

estimated construction costs. Such certified check, cash escrow, bond, or letter of credit shall be payable to and held by the Town Council, and the form of such shall be approved by the Town Attorney.

- C. The Applicant's bond shall not be reduced by the Town Council until construction has been inspected and approved. Increase in prices due to inflation and the passage of time shall be given consideration in the determination of the amount of said bond. Each bond shall include an agreement that specifies deadlines for construction and failure to meet said deadlines gives the Town the right to draw from the bond and complete construction of the improvements.

2.31.10 Lot grading plans

Signed by a professional surveyor shall be submitted prior to issuance of an Occupancy Permit.

2.31.11 Record drawings (as-builts)

Will be submitted in accordance with the requirement for record drawings prior to subdivisions being taken over by the Town and final bond being released.

2.32 Historic District Certificate of Appropriateness

2.32.1 Application and Permit Review

- A. Minor modification. If it is determined by the Zoning Administrator that the proposed improvements qualify as a minor modification, then no application review is required by the Board. However, the owner may request an advisory meeting with the Board.
- B. Major modification. If it is determined by the Zoning Administrator that the proposed improvements qualify as a major modification, the owner shall be required to submit an application to the Board; however, the Board may only make recommendations on the proposal. The review process for a major modification shall be as follows:
 1. The owner shall complete and submit the form titled "Application for Review by the Architectural Review Board." No application shall be considered unless it is received by the Zoning Administrator at least seven (7) days before a scheduled meeting of the Board. The application shall be accompanied with all of the following:
 - (a) A scaled and dimensioned Site Plan of the property showing all existing and/or proposed buildings and structures including fences, porches, and other site features.
 - (b) A written description that includes:
 2. A list of all proposed modifications to existing and/or proposed buildings;
 3. A timeline of when construction of the proposed modifications will commence and be completed; and
 4. A narrative of the history of the buildings, structures, and site including age of the buildings and structures, previous owners, current and past uses, and any other pertinent information.
 - (a) Architectural elevations and photographs of all existing and/or proposed buildings and structures showing the location and extent of the proposed modification(s). The exhibits should clearly show the form and style of the buildings and structures including the height, mass, scale, architectural details, fixtures (decorative or functional), materials, and colors.

- (b) Cut sheets, specifications, photographs, samples, or other media indicating the materials and colors proposed for the modification.
 - (c) An application fee as set forth by the Town Council.
5. The ARB Board shall review the proposal for compliance with the review criteria outlined in this UDO and shall make recommendations to the owner. If the owner is seeking real estate tax exemption, the ARB shall take action on the application and either approve, disapprove, or approve with conditions. If the proposal is approved, the Board shall issue a Certificate of Appropriateness which indicates the approved modifications and any conditions of approval. If the application is disapproved, the Board shall indicate in writing, the reasons for such action and suggest conditions under which the application may be approved. Failure by the Board to issue a certificate of appropriateness shall disqualify an owner from receiving the tax exemption benefits.
- C. Demolition. If it is determined by the Zoning Administrator that the proposed improvements qualify as a demolition, the request shall be processed as follows:
- 1. The owner proposing a demolition shall complete the form titled "Application for Review by the Architectural Review Board." No application shall be considered unless it is received by the Zoning Administrator at least seven (7) days before a scheduled meeting of the Board. The application shall be accompanied with all of the following:
 - (a) A scaled and dimensioned Site Plan of the property showing all existing and/or proposed buildings and structures including fences, porches, and other site features. The plan shall indicate which buildings, structures, or features are proposed for demolition and those which will remain in place.
 - (b) A written description that includes:
 - (c) A list of all structures proposed for demolition;
 - (d) A timeline of when demolition will commence and be completed; and
 - (e) A narrative of the history of the buildings, structures, and site including age of the buildings and structures, previous owners, current and past uses, and any other pertinent information.
 - (1) Architectural elevations and/or photographs of all existing and/or proposed buildings and structures showing the location and extent of the proposed demolition.
 - (2) An application fee as set forth by the Town Council.
 - 2. The Board shall review the proposal for compliance with the review criteria outlined in this Section and shall either approve, disapprove, or approve with conditions. If the demolition is approved, the Board shall issue a certificate of appropriateness which indicates the extent of the approved demolition and any conditions of approval. If the demolition is disapproved, the Board shall indicate in writing the reasons for such action and suggest conditions, if any, under which the demolition may be approved.
- D. New construction, addition, movement, relocation or reconstruction greater than 50% of the market value. If it is determined by the Zoning Administrator that the proposed improvements qualify as new construction, addition, movement, or relocation as outlined in this UDO, the owner shall be required to submit an application for review by the Board and be issued a certificate of appropriateness prior to commencing the proposed activities. The review process shall be as follows:

