general circulation in the county seven (7) days prior to the meeting.

3-5.3.2.6 Powers and Duties. The Architectural Review Board shall have the power and authority for issuing or denying Certificates of Appropriateness for construction, reconstruction, substantial exterior alteration, razing, relocation, and signs within the historic district, with right of direct appeal of an adverse decision to the Town Council as provided in Article 11.

In addition to the aforementioned duties and powers, the Board shall have the following duties and powers:

1. To assist and advise the Town Council, the Planning Commission, and other Town departments, agencies, and property owners in matters involving historically significant sites and buildings, such as appropriate land usage, parking facilities, and signs.
2. To advise owners of historic landmarks or contributing structures on problems of preservation.
3. To propose additional historic districts.
4. To conduct studies deemed necessary by the Town Council or Planning Commission concerning additional districts, and means of preservation and utilization of historic assets in the Town.
5. To formulate recommendations to the Town Council concerning the establishment of an appropriate system of markers for selected historic sites and buildings, including proposals for the installation and care of such historic markers.
6. To cooperate with and enlist assistance from the Virginia Department of Historic Resources, the National Trust for Historic Preservation, and other interested parties both public and private in its efforts to preserve, restore, and conserve historic landmarks, buildings, sites, or areas within the Town.

3-5.3.3 Applicability; Historic District Boundaries Generally

3-5.3.3.1 Character.

The Historic District boundaries shall in general be drawn so as to include lands closely related to and bearing upon the character of the historic site or sites, thus providing an area needed to control potentially adverse influences. Said boundary shall include land on both sides of a street or streets where desirable to accomplish the preservation objective. The concept of the historic district shall include groupings of structures which have significance relative to their patterns of development and/or interrelationships among such structures, while some of the structures might not possess significant merit when considered alone.

3-5.3.3.2 Inventory of Landmarks and Contributing Properties Established.

The ARB shall prepare and recommend for adoption as a part of this Ordinance an inventory map based upon the criteria set forth in this

Ordinance. This map, hereinafter called the Inventory Map, when adopted by the Town Council 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 Zoning Administrator. All structures or sites designated on the Inventory Map as landmark structures or sites shall be considered as landmarks or landmark structures 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 map.

3-5.3.3.3 Establishment of and Amendments to Historic District Boundaries and Regulations.

Historic District boundaries, regulations and amendments thereto may be initiated (i) by resolution of the Town Council, (ii) by motion of the Planning Commission, or (iii) by petition of the owner, contract purchaser with the owner's written consent, or the owner's agent therefore, of the property which is the subject of the proposed Inventory Map amendment, addressed to the governing body or the local planning commission, in accord with Section 11-3.10 of this Ordinance. Any such resolution or motion by the Town Council or Planning Commission proposing the rezoning shall state the public purposes therefore.

The ARB shall prepare and submit a report with an evaluation of the proposed amendment. Such report should establish and define the historic district boundaries as defined upon an appropriate overlay map, as well as the historic and/or architectural significance of the buildings, structures, or sites to be protected; report on any special characteristics, qualities and/or fabric to be preserved; and describe current planning, present trends, conditions, and desirable public objectives for preservation.

3-5.3.3.4 Criteria.

Criteria for evaluating the merits of a given structure or space shall be based on architectural features as well as historic factors. Certain buildings or areas, although not associated with a historic personage or event, may be valuable examples of the Town's physical and cultural

heritage. Structures of local significance shall be evaluated as well as those of State and National significance, and any structures individually listed upon the National Register of Historic Places or the Virginia Landmarks Register shall be designated upon the Town Register. In addition, such evaluation shall be based on the following matters, as well as the Town's Historic District Design Guidelines.

1. Architectural and Landscape Style

The evaluation shall respect the qualities of each architectural and landscape style and shall judge a structure's merit on how well it exemplifies the distinguishing characteristics of said style. Consideration will be given to:

1. Significance of architectural design.
2. Scale and/or interrelationships of structures and/or environmental features.
3. Significant patterns of development.
4. Quality of Workmanship.
5. Amount of surviving original fabric.
6. Original location and/or use.
7. Remaining outbuildings or dependencies.
8. Surrounding environment, including gardens, landscaping, and walks.
9. Aesthetic quality.
10. Original integrity of the structure and its details.

