

**AN ORDINANCE OF  
THE COUNCIL FOR THE TOWN OF ABINGDON,  
TO REPEAL, AMEND AND REENACT  
APPENDIX B – ZONING ORDINANCE – ARTICLE 8 –  
OH OLD AND HISTORIC DISTRICT – SECTION 8-6. THROUGH  
SECTION 8-8– BOARD OF ARCHITECTURAL REVIEW**

**WHEREAS**, §15.2-2306 of the Code of Virginia 1950, as amended, may provide for a review board to administer ordinances to review all alterations, additions and changes within the boundary of the old and historic district; and

**WHEREAS**, the Town of Abingdon's current Appendix B – Zoning Ordinance – Article 8 – OH Old and Historic District – Section 8-6. Board of Architectural Review, and upon due consideration to amend said ordinance, the Council for the Town of Abingdon elects to repeal, amend and reenact the body of its ordinance; and

**NOW, THEREFORE BE IT ORDAINED**, upon recommendation of the Council of the Town of Abingdon, Virginia that:

1. That should any section or provision of this ordinance be decided to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of any other section or provision of this ordinance or the Code of the Town of Abingdon, Virginia; and

2. That the Town of Abingdon's Appendix B – Zoning Ordinance – Article 8 – OH Old and Historic District – Section 8-6. Board of Architectural Review, that is proposed for repeal, amendment, and reenactment, currently appears as follows:

Section 8-6. - Board of architectural review—Creation and membership.

8-6-1. *Creation and empowerment of the board.* For the purpose of making effective the provisions of this article, a board of architectural review ("board") is hereby established and empowered to consider and review all alterations, additions and changes within the boundaries of the old and historic district which fall within the purview of section 8-4-1 of this article, whether or not brought before it by an application for a certificate of appropriateness or other permit.

8-6-2. *Duty to enforce and sanctions.* The board shall make its decision on each project brought before it and see to the enforcement of its decisions through the administrator and the town's inspection department, to the end that buildings, structures or other resources of historic, architectural, or cultural significance are preserved insofar as they are appropriate and incongruous projects are prohibited. The failure of an applicant or any other person to observe the board's decisions shall be subject to the sanctions provided in article 24, section 24-2 of this ordinance.

8-6-3. *Composition of the board.* The board shall consist of five members appointed by the town council, one of whom shall be a resident of the old and historic district and all of whom shall have a demonstrated interest, competence, or knowledge in historic preservation. All members must be residents and qualified voters of the town; provided, the town council may in its discretion appoint any non-resident of the town who is otherwise qualified under this section 8-6 and holds or is employed by a person or firm holding a current business license issued by the town.

8-6-4. *Qualifications of the board members.* At least one board member shall be either a registered architect with a demonstrated interest in historic preservation or an architectural historian meeting the professional qualifications standards of Appendix A of 36 CFR 61. Similarly, at least one additional board member shall have professional training or equivalent experience in any one of the following disciplines: architecture, history, architectural history, American studies, archaeology, or planning. Each board member is required to attend at least one informational or educational meeting per year which has been approved by the state department of historic resources as pertaining to the work and functions of the board or historic preservation. Provided, when adequate review of any proposed action would normally involve a professional discipline not represented on the board, the board must seek and secure appropriate professional advice before rendering its decision on the particular action. The administrator shall serve as advisor to the board.

8-6-5. *Terms of office and vacancies.* The board members shall be appointed for three-year terms and serve until their respective successors are appointed. If at any time hereafter all five positions on the board are vacant, the board members shall be appointed for three-year staggered terms, one member to serve for one year, two members to serve for two years, two members to serve for three years and all members to serve three-year terms thereafter. Vacancies caused by death, resignation or otherwise shall be filled (i) promptly and in any event not more than 90 days following the date on which the vacancy occurs; and (ii) for the unexpired term in the same manner original appointments are made. The town council shall have the discretion to appoint members to serve consecutive terms and also to remove them for habitual failure to attend meetings. Members may serve any number of terms but not more than two terms consecutively.

Section 8-7. - Same—Chairman; vice-chairman and secretary.

8-7-1. The board shall elect its chairman and vice-chairman from its membership and the administrator shall serve as secretary to the board.

Section 8-8. - Same—Procedure for meetings.

8-8-1. *Procedure to be followed in meetings.* The chairman shall conduct the meetings of the board in accordance with its written bylaws and all applicable provisions of the Code of Virginia, 1950, as amended. In the absence of the chairman the vice chairman shall preside. The secretary shall keep and make available for public inspection the minutes of the meetings and a permanent record of all resolutions, motions, transactions and decisions, including exemptions from review by the board. A quorum of three members present is required before the board may take any official action. Each member of the board shall have the right to one vote on each issue, to be exercised in person at a meeting and not by proxy, and the decision of the majority shall be final, subject only to the rights of appeal set out below.

8-8-2. *Notice of meetings.* Prior public notice of all regular or special meetings of the board must be given. In addition, the board's bylaws shall specify the means by which written public notice of such meetings is to be provided. Each meeting of the board shall be open to the public

and an agenda shall be made available to the public prior to the meeting. The board shall grant a full and impartial hearing on each application and permit testimony from not only the applicants but interested members of the public.

8-8-3. *Frequency of meetings.* The board shall meet not less than four times a year, in regular and special meetings as provided in its bylaws but in the absence of a mutual agreement between the board and the applicant all applications shall be heard within 30 days after the application is filed. The board shall vote and announce its decision on any matter properly before it not later than 14 days after the conclusion of the hearing on the matter, unless the time is extended by mutual agreement between the board and applicant.