1. The owner shall complete and submit the form titled "Application for Review" by the Architectural Review Board. No application shall be considered unless it is received by the Zoning Administrator at least seven (7) days before a scheduled meeting of the Board. The application shall be accompanied with all of the following:
 - (a) A scaled and dimensioned Site Plan of the property showing all existing and/or proposed buildings and structures including fences, porches, and other site features.
 - (b) A written description that includes:
 2. A list of all proposed modifications to existing and/or proposed buildings;
 3. A timeline of when construction of the proposed modifications will commence and be completed; and
 4. A narrative of the history of the buildings, structures, and site including age of the buildings and structures, previous owners, current and past uses, and any other pertinent information.
 - (a) Architectural elevations and photographs of all existing and/or proposed buildings and structures showing the location and extent of the proposed modification(s). The exhibits should clearly show the form and style of the buildings and structures including the height, mass, scale, architectural details, fixtures (decorative or functional), materials, and colors.
 - (b) Cut sheets, specifications, photographs, samples, or other media indicating the materials and colors proposed for the modification.
 - (c) An application fee as set forth by the Town Council.
- E. Site plan review. If a Site Plan application is required, as described in section.3.14 for the proposed action, then such application may be submitted concurrently with the "Application for Review by the Architectural Review Board."
- F. Zoning permit. After receiving a certificate of appropriateness from the Board, the owner shall apply for a Zoning Permit in compliance with this UDO.

2.32.2 Approval

- A. Construction activity. Following the issuance of a certificate of appropriateness and all other permits and approvals described in this section, the owner may begin the approved activity. The certificate of appropriateness or a legible copy shall be posted on the property in a location visible from a public right-of-way during the construction or demolition phase.
- B. Time for completion. Approved construction activity shall be completed within 12 months of the date of issuance of a certificate of appropriateness. Upon receiving a written request from the Applicant, the Zoning Administrator may approve an extension of up to 12 months. Such request shall be made prior to expiration of the initial time for completion. If the time for completion expires prior to the Applicant completing the approved construction activity, the certificate of appropriateness shall be considered void and the Applicant shall be required again to pursue the necessary approval.
- C. Final inspection. Subsequent to the completion of all approved activities, the Zoning Administrator shall conduct an inspection of the property to ensure that all activity has been completed as approved, and report to the Board. If the activity has not been completed in compliance with the certificate of appropriateness, the Zoning Administrator shall prepare a list of items not in compliance and may set a reasonable date by which all

activity shall be completed, and report to the Board. If all activity is not completed by the date established, the Zoning Administrator may revoke the certificate of appropriateness and/or may pursue enforcement action consistent with this UDO in consultation with the Board.

2.32.3 Criteria

Pursuant to the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, the ARB and the Town shall use the following criteria in granting or denying certificates of appropriateness.

