

DRAFT

At a meeting of the Spotsylvania County Board of Supervisors held on March 30, 2017 on a motion by _____, seconded by _____ and passed _____, the Board adopts the following ordinance:

AN ORDINANCE No. 23-168

CA17-0002: Historic Overlay District

To amend Chapter 23, Article 7, Division 3- Historic Overlay District meant to simply clean up language, remove unclear or vague language and to add capitalization where needed to be consistent with other sections of the code. Staff has also modified reference to providing incentives for the upkeep and rehabilitation of older structures as a purpose and function of the Historic Overlay District, adding encouraging rehabilitation efforts through alternative means in Sect 23-7.3.1(b)(3). Amendment corrects reference to the Code of Virginia in Sect. 23-7.3.2 and adds Code of Virginia reference in Sect. 23-7.3.5 regarding Planning Commission and Board of Supervisors action upon the recommendation(s) of the Historic Preservation Commission. Staff has drafted an amendment to redirect Historic Overlay District review and processes to the Planning Director to be consistent with procedure.

PUBLIC HEARING: March 30, 2017

WHEREAS, staff has reviewed the Code Amendment and recommends approval as stated in the Executive Summary dated March 30, 2017, and attached hereto; and

WHEREAS, the Planning Commission held a public hearing on this item on February 15, 2017 and a motion was made and seconded to recommend Approval of the Zoning Ordinance Amendments, with a vote of 7-0; and

WHEREAS, the Spotsylvania Board of Supervisors' public hearing, duly advertised in a local newspaper for a period of two weeks, was held on March 30, 2017, and interested citizens were offered the opportunity to be heard; and

WHEREAS, good zoning practice and the general welfare are served by approval of the Code Amendment.

NOW, THEREFORE, THE BOARD OF SUPERVISORS FOR THE COUNTY OF SPOTSYLVANIA HEREBY

ORDAINS:

§ 1. That Chapter 23, Article 7, Division 3, be and is hereby **amended** and reordained as follows:

DIVISION 3. HISTORIC OVERLAY DISTRICTS (H)

[Sec. 23-7.3.1. Authority to create; purpose.](#)

[Sec. 23-7.3.2. General standards and criteria for designation.](#)

[Sec. 23-7.3.3. Application for designation of district.](#)

[Sec. 23-7.3.4. Action by ~~h~~Historic ~~p~~Preservation ~~e~~Commission prerequisite to establishment of district.](#)

[Sec. 23-7.3.5. Action by ~~p~~Planning ~~e~~Commission and ~~b~~Board of ~~s~~Supervisors on ~~h~~Historic ~~p~~Preservation ~~e~~Commission's report.](#)

[Sec. 23-7.3.6. Location and boundaries.](#)

[Sec. 23-7.3.7. Recordation of resolution, plat, boundary description after district created.](#)

[Sec. 23-7.3.8. Designated districts.](#)

[Sec. 23-7.3.9. Permitted uses.](#)

[Sec. 23-7.3.10. Inventory of buildings and structures.](#)

[Sec. 23-7.3.11. Modification or reduction of development standards.](#)

[Sec. 23-7.3.12. Prohibited signs.](#)

Sec. 23-7.3.1. Authority to create; purpose.

- (a) Pursuant to sections ~~15.1-489~~ 15.2-2283 and ~~15.1-503.2~~ 15.2-2306 of the Code of Virginia, the ~~b~~Board of ~~s~~Supervisors shall have the authority to designate landmarks and landmark sites and to create ~~h~~Historic ~~e~~Overlay ~~d~~Districts for the purpose of promoting the general welfare, education and recreational pleasure of the public, through the perpetuation of those general areas or individual structures and premises which have been officially designated by the ~~b~~Board of ~~s~~Supervisors as having historic, architectural or cultural significance. It is hereby recognized that the destruction or alteration of such buildings, structures, places, and areas may cause the permanent loss of resources which are of great value to the people of the ~~e~~County, and that special controls and incentives are warranted to ensure that such losses are avoided when possible.
- (b) The purposes for establishing an ~~h~~Historic ~~e~~Overlay ~~d~~District as a zoning classification are to:
- (1) Preserve and improve the quality of life for residents of the ~~e~~County by protecting familiar and valuable visual elements in the area;
 - (2) Promote tourism by protecting historical and cultural resources attractive to visitors;
 - (3) Stabilize and improve property values by providing incentives or otherwise encourage ~~for~~ the upkeep and rehabilitation of older structures;
 - (4) Educate residents on the local, cultural and historic heritage, and to foster a sense of pride in this heritage;
 - (5) Promote local historic preservation efforts and encourage the nomination of qualified historic properties to the National Register of Historic Places and the Virginia Historic Landmarks Register;
 - (6) Prevent the encroachment of buildings and structures which are architecturally incongruous with their environs, within areas of special historic character;

~~(7) Prevent the creation of environmental influences adverse to the purposes stated in this section;~~

~~(8) Ensure that new structures and uses within such district will be in keeping with the character of the district to be preserved and enhanced.~~

~~(c) Historic overlay districts are created for the purpose of imposing special requirements in addition to existing zoning designations and the regulations appropriate thereto.~~

Sec. 23-7.3.2. General standards and criteria for designation.

