

Sec. 28-58. Historic Resource Overlay District (HR).

- (a) *Definition and purpose.* The Historic Resource Overlay District (HR) shall be defined as consisting of any historic area, landmark, building or structure, or any land pertaining to any estate or interest therein, along with any adjoining lands deemed necessary to protect the context in which the resource exists, which, in the opinion of the board of supervisors, should be preserved and maintained for the use, observation, education, pleasure and welfare of the people, and is so designated. It is intended that the establishment of HR districts will protect against destruction of and encroachment upon historic resources. HR districts are areas containing buildings or places in which historic events have occurred or which have special public value because of notable architectural or other features relating to the cultural or artistic heritage of the county, the commonwealth, and the nation, of such significance as to warrant conservation and preservation.
- (b) *Architectural review board.* The governing body shall appoint an architectural review board (ARB) consisting of five (5) members for the purpose of administering this section, subject to the following conditions:
- (1) All members appointed to the ARB shall have a demonstrated knowledge, interest, or competence in historic preservation.
 - (2) At least one member shall be a registered architect, or an architectural historian, with a demonstrated interest in historic preservation; at least one member shall be a member of the planning commission; at least one member shall be a resident of a designated historic district in Stafford County. When adequate review of any proposed action would normally involve a professional discipline not represented on the ARB, the ARB shall seek appropriate professional advice before rendering a decision. Information on the credentials of all ARB members shall be kept on file locally for public inspection.
 - (3) The ARB shall adopt written bylaws that include [at] a minimum: Provision for regularly scheduled meetings at least four (4) times a year; a requirement that a quorum of three (3) members be present to conduct business; rules of procedure for considering applications; written minutes of all meetings.
 - (4) Terms of office for ARB members shall be for three (3) years and shall be staggered.
 - (5) Vacancies on the ARB shall be filled within sixty (60) days.
 - (6) In addition to those duties specified in this chapter, the ARB shall at a minimum perform the following duties:

- a. Conduct or cause to be conducted a continuing survey of the cultural resources in the community according to guidelines established by the state historic preservation office.
 - b. Act in an advisory role to other officials, and departments of local government regarding protection of cultural resources.
 - c. Disseminate information within the locality on historic preservation issues and concerns.
 - d. The ARB shall provide for adequate public participation, including:
 - 1. All meetings of the ARB must be publicly announced, to be open to the public, and have an agenda made available to the public prior to the meeting. ARB meetings must occur at regular intervals at least four (4) times per year. Public notices must be provided prior to any special meetings. The ARB shall allow for public testimony from interested members of the public, not just applicants.
 - 2. Minutes of all decisions and actions of the ARB, or in appeals to the local governing body, must be kept on file and available for public inspection.
 - 3. All decisions made by the ARB shall be made in a public forum and applicants shall be given written notification of decisions made by the ARB.
 - 4. The rules of procedure adopted by the ARB shall be made available for public inspection.
- (c) *Designation of historic districts.* The board of supervisors may designate by ordinance historic resources to be included in the Historic Resource (HR) Overlay District. These resources may be, but are not limited to, landmarks established by the Virginia Landmarks Commission and any other building or structures within the county having important historic, architectural or cultural interest.
- (1) The ARB shall recommend and the governing body may, approve by ordinance the designation of an area or resource as Historic Resource Overlay District within which the regulations set forth in this section and regulations adopted for each specific historic district shall apply.
 - (2) In order to fully protect historic resources and areas, the boundaries of an Historic Resource Overlay District may include adjoining land closely related to and bearing upon the character of the historic resource, including lands within proximity of the historic resource.
 - (3) Individual property owners' consent for inclusion of their property within the HR district is not required.
 - (4) The board of supervisors may create HR overlay districts, provided such districts:

