

§11.2. HISTORIC PRESERVATION OVERLAY DISTRICT

§11.2.1. Purpose

The purpose of these regulations is to promote the health, safety, and general welfare of the public through the identification, preservation, and enhancement of buildings, structures, landscapes, settings, neighborhoods, places and features with special historical, cultural, architectural and archaeological significance through the establishment of historic districts, and through the protection of other significant properties. To achieve these general purposes, the county seeks to take the following steps to preserve and protect buildings, structures and properties that serve as important visible reminders of the historic, cultural, architectural, and archaeological heritage of Arlington County, the Commonwealth of Virginia, or the United States of America:

- A. Promote local historic preservation efforts through the identification and protection of historic resources throughout the county, and through the designation of local historic districts;
- B. Assure that, within Arlington County's historic districts, new structures, buildings, additions, landscaping and related elements will be in harmony with their setting and environs;
- C. Promote an enhanced quality of life within the county.
- D. Maintain and improve property values by providing incentives for the upkeep, rehabilitation and restoration of older structures and buildings in a safe and healthful manner, and by encouraging desirable uses and forms of development that will lead to the continuance, conservation and improvement of the county's historic, cultural and architectural resources and institutions within their settings;
- E. Encourage nomination of historic properties to the National Register of Historic Places and the Virginia Landmarks Register; and
- F. Promote tourism and enhance business and industry, through the protection of, and education about, historic, cultural and archaeological resources.

§11.2.2. Historical Affairs and Landmark Review Board

A. Establishment and composition

1. Establishment

There is hereby created and established an historical affairs and landmark Review Board which shall consist of no more than 15 members who are residents of the county who have an interest, competence, or knowledge of historic preservation and who shall be appointed by the County Board. The historical affairs and landmark Review Board shall be the Architectural Review Board provided by Section 15.1-503.2 of the Code of Virginia. The Historical Affairs and Landmark Review Board shall hereafter be referred to as "the Review Board."

2. Composition

The County Board shall select the members of the Review Board that meet the criteria set forth by the Virginia Department of Historic Resources Certified Local Government

(CLG) program. The County Board may consider including members from appropriate community groups (i.e., the Arlington Historical Society).

B. Terms of office

1. The members of the Review Board shall serve overlapping terms of four years. Initially, four members shall be appointed for a term of one year, four members shall be appointed for a term of two years, four members shall be appointed for a term of three years, and three members shall be appointed for a term of four years. Thereafter, all appointments shall be made for a term of four years. Where the County Board appoints fewer than 15 members, the number of appointees with each term length shall be reduced proportionally.
2. Members may be reappointed for consecutive terms.
3. If a member representing a profession designated as a requirement by the CLG program ceases to be a member of that profession, then that member will no longer be a member of the Review Board. If a vacancy occurs for any reason, including those noted above, then a new appointment shall be made by the County Board for the remainder of the unexpired term.

C. Organization; officers; rules; meetings

1. The Review Board shall annually elect from its membership a chairman and vice-chairman, at the first meeting held on or after December 1st in each calendar year, for a one year term of office. In the event such a person is unable to serve for the full term for any reason, a replacement shall be elected to serve for the remainder of the term.
2. The Review Board may establish any rules necessary for the orderly conduct of its business.
3. All meetings of the Review Board shall be kept as public record to the extent required by the Code of Virginia.

D. Responsibilities

The function of the Review Board shall include, but not necessarily be limited to, the following activities:

1. Recommendations

- (a) Recommend additional surveys of potential historic districts, and recommend properties for designation as local historic districts, including recommending Historic District Design Guidelines for such districts.
- (b) Act in an advisory role on historic preservation and historical affairs to the County Board, County Board appointed commissions and boards, and other groups.

2. Final decisions

- (a) Approve, deny, or approve with conditions certificate of appropriateness applications in accordance with the provisions of §15.8.
- (b) Make such minor administrative amendments to the design guidelines as are necessary for the orderly review of CoA applications in designated historic

districts. Any administrative amendment to existing design guidelines which comply with the spirit of this code, and the intent of the County Board in its approval of the underlying historic district design guidelines, may be approved by the HALRB. Those amendments may include but would not be restricted to the following; language on new building materials, construction methods and technologies, updates to existing chapters and appendixes, revisions meant to take into account new county policies and changes to other sections of Code.

- (c) Organize, develop, and execute educational programs focusing on Arlington's heritage and local historic preservation efforts.

E. Other

1. Produce an annual report of the Review Board's activities.
2. Prepare, circulate, and approve text for local historic markers.
3. Provide the County Board with assistance in the naming of public facilities and advice on other matters of historical value.
4. Undertake such other responsibilities as the County Board may direct to protect historic properties.

§11.2.3. Certificate of appropriateness

See §15.8, for the certificate of appropriateness procedure.

