

Article 11. Overlay and Form Based Code Districts

§11.3. HISTORIC PRESERVATION OVERLAY DISTRICT

§11.3.2. Historical Affairs and Landmark Review Board

D. Responsibilities

2. Final decisions

(a) Approve, deny, or approve with conditions certificate of appropriateness applications in accordance with the provisions of ~~§15.8~~§15.7.

§11.3.4. Establishment of Historic Districts

1. ~~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, ~~or, for properties owned or ground-leased by Arlington Public Schools (APS), to the County Board.~~ The Review Board, ~~or for properties owned or ground-leased by APS, the County 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. ~~The County Board shall maintain exclusive authority over the designation process of historic districts for properties owned or ground-leased by Arlington Public schools.~~

2. 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.

3. The Review Board, ~~or for properties owned or ground-leased by APS, the County 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.

4. The Review Board, ~~or for properties owned or ground-leased by APS, the County 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.

- 37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
5. The Review Board, or for properties owned or ground-leased by APS, the County Board, shall not recommend designation unless it finds that at least two of the criteria, below, have been met. The Review Board, or for properties owned or ground-leased by APS, to the County 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 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.
 6. 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.
 7. 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 historic district 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 historic district design guidelines are not proposed with a recommendation for designation, the Review Board shall recommend historic district design guidelines for approval by the County Board at the earliest practicable date after designation.

- 79 (a) In the event that the Review Board does not recommend designation, the County
80 Board, upon its own motion, may initiate the designation process.
- 81 B. ~~The County Board shall act on the recommendation in accordance with the normal~~
82 ~~zoning approval procedure as specified in the Code of Virginia.~~ In accordance with
83 the normal zoning approval procedure as specified in the Code of Virginia, the
84 County Board shall act on nominations regarding properties owned or ground-
85 leased by APS, and act on recommendations from the Review Board as to
86 nominations regarding all other properties. The designation of such a historic district
87 shall be shown as an overlay on the map referred to in §2.1.
- 88 C. Upon adoption of the ordinance, the owners and occupants of each designated
89 historic district shall be given written notification of such designation by the County
90 Board.

91
92 ***

93 Article 15. Administration and Procedures

94
95 ***

96 §15.7. Certificate of Appropriateness (CoA)

97 §15.7.1. Applicability

- 98
- 99 A. Unless otherwise provided by adopted historic district design guidelines, ~~After the~~
100 ~~designation of an historic district, no exterior portion of any building or other~~
101 ~~structure (including walls, fences, light fixtures, steps and pavement, or other~~
102 ~~appurtenant features) nor above ground utility structure nor any type of outdoor~~
103 ~~advertising sign shall be erected, altered, restored, moved or demolished within~~
104 ~~such district until after an application for a certificate of appropriateness (CoA) has~~
105 ~~been submitted to and approved, in accordance with §15.7.6 below, by the Review~~
106 ~~Board or its designee, or, on appeal from a decision of Review Board, by the County~~
107 ~~Board the provisions of this §15.7~~ as being architecturally or historically compatible
108 with the historic district, buildings, or structures therein.
- 109 B. The CoA must be issued ~~by the Review Board or its designee, or, on appeal, by the~~
110 ~~County Board~~ prior to the issuance of a building permit (or other permit granted for
111 purposes of constructing or altering structures).
- 112 C. A CoA shall be required regardless of whether or not a building permit is required.

113 **§15.7.2. Required findings for Administrative Approval**

114 The Review Board may authorize ~~county staff~~ its designee to issue certificates of
115 appropriateness that meet certain standards. Notwithstanding provisions in this § 15.7 to the
116 contrary, the designee ~~Staff~~ may administratively issue a CoA where the historic district design
117 guidelines or the Review Board has specified:

- 118 A. Which ~~The~~ properties are eligible for designee action;
- 119 B. The specific category of modifications for which the designee may grant a CoA; and
- 120 C. The standards the designee must use in deciding whether to issue the CoA.