- A. General factors. In considering the appropriateness of any application, the ARB shall be guided in their decisions by:
1. The Strasburg Historic District Design Guidelines;
 2. The compatibility of the proposed change to the historical and architectural significance, quality, character, and scale of the surrounding properties;
 3. The impact of the proposed modification or new building or structure on the surrounding natural environment;
 4. The compatibility of the proposal with the goals for historic preservation detailed in the Comprehensive Plan and this UDO;
 5. General appearance of the land, building, or improvement under consideration;
 6. Structural condition of existing building or structure;
 7. Structural composition of existing building, or structure, or improvement, and proposed alteration;
 8. Architectural design of existing building, or structure, or improvement, and proposed alteration;
 9. Size of existing land parcel, building, or structure, or improvement and proposed alteration;
 10. Historical significance of existing land, building, structure, or improvement;
 11. Economic use of existing land, building, structure, or improvement;
 12. Relative cost of proposed project and alternatives;
 13. The owner's legitimate right to earn a reasonable return from his investment in the site, building, or structure, and building and its owner/occupant and his needs; and
 14. The relationship of the above factors to, and their effect upon the immediate surrounding and, if within an historic district, upon the district as a whole and its architectural historical character and integrity.
- B. Existing buildings and structures. In deciding upon applications to alter buildings or structures, the ARB shall consider the architectural and historic significance as well as other pertinent information provided by the Virginia Department of Historic Resources and National Register Nomination of 1984 and similar subsequent surveys, and shall consider criteria set forth in the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, as amended.
- C. New construction (additions to existing resources and infill construction on vacant properties). In reviewing applications for new construction, the Board shall take into account the extent to which the building or structure would be appropriate or incongruous to the historic district as well as its immediate surroundings.

The ARB shall consider major design elements, including Site Planning; massing, proportion and scale; roof, windows, and doorways; and all exterior architectural elements, including height, materials, trim and other details. The Board may adopt additional guidelines for new construction as it deems appropriate.

1. The following aspects of new construction shall be visually compatible with the buildings and environment with which the new construction is visually related, including the height, the gross volume, the proportion between width and height of the facade(s), the proportions and relationship between doors and windows, the rhythm of solids to voids created by openings in the facade, and materials used in the facade, the texture inherent in the facade, the colors, pattern, and trim used in the facade, and the design of the roof.
2. Existing rhythm created by existing building masses and spaces between them should be preserved.
3. The Site Plan should be sensitive to the individual building and its occupant, and needs, and should be visually compatible with the buildings with which it is visually related.
4. A new street facade should blend directionally with other buildings with which it is visually related-- which is to say, when adjacent buildings have a dominant horizontal or vertical expression, that expression should be carried over in the new facade.
5. New construction shall be compatible with the original construction of the historic resources, and should be distinguishable from the original construction and should enhance the architectural characteristic of the historic district.
6. No single architectural style shall be imposed.
7. The quality and excellence in design should be major determinants.

D. Exterior alteration

1. All exterior alterations to a building or structure should be compatible with the building itself and other buildings with which it is related, as is provided in subsection (b)(1) above, and in applying these standards, the original design of the building or structure shall also be considered.
2. Exterior alterations shall not affect the architectural character or historic quality of the building.

E. Demolition

1. Approval required. No building or structure subject to the provisions of this Section shall be demolished, in whole or in part, unless a certificate of appropriateness has been issued by the ARB, with right of direct appeal from an adverse decision to the Town Council, as provided herein; provided, however, approval by the Town Council, after a recommendation by the ARB, shall be mandatory in the case of the demolition of a building or structure designated as a Strasburg landmark.
2. Criteria. The ARB shall consider the following criteria in determining whether or not to issue a certificate of appropriateness for demolition:
 - (a) Whether or not the building or structure is of such historical, cultural, social, economic, political, artistic, architectural, or archaeological significance that its demolition would be detrimental to the public interest, cultural heritage, the architectural history of the locality, to the historic districts in whole or in part, to the purposes of this UDO, or would cause a loss of a visual