§11.2.4. Establishment of Historic Districts

The Historic District (Overlay) is hereby established as an overlay district, meaning that this district is overlaid upon other districts and the land so encumbered may be used in a manner permitted in the underlying district only if and to the extent such use also complies within the regulations contained herein. Additionally:

A. Nominations for inclusion within an historic district shall be made by referral to the Review Board.

Nominations for inclusion within a historic district shall be made by referral to the Review Board. The Review Board shall have reason to believe that at least two of the 11 qualifying criteria are present prior to initiating its study of the nomination.

1. The owner of any property being considered for inclusion in a historic district shall be informed of the nomination within 10 business days of the receipt of a request for consideration via first class mail.
2. The Review Board shall base its decision upon studies, documentation and/or research, and shall prepare or cause to be prepared, a report on the historic significance of the proposed historic district.
3. The Review Board shall hold a public hearing to consider the historic district status after due notice has been given to the owners of all properties to be included in such district(s), and the civic association which includes the proposed district within its boundaries.
4. The Review Board shall not recommend designation unless it finds that at least two of the criteria, below, have been met. The Review Board retains the authority to not

recommend designation even if the property does meet at least two of the following criteria:

- (a) The property is listed or is eligible for inclusion in the National Register of Historic Places;
 - (b) The property has character, interest, or value as part of the development, heritage, or cultural characteristics of the county, state, or nation;
 - (c) The property was the site of a significant local, state, or national event;
 - (d) The property is associated with a person or persons who significantly contributed to the development of the county, state, or nation;
 - (e) The property embodies distinguishing characteristics of an architectural style valuable for the study of a period, type, or method of construction;
 - (f) The property is identified as the work of a master builder, architect, or landscape architect;
 - (g) The property embodies elements of design, detailing, materials, or craftsmanship that render it structurally or architecturally significant;
 - (h) The property has a distinctive location, or singular physical characteristics that make it an established or familiar visual feature;
 - (i) The property is a particularly fine or unique example of a utilitarian structure representing a period or style in the commercial, industrial, or agricultural development of the county, with a high level of historic integrity or architectural significance;
 - (j) The property has the potential to yield information important to the prehistory or history of the county, state, or nation; or
 - (k) The property is suitable for preservation or restoration.
5. If the Review Board recommends designation, then written copies of the Review Board's recommendation, including determinations of historical significance, and recommendations concerning the area to be included in the proposed historic district, shall be transmitted for review to the County Board.
 6. If the Review Board recommends designation of a historic district, it will forward, with such recommendation, proposed Historic District Design Guidelines for the district to be considered for adoption by the County Board. Provided, however, that the Review Board may recommend that the County Board consider designation of a historic district without proposed design guidelines upon a finding that taking time to develop such guidelines would present a substantial risk that historic resources proposed to be preserved by the designation would be damaged or destroyed. Where design guidelines are not proposed with a recommendation for designation, the Review Board shall recommend design guidelines for approval by the County Board at the earliest practicable date after designation.
 - (a) In the event that the Review Board does not recommend designation, the County Board, upon its own motion, may initiate the designation review process.

- B. The County Board shall act on the recommendations in accordance with the normal zoning approval procedure as specified in the Code of Virginia. The designation of such a historic district shall be shown as an overlay on the map referred to in §2.1.
- C. Upon adoption of the ordinance, the owners and occupants of each designated historic district shall be given written notification of such designation by the County Board.

§11.2.5. General maintenance; ordinary maintenance allowed; public safety

- A. Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior feature in a historic district which does not involve a change in design, material, or outer appearance thereof.
- B. Nothing in this section shall prevent the construction, reconstruction, alteration, restoration or demolition of any such feature which the Building Official shall certify is required to maintain and uphold public safety because of an unsafe or dangerous condition that cannot otherwise be remedied and that is not the result, either directly or indirectly, of the owner's negligence.
- C. Neither the owner of nor the person in charge of a structure within a historic district shall permit such structure to fall into a state of disrepair which may result in the deterioration of any exterior appurtenance or architectural feature so as to produce or tend to produce a detrimental effect upon the character of the district as a whole or in part, including but not limited to:
 - 1. The deterioration of exterior walls or other vertical supports.
 - 2. The deterioration of roofs or other horizontal members.
 - 3. The deterioration of exterior chimneys.
 - 4. The deterioration or crumbling of exterior plaster or mortar.
 - 5. The ineffective waterproofing of exterior walls, roofs and foundations including broken windows or doors.
 - 6. The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe, conditions or conditions.

§11.2.6. Acquisition of historic easements

The county may acquire, by purchase or donation or eminent domain, historic easements in any area within its jurisdiction wherever and to the extent that the County Board determines that the acquisition will be in the public interest and as permitted by Virginia Law.

§11.2.7. Transfer of development rights (TDRS)

The County Board may seek findings and recommendations from the Review Board on transfer of development rights applications per §15.6.6.B.

§11.2.8. Federal grants

The County Board may, wherever practicable, make use of federal grants as provided in the National Historic Preservation Act of 1966.

§11.2.9. Regulations

The County Board may from time to time promulgate, amend and rescind such regulations as it may deem necessary to effectuate the purposes of these regulations.

§11.2.10. Penalties

Penalties shall be as provided in Article 17.