8-8-4. *Procedure on disapproval of application.* If the board disapproves any application it shall furnish the applicant with its written decision stating the reasons for disapproval and make recommendations with respect to the appropriateness of design, arrangement, texture, material, color, location, and any other factor on which the disapproval was based. The board shall rehear the application if within the 90-day period following the date of disapproval the applicant submits an amended application that complies with all recommendations of the board. Provided, the board shall not otherwise re-hear the subject matter of any application which has been denied for a period of one year after the date of the hearing, or if a re-hearing was held, for a period of one year after the rehearing.

8-8-5. *Requirement for bylaws.* The board shall adopt and make available for public inspection written bylaws for procedural matters, written notice of public meetings and other matters not covered by this article that include at a minimum (i) provision for regularly scheduled meetings at least four times a year; (ii) a requirement that a quorum be present to conduct business; (iii) rules of procedure for considering applications; (iv) a requirement for written minutes for all meetings; (v) minimum attendance requirements for all board members; and (vi) requirements that board members attend training sessions.

**BE IT FURTHER ORDAINED**, that upon the recommendation of the Council for the Town of Abingdon, Appendix B – Zoning Ordinance – Article 8 – OH Old and Historic District – Section 8-6. Board of Architectural Review Ordinance be repealed, amended and reenacted as follows:

Section 8-6. - Board of Architectural Review will be hereinafter renamed and referred to as Historic Preservation Review Board —Creation and membership.

8-6-1. *Creation and empowerment of the board.*

For the purpose of making effective the provisions of this article, a Historic Preservation Review Board ("board") is hereby established and empowered to consider and review all alterations, additions and changes within the boundaries of the old and historic district which fall within the purview of section 8-4-1 of this article, whether or not brought before it by an application for a certificate of appropriateness or other permit.

8-6-2. *Duty to enforce and sanctions.*

The board shall make its decision on each project brought before it and see to the enforcement of its decisions through the administrator and the town's inspection department, to the end that buildings, structures or other resources of historic, architectural, or cultural significance are

preserved insofar as they are appropriate and incongruous projects are prohibited. The failure of an applicant or any other person to observe the board's decisions shall be subject to the sanctions provided in article 24, section 24-2 of this ordinance.

#### *8-6-3. Composition of the board.*

The board shall consist of five members appointed by the town council, one of whom shall be a resident of the old and historic district and all of whom shall have a demonstrated interest, competence, or knowledge in historic preservation. All members must be residents and qualified voters of the town; provided, the town council may in its discretion appoint any non-resident of the town who is otherwise qualified under this section 8-6 and holds or is employed by a person or firm holding a current business license issued by the town.

#### *8-6-4. Qualifications of the board members.*

At least one board member shall be either a registered architect with a demonstrated interest in historic preservation or an architectural historian meeting the professional qualifications standards of Appendix A of 36 CFR 61. Similarly, at least one additional board member shall have professional training or equivalent experience in any one of the following disciplines: architecture, history, architectural history, American studies, archaeology, or planning. Each board member is required to attend at least one informational or educational meeting per year which has been approved by the state department of historic resources as pertaining to the work and functions of the board or historic preservation. Provided, when adequate review of any proposed action would normally involve a professional discipline not represented on the board, the board must seek and secure appropriate professional advice before rendering its decision on the particular action. The administrator shall serve as advisor to the board.

#### *8-6-5. Terms of office and vacancies.*

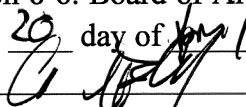
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#### *Section 8 – 7. – Same – Chairman, vice-chairman and secretary.*

8-7-1. The board shall elect its chairman and vice-chairman from its membership and the administrator shall serve as secretary to the board.

**CERTIFICATE**

Pursuant to Section 2-100 of the Code of the Town of Abingdon, Virginia, I hereby certify that I have reviewed the foregoing proposed ordinance to amend Appendix B – Zoning Ordinance – Article 8 – OH Old and Historic District – Section 8-6. Board of Architectural Review, and find it to be in correct form, as set forth above, this 29 day of July, 2020.

  
Cameron Bell, Counsel

**This ordinance was dispensed with second reading and adopted on April 20, 2020 to take effect on May 20, 2020.**

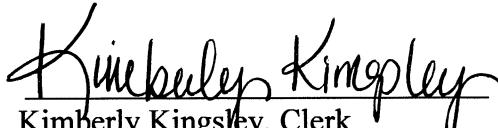
  
J. Wayne Craig, Mayor

The undersigned Clerk of the Town of Abingdon, Virginia (the “Town”), hereby certifies that the foregoing constitutes a true and correct copy of an ordinance duly adopted at a meeting of the Council held on April 20, 2020. I hereby certify that such meeting was a regularly scheduled meeting and that, during the consideration of the foregoing ordinance, a quorum was present. I further certify that the minutes of meeting was a regularly scheduled meeting and that, during the consideration of the foregoing ordinance, a quorum was present. I further certify that the minutes of such meeting reflect the attendance of the members and the voting on the foregoing ordinance was as follows:

MEMBERS	ATTENDANCE	VOTE
J. Wayne Craig, Mayor	Yes	Aye
Cindy Patterson, Vice Mayor	Yes	Aye
Al Bradley	Yes- Electronic	Aye
Donna Quetsch	Yes	Aye
Derek Webb	Yes	Aye

WITNESS MY HAND and the seal of the Town of Abingdon on April 20, 2020.

(SEAL)

  
Kimberly Kingsley, Clerk