- a. Contain buildings or places in which historic events have occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community, or such significance to warrant conservation and preservation.
 - b. Is [are] closely associated with one or more persons, events, activities, or institutions that have made a significant contribution to local, regional, or national history; or
 - c. Contain buildings or structures whose exterior design or features exemplify the distinctive characteristics of one or more historic types, periods, or methods of construction, or which represent the work of an acknowledged master or masters; or
 - d. Have yielded, or are likely to yield, information important to local, regional or national history; or
 - e. Possess an identifiable character representative of the architectural or cultural heritage of Stafford County; or
 - f. Contain a landmark, building or structure included on the National Register of Historic Places or the Virginia Landmark Register.
- (d) *Historic resource overlay district regulations.* Historic resource overlay districts shall be subject to the following regulations in addition to those imposed for each specific historic district and those pursuant to the underlying zoning classification of the property. The Historic Resource Overlay District regulations shall take precedence over the underlying regulations when they conflict. All HR district boundaries shall be delineated on the official zoning map.
- (1) A certificate of appropriateness issued by the agent or his designee shall be required prior to the erection, reconstruction, exterior alteration, restoration or excavation of any building or structure within a HR district, or prior to the demolition, razing, relocation, or moving of any building or structure therein. The agent shall not issue a certificate of appropriateness until an application therefor has been approved by the ARB or upon appeal to the board of supervisors with consultation of the ARB, following the procedures set forth below. In addition, no demolition, razing, relocation, or moving of an historic resource in an HR district shall occur until approved by the ARB or upon appeal to the board of supervisors with consultation of the ARB.
 - (2) Upon receipt of a complete application for a certificate of appropriateness, the agent shall forward to the ARB copies of the permit application, plat, site plan, and any other materials filed with such application. The complete application must be received by the ARB fourteen (14) days or more prior to its meeting.
 - (3) The ARB may require the submission of the following information and other materials necessary for its review of the complete application: statement of proposed use; name of proposed user; design sketches showing exterior

building configuration, topography, paving and grading; and, a plan showing exterior signs, graphics, and lighting to establish location, color, size, and type of materials.

- (4) The ARB shall review and render a decision upon each application for a certificate of appropriateness within sixty (60) days of receipt, unless the applicant agrees in writing to an extension of the review period. The ARB shall apply the following criteria for its evaluation of any application. In addition to the following criteria, and guidelines adopted by the county, the ARB shall consider the Secretary of Interior's "Standards for Rehabilitation," as may be amended from time to time in determining the appropriateness of any application for approval pertaining to existing structures.
 - a. Risk of substantial alteration of the exterior features of an historic resource.
 - b. Compatibility in character, context and nature with the historic, architectural or cultural features of the historic district.
 - c. Value of the resource and the proposed change in the protection, preservation, and utilization of the historic resource located in the historic district.
 - d. Exterior architectural features, including all signs.
 - e. General design, scale, and arrangement.
 - f. Texture and materials.
 - g. The relationship of subsections a., b., and c., above, to other structures and features of the district.
 - h. The purpose for which the district was created.
 - i. The relationship of the size, design, and orientation of any new or reconstructed structure to the landscape of the district.
 - j. The extent to which denial of a certificate of appropriateness would constitute a deprivation of a reasonable use of private property.
- (5) No application for a permit to erect, reconstruct, alter, or restore any building or structure, including signs, shall be approved unless the ARB determines or upon appeal to the board of supervisors with consultation of the ARB that it is architecturally compatible with the historic resources in the HR district.
- (6) In reviewing an application to raze or demolish an historic resource the ARB shall review the circumstances and the condition of the structures proposed for demolition and shall make its decision based on consideration of the following criteria:
 - a. Is the historic resource of such architectural, cultural, or historic interest that its removal would be detrimental to the public interest?
 - b. Is the historic resource of such old and unusual design, texture, and material that it could not be reproduced or be reproduced only with great difficulty?