2. Historical and/or Cultural Significance

Structures or spaces relating to one or more of the following criteria will be considered historically or culturally valuable:

1. Association with historic personage.
2. Association with historic event.
3. Work of leading architect or master craftsman.
4. Site or structure of cultural significance.

In addition, sole or infrequent surviving building types and structures not historic in themselves but adding to the character of a historic district need to be looked at as potentially deserving preservation. The location of such resources within the Historic District and the resource's relative importance to the District as a whole, shall be considered.

3-5.3.3.5 Additional Required Information. In addition to historical and architectural information, the aforementioned report of the ARB required by paragraph 3-5.3.3.2 for amendments to the Ordinance shall include:

1. A description of existing structures, premises, and uses likely to have an adverse effect on the desired character of the district, including those near and visually related to the district, with maps, photographs, and other data indicating the reasons for such an effect.
2. An analysis of lands not occupied by structures, including lands near and visually related to the district. For public lands, ownership, use, and location shall be indicated. For private lands, assessed valuation shall be added as well as existing zoning and planned land use.
3. Recommendations concerning detailed regulations to be applied within the district, to supplement or modify general regulations set forth herein, which may include principal and accessory uses and structures, minimum lot and yard requirements, maximum lot coverage by all buildings, maximum height of structures, off-street parking and loading requirements, control of signs and exterior illumination, and control of integral facade changes to existing buildings where said controls and regulations are only for the express purpose of preventing changes which are architecturally incompatible with the buildings, structures, or sites to be preserved.

3-5.3.3.6 Action by the Town Council. The creation of a historic district by the Town Council shall include a declaration that the landmarks, buildings, structures, or sites to be preserved are in fact of historical and/or architectural significance requiring protection against destruction or encroachment; that the designation of individual structures and premises is in substantial public interest; and that such recommendations as approved by the Town Council supplementing or modifying general regulations are to be applied to the district created.

3-5.3.4 District Regulations

Within the Historic District the following regulations shall apply:

3-5.3.4.1 Certain Minor Actions Exempted From Review By The Architectural Review Board. 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. Such actions shall include the following and any similar actions which in the written opinion of the Zoning Administrator will have no more effect on the character of the district than those listed:

1. Repainting resulting in the same or in a different color. (Original painting of masonry surfaces is not exempted from review.)
2. 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.
3. Addition or deletion of storm doors or storm windows and window gardens, or similar appurtenances.
4. Addition or deletion of television and radio antennas, or skylights and solar collectors in locations not visible from a public street.
5. Landscaping involving planting of grass, trees or shrubs, minor grading, walks, low retaining walls, temporary fencing, small fountains, ponds, and the like which will not substantially affect the character of the property and its surroundings.
6. Minor additions or deletions to the structure or accessory structures which will not substantially change the architectural character of the structure or which are generally hidden from public view.
7. 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.
8. Construction of off-street loading areas and off-street parking areas containing five (5) spaces or less in a commercial or Central Business District.
9. Creation of outside storage in a commercial or Central Business District which does not require structural changes or major grading.
10. Routine utility repairs and minor improvements which will not be clearly visible from the public right-of-way.
11. Any changes within a structure which are not visible from a public street.

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 his opinion the action may have an adverse effect on the Historic District or may produce arresting and spectacular effects, violent contrasts of materials or colors and intense and lurid colors or patterns, or details clearly inconsistent with the character of the present structures or with the prevailing character of the surroundings and the historic district.

3-5.3.4.2 Certificate of Appropriateness Required for New Construction, Reconstruction, and Substantial Exterior Alteration.

Except as herein provided no building or structure, including signs, shall be refaced, erected, reconstructed, restored, or substantially altered in exterior appearance 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 general examples of "nonsubstantial" alterations cited herein. Examples of work constituting "substantial alterations" include:

1. 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.
2. 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.
3. 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.
4. Addition or removal of one (1) or more stories or alteration of a roof line.

5. Landscaping which involves major changes of grade or walls and fences more than three-and-one-half (3.5) feet in height.
6. All signs on all structures shall be reviewed in accordance with Article 6.
7. 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.
8. Erection of awnings, canopies, and similar appurtenances shall be reviewed.
9. Placement of window air conditioners on the front of commercial buildings only shall be reviewed. Central air conditioning units on residential and commercial buildings shall be reviewed. Placement of exhaust fans shall be reviewed.