- tangible demonstration of local history or the social and artistic pattern of community development and planning.
- (b) Whether or not the building or structure is of such interest or historic significance that it would qualify as a national, state, or local historic landmark or through individual listing on the Virginia Landmarks Register or National Register of Historic Places.
 - (c) Whether or not the building or structure embodies the distinctive characteristics of a type, period, style, method of construction, represents the work of a master, possesses high artistic values or represents a significant or distinguishable entity whose components may lack individual distinction or whether the resource is associated with events that have made a significant contribution to the broad pattern of history or is associated with significant persons.
 - (d) Whether or not retention of the building or structure would help to preserve and protect a historic or architecturally significant place, the quality of life and pride of place or area of historic interest in the locality and promotes the purposes and intent of historic district zoning including tourism.
 - (e) Whether or not the building or structure has retained integrity or authenticity of its historic identity of design, materials, workmanship, setting, location, association and whether its unusual design, quality and workmanship of traditional materials and details of character-defining features could be easily reproduced.
 - (f) Whether the proposed demolition will affect the archaeological potential to yield information important to prehistory or history at this site.
 - (g) The difficulty or impossibility of reproducing such a resource because of its texture, design, material or detail.
 - (h) The proposed replacement structure and the future utilization of the site.
3. Offer for sale. In addition to seeking the right of demolition through application, the owner of a building or structure, the demolition of which is subject to the provisions of this UDO, shall as a matter of right be entitled to demolish such buildings or structures provided that:
 - (a) They have applied to the Town Council for such right;
 - (b) The owner has for the period of time set forth in the same schedule hereinafter contained and at a price reasonably related to its fair market value, made a bona fide offer to sell the building or structure, and the land pertaining thereto, to the locality or to any person, firm, corporation, government or agency thereof, or political subdivision or agency thereof, which gives reasonable assurance that it is willing to preserve and restore the landmark, building or structure and the land pertaining thereto; and
 - (c) No bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such 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.
 4. During the demolition delay period, the Board may negotiate with the owner and with other entities in an effort to preserve, acquire, or relocate the buildings or structures. Negotiation steps may include, but shall not be limited to:

- (a) Consultations with civic groups, public agencies, and interested citizens;
- (b) Recommendations for acquisition of the building or structure by public or private entities;
- (c) Exploration of the possibility of moving the building or structure; and
- (d) Options to salvage significant elements of the building or structure.

F. Demolition Delay Period.

| <u>Offering Price</u> | <u>Delay Period</u> |
|-----------------------|---------------------|
| \$0 - \$24,999 | 3 months |
| \$25,000 - \$39,999 | 4 months |
| \$40,000 - 54,999 | 5 months |
| \$55,000 - \$74,999 | 6 months |
| \$75,000 - \$89,999 | 7 months |
| \$90,000 or greater | 12 months |

G. Reconstruction. The reconstruction of a building damaged or destroyed by fire, storm or other act of God greater than 50% of replacement value shall be governed by the provisions of this UDO except that the ARB shall regulate the exterior design of such buildings in accordance with the criteria set forth in subsection (c) of this section. An application for a certificate of appropriateness shall only be denied upon a determination that the proposed changes or project would:

- (a) Result in such disharmony of scale, materials, massing, spacing and/or style between the proposed project and its immediate surroundings and the historic district, landmark or landmark site as a whole so as to undermine the architectural integrity and character of the historic district, or landmark site or landmark and inhibit the accomplishment of the purposes of this Section; or
- (b) Result in such a change in the architectural design or character of an existing building or improvement so as to undermine the architectural integrity or character of an historic district as a whole and inhibit the accomplishment of the purposes of this Section; or
- (c) Result in the loss of or irreparable harm to an existing building or improvement of architectural or historical significance. A certificate of appropriateness should not be denied if that denial would jeopardize the owner's legitimate right to earn a reasonable return from his investment in the landmark, landmark site or resource located within the historic district, all factors being considered. The ARB shall, in reaching its decision for recommendation, balance the cost of the reconstruction against the economic hardship that would be imposed upon the Applicant were the permit denied.

2.32.4 Decision

The ARB shall take action on an application no later than seven (7) days after the conclusion of the regular meeting on the application. The Board may vote to extend the time if it is decided that additional information or a professional consultant's services is required.

