

Historic Districts

§ x-y1. Definitions. For purposes of this chapter, unless the context shall plainly require otherwise, the definitions in this shall control the meaning of the following terms:

- (a) “*Commission.*” The Commission is the County’s Historic Resources Commission established under Chapter 25 of this Code. For purposes of Va. Code, § 15.2-2306, the Commission shall constitute the “review board” charged with administering this chapter.
- (b) “*Compatible.*” An improvement to property is compatible with an existing use if it is not significantly detrimental to the historic character of the existing use.
- (c) “*Historic Area.*” A Historic Area is an area which the Commission determines qualifies as such under Va. Code § 15.2-2201.
- (d) “*Historic District.*” A “Historic District” is an overlay zoning district, which is (i) created at the discretion of the Board of Supervisors and (ii) is either a Historic Area or an area adjacent to a Historic Structure.
- (e) “*Historic Structure.*” A “Historic Structure” is (i) a landmark or Structure registered with the Virginia Department of Historic Resources or (ii) a landmark or Structure designated by the Department of the Interior as a National Historic Landmark or (iii) any other structure within the County having an important historic, architectural, archaeological or cultural interest, as determined by the Commission.
- (f) “*Structure.*” A Structure is any physical improvement of real property, including without limitation, buildings and signs.
- (g) “*Historic landmark.*” A property, structure, site, object, or district that embodies the historical and cultural foundations of the county, state, or nation.

§ x-y2. General Requirements.

- (a) No historic landmark or Structure within any Historic District shall be razed, demolished, or moved until the razing, demolition, or moving thereof is approved by the Commission.

§ x-y3. Appeals.

- (a) An applicant may appeal any adverse decision of the Commission to the Board of Supervisors, which will consult with the Commission but render a decision *de novo*.
- (b) Should an applicant so desire, he may forego any process before the Commission and appeal directly to the Board. (In such cases, an adverse decision by the Commission occurs by default.) The Board will render a decision on the matter after consultation with the Commission.

Historic Districts

- (c) After a decision by the Board under paragraphs (a) or (b) above, the applicant may appeal to the Circuit Court for the County of Shenandoah. Any such appeal shall be instituted by filing a petition at law, no more than thirty days after the final decision is rendered by the Board, setting forth the alleged illegality of the action of the Board. The filing of the petition shall stay the decision of the Board pending the outcome of the appeal to the court, except that the filing of the petition shall not stay the decision of the Board if the decision denies the right to raze or demolish a historic landmark or Structure. The court may reverse or modify the decision of the Board, in whole or in 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 Board's decision.
- (d) The appeals described in this section lie exclusively with the applicant.

§ x-y4. Right to Demolish After Offering for Sale.

- (a) In addition to the right of appeal set forth in § x-y3, the owner of a historic landmark or Structure shall, as a matter of right, be entitled to raze or demolish such landmark or Structure provided that: (i) he has applied to the Board for such right, (ii) the owner has for the period of time set established in paragraph (b) and at a price reasonably related to its fair market value, made a *bona fide* offer to sell the landmark or Structure (and the land pertaining thereto) to the County, or to any person, firm, corporation, government or agency thereof, or to political subdivision or agency thereof, which gives reasonable assurance that it is willing to preserve and restore the landmark or Structure and the land pertaining thereto, and (iii) no *bona fide* contract, binding upon all parties thereto, shall have been executed for the sale of any such landmark or structure, and the land pertaining thereto, prior to the expiration of the applicable time period established in paragraph (b). Any appeal which may be taken to the court from the decision of the Board, 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. In order to afford a right to demolish under this section, an offer to sell must be made within one year after a final decision by the governing body, but thereafter the owner may renew his request to the Board to approve the razing or demolition of the historic landmark, building or structure.
- (b) The time schedule set forth Va. Code, § 15.2-2306(A)(3) is incorporated herein. Under the authority of Va. Code, § 1-13.39:2, future amendments and recodifications of § 15.2-2306(A)(3) shall be incorporated herein *ipso facto*.