121 **§15.7.3. Scope of review**

122 The Review Board or ~~on appeal~~, the County Board as applicable
123 shall not consider interior arrangement as part of CoA review, and
124 ~~shall take~~ no action shall be taken under this subsection except for
125 the purpose of preventing the construction, reconstruction,
126 alteration, restoration, moving or demolition of buildings,
127 structures, appurtenant fixtures, outdoor advertising signs or natural
128 features in the historic district which would be incongruous with the
129 historical aspects of the district.

130 **§15.7.4. Setback modification permitted**

131 As part of the certificate of appropriateness review process, the
132 Review Board may find that the proposed setback for buildings and
133 structures is consistent with the existing streetscape and historic
134 district design guidelines even though such setback is inconsistent
135 with the requirements of the underlying zoning district. When the
136 Review Board makes this finding, the zoning administrator shall
137 grant a modification to the underlying setbacks, unless such
138 modification violates visual clearance requirements from §3.2.6.A.4.

139 **§15.7.5. Time limitations**

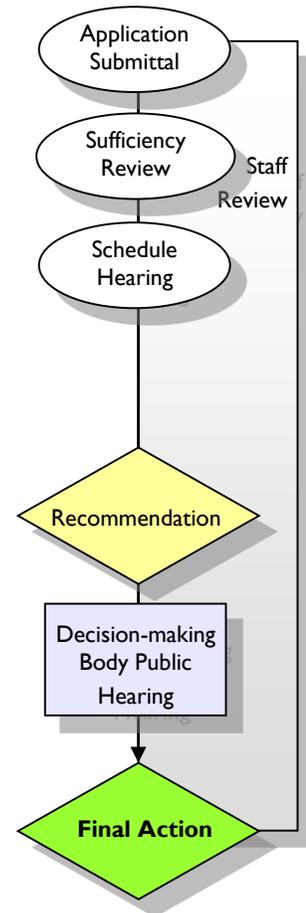
140 Any CoA issued pursuant to ~~this sections~~ §15.7 shall expire 12
141 months from the date of approval if the authorized work has not
142 commenced if a building permit is not required. If a building permit
143 is required, it must be diligently pursued by the applicant after the
144 CoA approval.

145 **§15.7.6. Application requirements**

146 All applications for ~~certificates of appropriateness~~ CoAs shall be submitted on forms specified by
147 the county. When an initial determination has been made that the application is complete, then
148 the application shall be forwarded to the Review Board, or County Board, as applicable. ~~The~~
149 ~~Review Board may request additional information if needed.~~ Additional information may be
150 requested as needed in order to complete the review.

151 **§15.7.7. Advertising**

152 Prior to action on a CoA, ~~the Review Board or, on appeal to the County Board as provided by §~~
153 ~~15.7.10.C, below, the County Board shall give~~ the applicant and other persons shall be given an
154 opportunity to be heard at a public hearing after the following notices have ~~has~~ been given:



- 155 A. A notice of the public hearing shall be published 10 days prior to the hearing date in
156 a newspaper having general circulation in the county;
- 157 B. Notice shall be sent by first class mail to owner(s) of the property which will be the
158 subject of the hearing and owner(s) of abutting property and property immediately
159 across the street from the affected property, including any property which lies in an
160 adjoining jurisdiction, at least 10 days prior to the public hearing;
- 161 C. The civic association representing the neighborhood where the affected property is
162 located shall be notified in writing at least seven days prior to the public hearing;
163 and,
- 164 D. One placard containing the public hearing notice shall be posted on the affected
165 property and no fewer than four placards shall be posted in the surrounding
166 neighborhood at least seven days prior to the public hearing. If any setback
167 modifications are requested as part of the CoA, that information should be included
168 in all notices.

