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HOUSE BILL NO. 882

Offered January 22, 1996

A BILL to amend and reenact § 15.1-503.2 of the Code of Virginia, relating to preservation of historical sites.

Patrons—Diamonstein, Abbitt, Barlow, Clement, Connally, Cooper, Councill, Crittenden, Croshaw, Cunningham, Darner, Davies, DeBoer, Grayson, Hall, Hamilton, Heilig, Ingram, Jones, D.C., Jones, J.C., Keating, Moore, Morgan, Moss, Plum, Reynolds, Robinson, Scott, Spruill, Van Landingham, Van Yahres and Woodrum

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:**1. That § 15.1-503.2 of the Code of Virginia is amended and reenacted as follows:**

§ 15.1-503.2. Preservation of historical sites and areas in counties and municipalities.

A. 1. The governing body of any county or municipality may adopt an ordinance setting forth the historic landmarks within the county or municipality as established by the Virginia Board of Historic Resources, and any other buildings or structures within the county or municipality having an important historic, architectural, archaeological or cultural interest, ~~and~~ any historic areas within the county or municipality as defined by § 15.1-430 (b), *and areas of unique architectural value located within designated conservation, rehabilitation or redevelopment districts*, amending the existing zoning ordinance and delineating one or more historic districts, adjacent to such landmarks, buildings and structures, or encompassing such historic areas, or encompassing parcels of land contiguous to arterial streets or highways (as designated pursuant to Title 33.1, including § 33.1-41.1 of that title) found by the governing body to be significant routes of tourist access to the county or municipality or to designated historic landmarks, buildings, structures or districts therein or in a contiguous county or municipality. Such amendment of the zoning ordinance and the establishment of such district or districts shall be in accordance with the provisions of Article 8 (§ 15.1-486 et seq.) of this chapter. The governing body may provide for a review board to administer such ordinance. Such ordinance may include a provision that no building or structure, including signs, shall be erected, reconstructed, altered or restored within any such historic district unless the same is approved by the review board or, on appeal, by the governing body of such county or municipality as being architecturally compatible with the historic landmarks, buildings or structures therein.

2. Subject to the provisions of subdivision 3 hereof the governing body may provide in such ordinance that no historic landmark, building or structure within any such historic district shall be razed, demolished or moved until the razing, demolition or moving thereof is approved by the review board, or, on appeal, by the governing body after consultation with such review board.

3. The governing body shall provide by ordinance for appeals to the circuit court for such county or municipality from any final decision of the governing body pursuant to subdivisions 1 and 2 hereof and shall specify therein the parties entitled to appeal such decisions, which such parties shall have the right to appeal to the circuit court for review by filing a petition at law, setting forth the alleged illegality of the action of the governing body, provided such petition is filed within thirty days after the final decision is rendered by the governing body. The filing of the said petition shall stay the decision of the governing body pending the outcome of the appeal to the court, except that the filing of such petition shall not stay the decision of the governing body if such decision denies the right to raze or demolish a historic landmark, building or structure. The court may reverse or modify the decision of the governing body, 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 decision of the governing body.

In addition to the right of appeal hereinabove set forth, the owner of a historic landmark, building or structure, the razing or demolition of which is subject to the provisions of subdivision 2 hereof, shall, as a matter of right, be entitled to raze or demolish such landmark, building or structure provided that: (1) He has applied to the governing body for such right, (2) 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 such landmark, building or structure, and the land pertaining thereto, to such county or municipality 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 (3) that no bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such landmark,

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60 building or structure, and the land pertaining thereto, prior to the expiration of the applicable time period
61 set forth in the time schedule hereinafter contained. Any appeal which may be taken to the court from
62 the decision of the governing body, whether instituted by the owner or by any other proper party,
63 notwithstanding the provisions heretofore stated relating to a stay of the decision appealed from shall not
64 affect the right of the owner to make the bona fide offer to sell referred to above. No offer to sell shall
65 be made more than one year after a final decision by the governing body, but thereafter the owner may
66 renew his request to the governing body to approve the razing or demolition of the historic landmark,
67 building or structure. The time schedule for offers to sell shall be as follows: three months when the
68 offering price is less than \$25,000; four months when the offering price is \$25,000 or more but less than
69 \$40,000; five months when the offering price is \$40,000 or more but less than \$55,000; six months
70 when the offering price is \$55,000 or more but less than \$75,000; seven months when the offering price
71 is \$75,000 or more but less than \$90,000; and twelve months when the offering price is \$90,000 or
72 more.

73 4. The governing body is authorized to acquire in any legal manner any historic area, landmark,
74 building or structure, land pertaining thereto, or any estate or interest therein which, in the opinion of
75 the governing body should be acquired, preserved and maintained for the use, observation, education,
76 pleasure and welfare of the people; provide for their renovation, preservation, maintenance, management
77 and control as places of historic interest by a department of the county or municipal government or by a
78 board, commission or agency specially established by ordinance for the purpose; charge or authorize the
79 charging of compensation for the use thereof or admission thereto; lease, subject to such regulations as
80 may be established by ordinance, any such area, property, lands or estate or interest therein so acquired
81 upon the condition that the historic character of the area, landmark, building, structure or land shall be
82 preserved and maintained; or to enter into contracts with any person, firm or corporation for the
83 management, preservation, maintenance or operation of any such area, landmark, building, structure, land
84 pertaining thereto or interest therein so acquired as a place of historic interest; however, the county or
85 municipal government shall not use the right of condemnation under this subsection unless the historic
86 value of such area, landmark, building, structure, land pertaining thereto, or estate or interest therein is
87 about to be destroyed.

88 B. Notwithstanding any contrary provision of law, general or special, in the City of Portsmouth no
89 approval of any governmental agency or review board shall be required for the construction of a ramp
90 to serve the handicapped at any structure designated pursuant to the provisions of this section.