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 a written determination prior to commencement of work.

"Unsubstantial Alterations" shall include:

1. 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
2. To restore same as nearly as practical to its condition prior to such deterioration, decay, or damage.
3. Those minor actions exempted from review by Section 3-5.3.4.1.

3-5.3.4.3 Matters to be Considered in Reviewing the Appropriateness of the Construction, Reconstruction, or Exterior Alteration of Buildings or Structures by the Board. The Architectural Review Board shall consider only those elements that support the purpose of preventing construction, reconstruction, exterior alteration, repair, or restoration that is not compatible with the old and historic aspect of the surroundings.

The Architectural Review Board shall consider the following in reviewing the appropriateness of architectural features:

1. Exterior architectural features including all signs except for those exempted in Section 3-5.3.4.1

2. General design, scale, and arrangement.
3. Texture and material, of new construction.
4. The relation of features 1, 2, and 3 above, to similar features of buildings and structures in the immediate surroundings.
5. The extent to which the building or structure would be harmonious with or incompatible with the old and historic aspects of the surroundings. It is not the intent of this consideration to discourage contemporary architectural expression or to encourage the emulation of existing buildings or structures of historic or architectural interest in specific detail. Harmony or incompatibility should be evaluated in terms of the appropriateness of materials, scale, size, height, and placement of a new building or structure in relationship to existing buildings and structures and to the setting thereof, in accord with the Town's Historic District Design Guidelines.

3-5.3.4.4 Matters Not to be Considered in Reviewing the Appropriateness of the Construction, Reconstruction, or Exterior Alteration of Buildings or Structures by the Board.

The Architectural Review Board shall not consider the following in reviewing the appropriateness of architectural features:

1. Interior arrangements of rooms, spaces, materials and structural elements, which are reviewed by the building official for compliance with the building code
2. Base Zoning Regulations, such as use, lot size, height, setback, parking requirements, density and landscaping, which are reviewed by the Zoning Administrator for compliance with the Zoning Ordinance.

3-5.3.4.5 Demolition. No building or structure officially designated as a landmark or a contributing building or structure within the historic district on the Inventory Map which accompanies this Ordinance shall be demolished until a Certificate of Appropriateness is issued by the Architectural Review Board, with right of direct appeal from an adverse decision to the Town Council, as hereinafter provided. The Town Council may approve the demolition of a building or structure within the historic district which has not been designated either as a landmark or contributing structure on said inventory map.

3-5.3.4.6 Moving or Relocation. No building or structure officially designated as a landmark or contributing building or structure within the district on the inventory map which accompanies this Ordinance shall be moved or relocated unless the same is approved by the Architectural Review Board and a Certificate of Appropriateness issued with right of direct appeal of an adverse decision to the Town Council as herein provided. An appeal for final decision by the Town Council shall be automatic and mandatory in the case of approval of the moving or relocation of a building or structure so designated as a landmark. The Zoning Administrator may approve the moving or relocation of the building or structure within the historic district which has not been designated either as a landmark or contributing structure on said inventory map.

3-5.3.4.7 Matters to be Considered in Determining the Appropriateness of Moving or Relocating a Landmark Building or Structure within a Historic District.

1. Whether or not the proposed relocation would have a detrimental effect on the structural soundness of the landmark building or structure.
2. Whether or not the proposed relocation would have a detrimental effect on the historical aspects of other landmarks in the districts.
3. 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.
4. Whether or not the proposed relocation is the only feasible means of saving the structure from demolition or demolition by neglect.

3-5.3.4.8 Matters to be Considered in Determining Whether or Not to Grant a Certificate of Appropriateness for Razing or Demolition. The Architectural Review Board shall consider the following criteria in determining whether or not to grant a certificate of appropriateness for razing or demolition:

1. 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.
2. 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.

3. Whether or not the building is of such old and unusual or uncommon design, texture, and/or material that it could be reproduced only with great difficulty and/or expense.
4. Whether or not retention of the building or structure would help to preserve and protect a historic place or area of historic interest in the Town.