The ~~b~~Board of ~~s~~Supervisors may designate and create one or more ~~h~~Historic ~~e~~Overlay ~~d~~Districts provided such districts meet the standards of section ~~15.1-503.2~~ 15.2-2306 of the Code of Virginia and that any such district meets one or more of the following criteria:

- (1) It is closely associated with one or more persons, events, activities, or institutions that have made a significant contribution to local, regional or national history; or
- (2) It contains buildings or structures whose exterior design or features embody or 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
- (3) It possesses an identifiable character which reflects the unique, cultural or architectural heritage of the ~~e~~County; or
- (4) It contains qualities or artifacts which significantly contribute to present day knowledge and the understanding of lifestyles, activities, events or experiences of a previous era; or
- (5) Its unique location or physical characteristics represent an established and familiar pattern or unique visual feature of the ~~e~~County; ~~or.~~

Sec. 23-7.3.3. Application for designation of district.

- (a) Application for ~~h~~Historic ~~e~~Overlay ~~d~~District designation shall be made by the owner, Planning cCommission, or ~~b~~Board of ~~s~~Supervisors on a form provided by the ~~zoning administrator~~ Planning Director.
- (b) The following information shall be required for consideration for ~~h~~Historic ~~e~~Overlay ~~d~~District designation and shall be submitted with the application:
 - (1) An inventory which lists each building, landmark or structure within the district which itself has historic merit or which contributes to the overall historic character of the district;
 - (2) A graphic presentation of the location of landmarks, sites, buildings or other structures of particular historic value as well as the boundaries of the total proposed area to be included within the designation;
 - (3) A written statement documenting the particular historical attributes of the territory proposed to be designated.

Sec. 23-7.3.4. Action by ~~h~~Historic ~~p~~Preservation ~~e~~Commission prerequisite to establishment of district.

- (a) Before the establishment of an ~~h~~Historic ~~e~~Overlay ~~d~~District, the ~~h~~Historic ~~p~~Preservation ~~e~~Commission shall conduct studies and research and make a report on the historic significance of the exteriors of buildings, structures, features, sites, objects and surroundings of the area. The ~~h~~Historic ~~p~~Preservation ~~e~~Commission's report shall contain recommendations concerning the areas to be included in the proposed ~~h~~Historic ~~e~~Overlay ~~d~~District.

- (b) A public hearing may be held by the **h**Historic **p**Preservation **e**Commission to receive comments from the public on any proposed **h**Historic **e**Overlay **d**District prior to forming its recommendation.
- (c) After the public hearing, the **h**Historic **p**Preservation **e**Commission shall submit a final report with its recommendations and a draft of a proposed ordinance for the **p**Planning **e**Commission's and **b**Board of **s**Supervisors' consideration.

Sec. 23-7.3.5. Action by **pPlanning **e**Commission and **b**Board of **s**Supervisors on **h**Historic **p**Preservation **e**Commission's report.**

The **p**Planning **e**Commission and **b**Board of **s**Supervisors shall act on the report and recommendations from the **h**Historic **p**Preservation **e**Commission in accordance with standards set forth in Section 15.2-2306 in the Code of Virginia and the normal zoning approval procedures as specified in the Code of Virginia and in this chapter, with duly advertised public hearings before each body.

Sec. 23-7.3.6. Location and boundaries.

- (a) The location and boundaries of **h**Historic **e**Overlay **d**Districts shall be delineated by the **b**Board of **s**Supervisors pursuant to **a**Article 4, **d**Division 6 of this chapter, upon consultation with the **h**Historic **p**Preservation **e**Commission and the **p**Planning **e**Commission, and shall be incorporated into the official zoning map as special overlay districts designated as **h**Historic **e**Overlay **d**Districts (H).
- (b) The boundaries of **h**Historic **e**Overlay **d**Districts shall be drawn to include all lands which are adjacent to the landmark, building, or structure for which the historic district was established and which are closely related to and bearing upon the character of the historic site. Regulations imposed in such districts are intended to protect against destruction of or encroachment upon such historic resources, to encourage uses which will continue to preserve them and to prevent the creation of adverse environmental influences.

Sec. 23-7.3.7. Recordation of resolution, plat, boundary description after district created.

Following the creation of each **h**Historic **e**Overlay **d**District, a copy of the resolution creating such district, a boundary description of such district, and a plat or visual representation of such district, shall be filed by the ~~zoning administrator~~ **Planning Director** with the clerk of the **e**Circuit **e**Court for the **e**County.