169 **§15.7.8. Signs requiring a CoA**

170 For all signs for which a Certificate of Appropriateness CoA is required, the Historical Affairs and
171 Landmark Review Board, or the County Board, as applicable, shall approve a Certificate of
172 Appropriateness CoA for a sign or modification of a sign in an historic district only if it finds that:

- 173 A. The size, scale and design of the sign shall be compatible with the size, scale and
174 design of the property, building or site upon which it is to be located;
- 175 B. The materials used in the sign shall be compatible with the period and style of the
176 property, building or site;
- 177 C. The lighting of the sign shall be consistent with the period and style of the property,
178 building, site or district, as applicable;
- 179 D. The location of the sign shall not obscure any significant architectural features of the
180 building or site; and
- 181 E. Installation of the sign shall not irreparably damage any cornice, ornament or similar
182 architectural detail and shall be the least damaging method feasible for the
183 property, building or site.

184 **§15.7.9. ~~D~~ Historic district ~~D~~ design guidelines**

- 185 A. Historic district design guidelines shall be adopted and amended by the County
186 Board.¹
- 187 B. The Review Board may approve minor updates to historic district design guidelines,
188 except for those APS-owned or ground-leased properties designated after January
189 1, 2016. Historic district design guidelines shall not be created, amended, or
190 updated except after a public hearing.

¹ Text moved verbatim from the last sentence within § 15.7.9.D.

- 191 C. The historic district design guidelines shall also describe which modifications, if any,
192 can be administratively approved, and shall provide specific standards for such
193 approval (See § 15.7.2 for requirements).
- 194 ~~A.D.~~The Review Board or the County Board in accordance with § 15.7.13 shall utilize the
195 historic district design guidelines relevant to the specific historic district under
196 consideration in its ~~their~~ review of any ~~application for alterations to an exterior~~
197 ~~feature~~CoA and make a decision in accordance therewith. The historic district design
198 guidelines will guide and inform ~~the decisions of the Review Board~~ with regard to
199 ~~these exterior alterations CoAs. The design guidelines are for the benefit of the~~
200 ~~applicant as well as the Review Board. Historic district design guidelines shall be~~
201 ~~adopted and amended by the County Board, with such minor administrative~~
202 ~~amendments or updates as may be approved by the Review Board.~~
- 203 ~~B. B. The design guidelines shall also describe which modifications, if any, can be~~
204 ~~administratively approved by its designee, and shall provide specific standards for~~
205 ~~such approval.~~
- 206 ~~C.E. C.~~All historic district design guidelines established, adopted, or amended by either
207 the County Board or the Review Board on or before May 22, 2010 shall be in full
208 force and effect, as though adopted by the County Board in a manner consistent
209 with this zoning ordinance, until such time as the County Board, or the Review
210 Board in the case of minor administrative amendments or updates, acts to amend
211 them.
- 212 ~~D. D. Design guidelines shall not be created, amended, or updated except after a public~~
213 ~~hearing.~~
- 214 ~~F. E~~ For districts without approved historic district design guidelines, The Secretary of
215 the Interior's Standards for Rehabilitation, The Secretary of the Interior's Standards
216 for the Treatment of Historic Properties with Guidelines for the Treatment of
217 Cultural Landscapes, or The Secretary of the Interior's Standards and Guidelines for
218 Archaeology Documentation shall be used to guide the CoA review process as
219 amended.