3-5.3.4.9 Offer for Sale. However, the owner of a historic landmark, as a matter of right shall be entitled to raze or demolish such landmark provided that:

1. ~~He has~~ They have applied to the Architectural Review Board for such right.
2. The owner has for the period of time set forth in the time schedule hereinafter contained at a price reasonably related to its fair market value as determined by independent appraisal, as hereinafter set forth, made a bona fide offer to sell such landmark, and the land pertaining thereto, to such person, firm, corporation, government, or agency, or political subdivision or agency thereof, which gives reasonable assurance that it is willing to preserve and restore the landmark, and the land pertaining thereto. A bona fide offer shall mean actions equivalent to a formal offer in writing and publicly advertised, from the seller to the public, specifying the price and terms of sale. The procedure for establishing the fair market value, unless the owner and the Architectural Review Board agree upon the said value, shall be that the owner and Architectural Review Board shall each retain one independent, qualified appraiser, and should the two appraisers not agree upon the said fair market value, those appraisers shall choose a third qualified appraiser. A median value shall be established by the three appraisers which shall be final and binding upon the owner and the Architectural Review Board.
3. No contract for the sale of any such historic landmark, and the land pertaining thereto, shall be binding or enforceable prior to the expiration of the applicable time period as set forth in the time schedule hereinafter contained. Any appeal which may be taken to the Town Council from the decision of the Architectural Review Board, and from the Town Council to the Circuit Court of Fauquier County, shall not affect the right of the owner to make bona fide offer to sell. Offers to sell as provided in this section shall be made within one (1) year of the date of application to the Architectural Review Board.

4. Notice. Before making a bona fide offer to sell, an owner shall first file a written statement with the Chairman of the Architectural Review Board. Such statement shall identify the property, state the offering price, the date the offer of sale is to begin, and name of the real estate agent, if any. No time period set forth in the time schedule hereinafter set forth shall begin to run until such statement has been filed.

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

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

3-5.3.4.10 Hazardous Buildings or Structures. Notwithstanding anything to the contrary contained in this Article, review and approval of a Certificate of Appropriateness by the Architectural Review Board is not required. Nothing in this Article shall prevent for the razing or demolition of any building or structure, or any portion thereof, without consideration of the Architectural Review Board (i) that is determined by the Zoning Administrator to be of such an unsafe condition that it presents an imminent danger to life or property which is in such an unsafe condition that it would endanger life or property, and (ii) where the Zoning Administrator determines that such razing or demolition is immediately necessary for the protection of life or property. If the Building Code or other applicable Town ordinance allows for any such unsafe condition to be abated by reasonable means and methods of stabilization and/or shoring.

including but not limited to the establishment of alternative load paths, then as an alternative to demolition the Zoning Administrator shall have the right to undertake such abatement at the owner's cost and expense. from such condition is provided for in the Building Code and/or other applicable Town ordinances. However, such razing or demolition shall not be commenced without written approval of the Zoning Administrator verifying the conditions necessitating such action.

3-5.3.4.11 Demolition by Neglect. ~~No All officially designated~~ historic landmarks, buildings, or structures within any historic district shall be maintained in good condition and repair and shall not be allowed to deteriorate or fall into disrepair due to ~~neglect~~ any actions or inactions by the owner ~~which would result in violation of this section.~~ "Demolition by neglect" shall mean any or all of the following: shall include any one (1) or more of the following courses of action or inaction:

1. Deterioration, disrepair, or lack of maintenance of ~~the exterior of~~ any portion of a building or structure to the extent that it creates or permits a hazardous or unsafe condition.
2. Deterioration, disrepair, or lack of maintenance of foundations, exterior walls, or other vertical supports, horizontal members, roofs, chimneys, parapets, cornices, and or other exterior wall elements of a building or structure, including but not limited to, such as siding, wooden walls, brick, plaster, ~~or~~ mortar, pilasters, or columns to the extent that it adversely affects the character of the historic district or could reasonably lead to irreversible damage to the structure.
- ~~3. Action by any Town or State authority relative to the safety or physical condition of any building.~~
- ~~4. The deterioration of exterior chimneys~~
- ~~53. The ineffective waterproofing of exterior walls, roofs, and foundations, including but not limited to peeling paint, rotting wood, broken and cracked windows and doors, windows and doors that do not fully close, or other unsealed openings or penetrations.~~
- ~~6. The peeling of paint, rotting, holes or other forms of decay~~
- ~~74. The lack of maintenance~~ Deterioration, disrepair, or lack of maintenance of the surrounding environment including fences, gates, sidewalks, steps, signs, accessory structures, and

landscaping that contributes to the historic integrity of the building or structure.