Sec. 23-7.3.8. Designated districts.

The **h**Historic **e**Overlay **d**Districts shall be those listed below which are to be shown by overlay on the present zoning map of the **e**County and shall include the property, buildings, structures, and land so encompassed. For the following districts, the boundaries established shall include those established for the **e**County on the National Register of Historic Places, except as modified below:

- (1) Fredericksburg and Spotsylvania National Military Park: all property.
- (2) The Rapidan Dam Canal of the Rappahannock Navigation: begins at the mouth of the Rapidan and runs down the Rappahannock River on its right bank for one and one-half (1½) miles; including land five hundred (500) feet on either side of the canal.
- (3) Tubal Furnace Archeological Site: thirty (30) feet west of Pipe Dam Run, near Route 620.
- (4) Spotsylvania Courthouse Historic district: As designated with the following modifications: From American Legion Drive, the district is to extend east down Route 208 to the end of the pond adjacent to the old Confederate Cemetery on the south side; on the south side of Route 208, the district depth is to the rear line of the cemetery; the boundary is to continue across on the north side of Route 208 to a depth of four hundred (400) feet, which would encompass the

Alrich home site and then to pick up the boundary as designated on the National Historic Register.

- (5) St. Julien: One (1) mile southwest of the intersection of Routes 2 and 17; 0.1 mile west of Massaponax Creek; 0.5 mile west of Route 2.
- (6) Prospect Hill: Near Mineral; on Route 612 about eight hundred (800) west of the intersection with Route 719 (crossroad of Halladay).
- (7) Massaponax Church Site and Church Property: The property is located on the northwest corner at the intersection of Routes 608 and 1.
- (8) LaVista: The property is located on the southwest side of Route 607 (Guinea Station Road) approximately one-half (1/2) mile southeast of Route 633 (Church Pond Road).

Sec. 23-7.3.9. Permitted uses.

- (a) Within an adopted ~~h~~H~~is~~toric ~~e~~O~~ver~~lay ~~d~~D~~ist~~ric, all uses shall be permitted pursuant to the district regulations of the zoning district in which such ~~h~~H~~is~~toric ~~e~~O~~ver~~lay ~~d~~D~~ist~~ric is located, except as may be expressly modified by the regulations adopted for a particular ~~h~~H~~is~~toric ~~e~~O~~ver~~lay ~~d~~D~~ist~~ric. The ~~h~~H~~is~~toric ~~p~~P~~re~~servation ~~e~~C~~om~~mission shall review and recommend on any application for a special use located in any ~~h~~H~~is~~toric ~~e~~O~~ver~~lay ~~d~~D~~ist~~ric prior to ~~p~~P~~l~~anning ~~e~~C~~om~~mission action.
- (b) A maximum of two (2) banner signs, provided such signs shall not exceed twenty-four (24) square feet in combined sign area, subject to the following:
 - (i) Banner signs may be displayed anywhere on the commercial or industrial lot for ninety (90) days from the date of issuance of a new or relocated business' occupancy permit, use permit or final inspection, whichever is latest.

Sec. 23-7.3.10. Inventory of buildings and structures.

Following the creation of each ~~h~~H~~is~~toric ~~e~~O~~ver~~lay ~~d~~D~~ist~~ric, the ~~zoning administrator~~ Planning Director shall maintain in ~~his~~ the Planning office ~~the an~~ inventory of buildings, landmarks and structures that exist within the historic overlay as approved by the ~~b~~B~~o~~ard of ~~s~~S~~u~~per~~visors.~~

Sec. 23-7.3.11. Modification or reduction of development standards.

The standards required by the underlying zoning district regulations for development in a ~~h~~H~~is~~toric ~~e~~O~~ver~~lay ~~d~~D~~ist~~ric may be modified or reduced upon such modification or reduction being approved as a special use. Any such special use application shall be referred to the ~~h~~H~~is~~toric ~~p~~P~~re~~servation ~~e~~C~~om~~mission for review and comment. Such review and comment shall be provided to the ~~b~~B~~o~~ard of ~~s~~S~~u~~per~~visors no later than the ~~b~~B~~o~~ard of ~~s~~S~~u~~per~~visor's public hearing date for the application. Failure by the ~~h~~H~~is~~toric ~~p~~P~~re~~servation ~~e~~C~~om~~mission to provide timely review and comment shall not require the ~~b~~B~~o~~ard of ~~s~~S~~u~~per~~visors to delay its public hearing or action on the application.~~~~~~

Sec. 23-7.3.12. Prohibited signs.

- (1) Any sign, electronic or digital display shall be prohibited in Historic Overlay Districts.

§ 2. This ordinance shall be in force and effect upon adoption.