- A. The ARB shall serve as a review body with the power to make recommendations on applications for certificates of appropriateness, and if granted, what conditions, if any, should be provided in such certificate.
- B. In making determinations, evaluations, and decisions under this Section, the ARB shall seek to accomplish the purposes of this Section; in particular, to preserve and protect the architectural and historic integrity and character of any landmark site, landmark, or historic district.
- C. All decisions of the ARB shall be in writing and shall state the findings of the ARB and the reasons thereof.
- D. The ARB shall not disapprove of any plans without giving its recommendations for changes to be made before such plans may be reconsidered. These recommendations may be in general terms, and compliance therewith shall not by itself qualify such plans for approval--only for reconsideration by the ARB.
- E. Upon approval of a Certificate of Appropriateness, the Applicant will receive a Zoning Permit from the Zoning Administrator.

2.32.5 Appeal

- A. From ARB to Town Council. The owner or Applicant may appeal a final decision of the Board to the Town Council by filing a written notice in the form of a letter to the Town Council within 30 days of the date of the Board decision. The Town Council may affirm, reverse, or modify, in whole or in part, the decision of the Board. In so doing, the Council shall give due consideration to the recommendations of the ARB along with other evidence as it deems necessary for the proper review of the application. Upon appeal, the final decision of the ARB shall be stayed pending the decision of the Town Council; provided, however, that the Applicant is prohibited from taking any action for which approval is sought during the pendency of such appeal. The Town Council shall conduct a full and impartial public hearing on the matter in compliance with Code of Virginia, § 15.2-2204, before rendering any decision.
- B. From Town Council to Circuit Court. In accordance with Code of Virginia, § 15.2-2306(A) {3}, decisions made by the Town Council on any application submitted in accordance with this UDO may be appealed to the Circuit Court. Such an appeal shall be filed by the affected Applicant within 30 days after the final decision is rendered by the Town Council.

2.32.6 Demolition by Neglect Procedures

- A. Preservation Required. Any building or structure which is a landmark and all buildings or structures within an historic district shall be preserved by the owner or such other person or persons who may have the legal custody or control thereof against decay and deterioration and be kept free from unreasonable structural defects. The Architectural Review Board (ARB) should be sensitive to the individual building and its owner/occupant and his needs and capabilities. The owner or other person having legal custody and control thereof shall repair such building or structure if it is found to have one or more of the following defects:
 1. The deterioration of a building(s) to the extent that it creates or permits a hazardous or unsafe condition as determined by the Zoning Administrator;
 2. The serious deterioration, as determined by the Zoning Administrator, of a building(s) characterized by one or more of the following:
 - (a) Those buildings which have parts thereof which are so attached that they may fall and injure persons or property;
 - (b) Deteriorated or inadequate foundation;