220 §15.7.10. Appeals

- 221 A. If the Review Board makes the findings called for in §15.7.2, or, after an appeal as
222 provided in §15.7.10.C, the County Board determines that the proposed
223 construction, reconstruction, alteration, moving or demolition is appropriate, it shall
224 forthwith approve such application and shall issue to the applicant a CoA.
- 225 B. If the Review Board or, after an appeal as provided in §15.7.10.C, the County Board
226 determines that a CoA should not be issued, it shall forthwith notify the applicant of
227 such determination, furnishing him a copy of the reasons therefore and the
228 recommendations, if any, as appearing in the records of the Review Board.
- 229 C. Any person or persons jointly or severally aggrieved by any final decision of the
230 Review Board, may, within 30 days after the final decision, have the right of appeal
231 to the County Board of Arlington County by filing a petition which shall stay the
232 decision of the Review Board pending the outcome of the appeal, provided that
233 such a petition shall not stay a decision which denies the right to raze or demolish a

234 historic landmark, building or structure. The County Board may reverse or modify, in
235 whole or in part, any decision it finds upon review to be contrary to law or that is
236 arbitrary and constitutes an abuse of discretion, or it may affirm the decision of the
237 Review Board. The County Board may also reverse or modify the decision of the
238 Review Board where the decision is based upon elements of the historic district
239 design guidelines that were amended solely by the Review Board after May 22, 2010
240 and the County Board finds that those elements are not consistent with the purpose
241 and intent of the County Board adopted historic district design guidelines, or of the
242 historic district designation.

243 D. Any person or persons jointly or severally aggrieved by any final decision of the
244 County Board may within 30 days after the final decision have the right to appeal to
245 the Circuit Court by filing a petition at law which shall stay the decision of the
246 County Board pending the outcome of the appeal, provided that such a petition
247 shall not stay a decision which denies the right to raze or demolish a historic
248 building or structure within a historic district. The Circuit Court may reverse or
249 modify, in whole or in part, any decision it finds upon review to be contrary to law
250 or that is arbitrary and constitutes an abuse of discretion, or it may affirm the
251 decision of the County Board.

252 **§15.7.11. Right to demolish or raze**

253 A. In addition to the right of appeal, the property owner shall have a right to demolish
254 or raze such building or structure in a historic district provided that:

255 1. The owner has applied ~~to the Review Board~~ for a CoA for such right and on appeal
256 been denied such right by the County Board;

257 2. The owner has, for the period of time set forth below at a price reasonably related
258 to fair market value, made a bona fide offer to sell such building or structure and
259 the land pertaining to it to the county or to any person, firm, corporation,
260 government or government agency, political subdivision or agency, which give
261 reasonable assurance that it is willing to preserve and restore the landmark, building
262 or structure and the land pertaining to it; and

263 3. No bona fide contract, binding on all parties to it, shall have been executed for the
264 sale of any such landmark, building or structure and the land pertaining to it, prior
265 to the expiration of the period of time set forth below.

266 B. No such offer to sell may be made more than one year after a final decision of the
267 County Board but no appeal to the Circuit Court from a decision of the County Board
268 shall stay or otherwise impair the right of such owner to offer for sale. After one
269 year has passed from any such final decision (which has not been appealed or has
270 been affirmed) of the County Board, the owner may renew his request ~~to the~~
271 ~~Review Board for approval of a razing or demolition of the historic building or~~
272 ~~structure.~~

274 **§15.7.12. Question as to price**

275 The fact that a building or structure has been offered for sale at a price reasonably related to fair
276 market value (FMV) may be questioned, provided that a petition in writing is filed with the