- c. Would retention of the historic resource help preserve and/or protect another historic resource?
- (7) In reviewing an application to move or relocate an historic resource, the ARB shall consider the following criteria:
 - a. Detrimental effect of the proposed relocation on the structural integrity of the historic resource.
 - b. Detrimental effect of the proposed relocation on the historical aspects and context of other historic resources, buildings, or structures in the HR district.
 - c. Compatibility of proposed new surroundings with the historic resource if relocated.
 - d. Benefits of relocation of the historic resource with regard to its preservation.
- (8) The ARB, on the basis of the application and the criteria set forth herein shall approve, with or without modifications, or deny the application. If the ARB approves or approves with modifications the application, it shall authorize the agent to issue the permit. The permit shall expire after twelve (12) months from the date of issuance if work has not yet commenced on the property. If the ARB denies the application, it shall so notify the applicant and the agent in writing.
- (9) Minor work or actions, deemed by the agent or his designee not to have a permanent effect upon the character of the historic property or district, shall be exempt from full review by the ARB. Instead, such minor work or actions shall be reviewed and approved or disapproved by the agent or his designee. Decisions made regarding minor work shall be rendered in writing. An applicant may appeal the decision of the agent or his designee to the ARB and of the ARB to the board of supervisors, in accord with the procedures hereinafter established. The term "minor work" shall include, but not be limited to, the repair or replacement of existing materials on exterior surfaces or appurtenances, such as steps, gutters, chimneys, windows, or exterior painting which does not result in a color change.
- (e) *Appeals; right to demolish.*
 - (1) Any owner or owners of real property within Stafford County who are jointly or severally aggrieved by a decision of the ARB, may appeal the decision to the board of supervisors by filing a written petition with the agent within thirty (30) days of that decision. The filing of the petition shall not stay the decision of the ARB if that decision denies the right to demolish a historic resource. The board of supervisors, after consultation with the ARB, may reverse the decision of the ARB, in whole or in part, or it may affirm the decision of the ARB.

- (2) Any owner or owners of real property within Stafford County who are jointly or severally aggrieved by a final decision of the board of supervisors, may appeal to the Circuit Court of Stafford County for review of that decision by filing a petition at law setting forth the alleged illegality within thirty (30) days of the final decision of the board, in accordance with Code of Virginia § 15.1-503.2, as amended. The filing of said petition shall stay the decision of the board pending the outcome of the appeal to the court, provided that the filing of such petition shall not stay the decision of the board if such decision denies the right to raze or demolish an historic resource. The court may reverse or modify the decision of the board of supervisors, in whole or in part, if it finds upon review that the decision of the board is contrary to the law or that its decision is arbitrary and constitutes an abuse of discretion, or it may affirm the decision of the board of supervisors.
- (3) In addition to the right of appeal set forth in subsection (2) above, the owner of an historic resource, the razing of which is subject to the provisions of this chapter, shall, as a matter of right, be entitled to demolish such historic resource, provided that:
- a. He has applied to the governing body for such right; and
 - b. He has, for a period of time set forth in the time schedule contained in this section, and at a price reasonably related to its fair market value, made a bona fide offer to sell such historic resource, and the land pertaining thereto, to the county, or any person, firm, corporation, government or agency thereof which gives reasonable assurance that it is willing to preserve and restore the historic resource and the land pertaining thereto; and
 - c. No bona fide contract, binding upon all parties thereto, shall have been executed for the sale of such historic resource, and the land pertaining thereto, prior to the expiration of the application time set forth in the time schedule contained in this section.
- (4) Any appeal which may be taken to the court from a decision of the board of supervisors, whether instituted by the owner or by any other party with proper standing, notwithstanding the provisions heretofore stated relating to a stay of the decision appealed from, shall not affect the right of the owner to make a bona fide offer to sell such historic resource. No offer shall be made more than one year after a final decision by the board of supervisors, but thereafter the owner may renew his request to the board to approve razing of the historic resource. The time schedule for offers to sell shall be as follows:
- a. Three (3) months when the offering price is less than twenty-five thousand dollars (\$25,000.00).

- b. Four (4) months when the offering price is twenty-five thousand dollars (\$25,000.00) or more, but less than forty thousand dollars (\$40,000.00).
 - c. Five (5) months when the offering price is forty thousand dollars (\$40,000.00) or more, but less than fifty-five thousand dollars (\$55,000.00).
 - d. Six (6) months when the offering price is fifty-five thousand dollars (\$55,000.00) or more, but less than seventy-five thousand dollars (\$75,000.00).
 - e. Seven (7) months when the offering price is seventy-five thousand dollars (\$75,000.00) or more, but less than ninety thousand dollars (\$90,000.00).
 - f. Twelve (12) months when the offering price is ninety thousand dollars (\$90,000.00) or more.
- (5) The time periods specified in this section shall commence upon receipt by the ARB of the owner's written notification of his intention to sell an historic resource. This statement shall identify the property, state the offering price, and the name of the real estate agent, if any. The ARB shall, within five (5) days, convey a copy of such statement to the county attorney.

(Ord. No. 094-29, § 28-408, 8-9-94; Ord. No. 013-31, 9-3-13)