~~8. The deterioration of any feature that so as to create or permit the creation of any hazardous or unsafe conditions.~~

In the event that the Zoning Administrator determines that any of the above conditions exist a structure in a historic district is being "demolished by neglect", he, they shall so notify the owner and the Chairman of the Architectural Review Board of this conclusion in writing, stating the specific instances of deterioration, disrepair, and/or lack of maintenance observed reasons therefore, and shall give the owner shall have the owner thirty (30) days from the date of the written notice in which to commence work rectifying the specifics provided in the notice to address the issues in the notice, or to initiate proceedings as provided in Section 3-5.3.4.2 or 3-5.3.4.9 above. If the owner commences action to address the issues in the notice within the 30-day period, the Zoning Administrator may extend the time for the owner to fully address the issues for such period that the Zoning Administrator deems reasonable for the owner to completely address the issues in the notice. If the owner does not commence appropriate action to address, or does not completely address, the issues in the notice is not taken in this within such period time, or does not completely address such issues within any extended period, the owner shall be in violation of this Ordinance and shall be guilty of committing a Class 2 misdemeanor for each and every day of such ongoing violation, which shall be punishable as provided by Va. Code § 15.2-2286(A)(5). Zoning Administrator will initiate appropriate legal action as provided herein.

3-5.3.4.12 Signs, Exterior Illumination. Within the Historic District only those signs permitted in the underlying, base Zoning District shall be permitted. However, no sign otherwise permitted by the Zoning Ordinance shall be permitted if the Architectural Review Board finds such sign or exterior illumination to be architecturally incompatible with the historical and/or architectural character of the landmark or district as set forth in the adopted Historic District Guidelines.

3-5.3.4.13 Exceptions. Where the strict interpretation of this article contradicts existing building, sanitary, or other codes, the Architectural Review Board shall make recommendations for reasonable relief after consultation with qualified technical authorities or with any appeal board now or hereafter established by code. In other cases of

conflict between this and other regulations, the stricter between the two shall apply.

3-5.3.5 Administration

3-5.3.5.1 Zoning Administrator.

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

3-5.3.5.2 Receipt of Application.

Upon receipt of an application by the Planning Director for each permit in the historic district, the Planning Director shall:

1. Forthwith 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;
2. Maintain in his office a record of all such applications and of his handling and final disposition of the same; and
3. Require applicants to submit seven (7) copies of material required to permit compliance with the foregoing.

3-5.3.5.3 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 detail as 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 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.

3-5.3.5.4 Other Approvals Required.

In any case in which an applicant's proposal also requires the approval of the Board of Zoning Appeals, final action by the Board of Zoning Appeals shall precede final action by the Architectural Review Board. The Board of Zoning Appeals may, however, table a proposal in order to request the comments of the Architectural Review Board. Final action by the Architectural Review Board shall be taken prior to consideration of proposals requiring site plan approval.-

3-5.3.5.5 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 such application; 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 Board would protect and/or preserve the historical aspects of the landmark, building, structure, or district. If the applicant determines that he will make the suggested changes and does so in writing, the Architectural Review Board may issue the Certificate of Appropriateness.

3-5.3.5.6 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 (12) 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 (12) 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 (12) months.

3-5.3.5.7 Appeals of Architectural Review Board Decisions to Town Council.

Applicants may appeal a decision by the ARB to the Town Council, in accord with the procedures set forth in Article 11 of this Ordinance and §15.2-2306 (A) (3) of the Code of Virginia.

3-5.3.5.8 Appeals of Town Council Decisions to the Circuit Court.

Applicants may appeal a decision by the Town Council to the Circuit Court, in accord with the procedures set forth in Article 11 of this Ordinance and §15.2-2306 (A) (3) of the Code of Virginia. Such appeals shall set forth the alleged illegality of the action of the Town Council and shall be filed within thirty days of the final decision rendered by the Town Council.

3-5.3.6 Violations and Penalties

Any violation of this Article and the penalties for all such violations shall be as set forth in the Zoning Ordinance, in accord with Article 11 of this Ordinance and §15.2-2306 (A) (3) of the Code of Virginia.