277 county manager within 15 days after the offer of sale has begun. The petition may be filed by
278 the Review Board, or a petition in writing signed by at least five persons owning real estate in
279 the vicinity of the property offered for sale. Alternatively, the county manager may do the same
280 within the same time frame. The county manager retains the discretion to accept or reject the
281 aforementioned petitions as grounds for initiating an appraisal process. Within 15 business days
282 after the filing of a petition questioning the reasonableness of the sale price offered, the county
283 and the owner shall each give written notice to the other setting forth the name and address of
284 an appraiser licensed to perform appraisals in the Commonwealth of Virginia (appraiser),
285 selected by such party, who has agreed to act in such capacity to determine whether the
286 offering price of the property is reasonably related to the FMV of the property. If either party
287 shall fail to select an appraiser aforesaid, and such failure shall continue for a period of 10
288 business days after receipt of written notice from the other party, then the FMV shall be
289 determined by the appraiser selected by the other party. When the appraiser(s) have been
290 selected, then each appraiser shall thereupon independently make his/her determination of
291 whether the offering price of the property is reasonably related to the FMV of the property
292 within 21 days. If the two appraisers' disagree significantly as to their determinations of the FMV
293 of the property, then the two appraisers shall appoint a third appraiser within 10 business days
294 after the second of the two determinations described above has been rendered. The third
295 appraiser shall independently make his/her determination of whether the offering price of the
296 property is reasonably related to the FMV of the property within 30 days after his/her
297 appointment. Each party shall pay for the cost of its appraiser and one-half of the cost of the
298 third appraiser. The opinion of any two of the three appraisers shall be final and binding. In the
299 event the opinion is to the effect that the offer to sell the building or structure is at a price
300 reasonably related to its FMV, the owner may continue to offer the property for sale pursuant to
301 §15.7.11 through §15.7.11.C. In the event the opinion is to the effect that the offer to sell the
302 building or structure is not at a price reasonably related to its FMV, the date of the offer to sell
303 first established pursuant to §15.7.10.B shall be void and the owner, if he wishes to take
304 advantage of the right provided in said section, must re-file the notice provided for above.
305 Notwithstanding an adverse opinion by the appraisers if an owner has entered into a binding
306 contract as provided in §15.7.11.A.3 prior to the date the appraisers have filed their report with
307 the county manager, the price shall be deemed reasonably related to the FMV, for the purposes
308 of this contract.

309 **§15.7.13. Arlington Public Schools Historic Districts**

310 A. In historic districts designated after January 1, 2016, where the property is owned
311 or ground-leased by Arlington Public Schools (APS), the County Board shall be
312 responsible for reviewing and making decisions regarding CoA applications as
313 provided in this §15.7.13. The County Board shall render its decision after
314 considering comments forwarded by the Review Board, if any, regarding the
315 architectural and historical appropriateness of the proposed alterations.

316 B. When reviewing CoA applications for property owned or ground-leased by APS, the
317 County Board shall evaluate such applications in the context of the applicable
318 historic district design guidelines.

319 C. Historic district design guidelines referred to in § 15.7.13.A shall specify those
320 modifications and additions which shall require a CoA.

321 D. In rendering its determination for a denial of a CoA, the County Board shall notify
322 the applicant of such determination, furnishing a copy of the reasons therefore and
323 the recommendations, if any, as appearing in the records.

324
325 ***
326

327 **Article 18. Definitions**

328 . 329 **§18.2. General Terms Defined**

330 For the purposes of this zoning ordinance certain terms and words used herein shall be defined and
331 interpreted as follows.

332
333 ***
334

335 APS. Arlington Public Schools.

336 ***

337 Certificate of appropriateness (CoA). See also §15.7. A certificate issued by the Historical Affairs and
338 Landmark Review Board, ~~or its designee, or on appeal,~~ the County Board, or its designee,
339 authorizing alteration, construction, relocation, restoration, grading, or demolition of any
340 building, sign, appurtenance, structure, object, parcel of land or building located within a locally
341 designated historic district and, separately, properties governed by the Columbia Pike Form
342 Based Code Ordinance.

343 ***

344 Historic district. A landmark, building, structure, property, land or area that is included within an overlay
345 district as established by ordinance adopted by the County Board in accordance with §11.3.2.
346 Such overlay district shall not have boundaries that extend farther than the property line of the
347 land pertaining to such district.

348 Historic district design guidelines. Those guidelines adopted by the County Board, pursuant to §11.3, and
349 intended to guide and inform ~~the decisions of the Historical Affairs and Landmark Review Board~~
350 decisions regarding CoAs ~~with regard to alterations to the exterior features of a~~ within a locally
351 designated historic district.

352
353 ***