- (c) Defective or deteriorated floor supports or floor supports insufficient to carry imposed loads with safety;
 - (d) Members of walls or other vertical supports that split, lean, list or buckle due to defective material or deterioration;
 - (e) Members of walls or other vertical supports that are insufficient to carry imposed loads with safety;
 - (f) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split or buckle due to defective material or deterioration;
 - (g) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are insufficient to carry imposed loads with safety;
 - (h) Fireplaces or chimneys which list, bulge, or settle due to defective material or deterioration;
 - (i) Any fault, defect or condition in the building which renders the same structurally unsafe or not properly watertight.
- B. Notice.** If the ARB makes a preliminary determination that a building or structure which is a landmark or is located within an historic district is being demolished by neglect, it shall request the Zoning Administrator to notify the owner or owners of the resource of this preliminary determination, stating the reasons therefore, and shall give the record owner or owners 30 days from the date of mailing such notice or the posting thereof on the property whichever comes later, to commence work to correct the specific defects as determined by the ARB. Said notice shall be given as follows:
1. By certified mail, return receipt, mailed to the last known address of the record owner or owners as listed on the county or Town tax rolls; or
 2. If the above mailing procedure is not successful, notice shall be posted in a conspicuous, protected place on the resource involved and published in a local newspaper.
- C. Failure to Commence Work.** If the owner or owners fail to commence work within the time allotted as evidenced by a Building Permit or Zoning Permit, the ARB shall notify the owner or owners in the manner provided above to appear at a public hearing before the ARB at a date, time and place to be specified in said notice, which shall be mailed or posted at least 30 days before said hearing. For the purpose of ensuring lawful notice, a hearing may be continued to a new date and time. The ARB shall receive evidence on the issue of whether the subject resource should be repaired and the owner or owners may present evidence in rebuttal thereto. If, after such hearing, the ARB shall determine that the resource is being demolished by neglect, it may recommend to the board that misdemeanor charges be filed against the owner or owners if the necessary repairs are not completed within 60 days of the determination by the ARB that the subject building or structure is being demolished by neglect.
- D. Public Safety Exclusion.** None of the provisions of this Section shall be construed to prevent any measure of construction, alteration, or demolition necessary to correct or abate the unsafe or dangerous condition of any resource, other feature or part thereof, where such condition has been declared unsafe or dangerous by the Zoning Administrator or the fire department and where the proposed measures have been declared necessary, by such authorities, to correct the said condition; provided, however, that only such work as is reasonably necessary to correct the unsafe or dangerous condition may be performed pursuant to this section. In the event any structure or other feature shall be damaged by fire or other calamity, or by act of God or by the public enemy, to such an extent that in the opinion of the aforesaid authorities it cannot

reasonably be repaired and restored, it may be removed in conformity with normal permit procedures and applicable laws.

- E. **Minimum Maintenance Requirements.** In order to ensure the protective maintenance of landmarks, landmark sites and resources in the historic district, each building, whether a landmark or within the historic district shall be maintained to meet the requirements of the minimum housing, the building, electrical and plumbing codes.

2.32.7 Real property partial tax exemption

As provided for by Code of Virginia, § 58.1-3220, the Town of Strasburg will provide for the partial exemption from taxation of real estate on which any structure within the Historic Districts has undergone substantial rehabilitation, renovation, or replacement residential structures. Details regarding this program may be found in sections 78-71 to 78-74 of the Town of Strasburg Code.

2.33 Administrative Permits, Generally

Administrative Permits are routine, non-discretionary UDO implementation matters carried out by the staff, including issuance of permits for permitted uses. In general, the Zoning Administrator is a purely administrative agent following the literal provisions of this UDO. The Zoning Administrator may engage in some fact finding, to determine objective facts that do not involve an element of discretion. In contrast to quasi-judicial and legislative hearings, administrative decisions are made without a hearing at all, with the staff member reviewing an application to determine if it is complete and compliant with objective standards set forth in this UDO. No notice shall be required for an administrative permit issued pursuant to this UDO unless otherwise provided by this UDO or by law.

2.34 Administrative Approval Process Overview

The general approval process for applications for development approval that do not require a public hearing is summarized in Exhibit 2F. Actual process may vary based on the complexity of the proposed development proposal.

Exhibit 2F: Administrative Approval Process Overview

| | Review and Recommendation | Final Decision | Appeal * | Complete Application to Final Decision (days) | Appeal from Final Decision (days) |
|--------------------------------------------------------|----------------------------|----------------------|-------------------------|-----------------------------------------------|-----------------------------------|
| Minor Subdivision (3 or fewer lots) | Technical Review Committee | Zoning Administrator | Board of Zoning Appeals | 15 | 30 |
| Exception (Modification) | Technical Review Committee | Zoning Administrator | Board of Zoning Appeals | 15 | 30 |
| Home Occupation Permit | Technical Review Committee | Zoning Administrator | Board of Zoning Appeals | 5 | 30 |
| Lot Split, Lot Consolidation, Boundary Line Adjustment | Technical Review Committee | Zoning Administrator | Board of Zoning Appeals | 15 | 30 |
| Sign Permit | Technical Review Committee | Zoning Administrator | Board of Zoning Appeals | 5 | 30 |
| Temporary Use Permit | Technical Review Committee | Zoning Administrator | Town Council | 15 | 30 |