

**FAIRFAX COUNTY
ARCHITECTURAL REVIEW BOARD**

BYLAWS

Date of Original Adoption: June 2008

The Fairfax County Architectural Review Board adopts these Bylaws for its rules and procedures for the transaction of its business for the benefit and convenience of the citizens of Fairfax County ("County").

**ARTICLE I.
NAME**

The official title of this Board is the Fairfax County Architectural Review Board, also known by the abbreviation "ARB."

**ARTICLE II.
ORIGIN, AUTHORITY AND PURPOSE FOR THE BOARD**

2.1. Origin and Authority. The ARB was authorized by vote of the Board of Supervisors of Fairfax County ("Board of Supervisor") on November 22, 1967, to oversee and administer Fairfax County regulations concerning certain physical changes within Historic Overlay Districts in Fairfax County designated by the Board of Supervisors, and to assist the Board of Supervisors in its efforts to preserve and protect historic places and areas in the County, pursuant to Section 15.1-503.2 of the Code of Virginia (the current citation is Va. Code Ann. §15.2-2306 (2003)) which authorized local governments to establish such historic districts and review boards. The ARB was established as Part 3 of Article 19 of the Fairfax County Zoning Ordinance (the "Zoning Ordinance"); the Zoning Ordinance itself is Chapter 112 of the 1976 Code of the County of Fairfax.

2.2. Purpose of the Architectural Review Board Pursuant to Section 19-301 of the Zoning Ordinance, the purpose of the ARB is to administer the regulations of Historic Overlay Districts under Part 2 of Article 7 (Overlay District Regulations) of the Zoning Ordinance, and to advise and assist the Board of Supervisors in its efforts to preserve and protect historic, architectural, and archeological resources in Fairfax County. To carry out those purposes, the ARB has the following duties and powers pursuant to Section 19-307 of the Zoning Ordinance:

(a) In a Historic Overlay District, to hear and decide applications for building permits and sign permits.

(b) To review and make recommendations on all applications for rezoning, special permit, special exception and variance, and any site plan, subdivision plat, and grading plan in Historic Overlay Districts.

(c) To propose, as deemed appropriate, the establishment of additional Historic Overlay Districts and revisions to existing Historic Overlay Districts.

(d) To assist and advise the Board of Supervisors, the Fairfax County Planning Commission, and other County departments and agencies in matters involving historically, architecturally, culturally, or archaeologically significant sites and buildings such as appropriate land usage, parking facilities, and signs.

(e) To advise owners of historic buildings or structures on preservation issues.

(f) To formulate recommendations concerning the establishment of an appropriate system of markers for Historic Overlay Districts and selected historic sites and buildings, including proposals for the installation and care of such markers.

(g) To cooperate with and enlist assistance from the Fairfax County History Commission, the Virginia Department of Historic Resources, the National Trust for Historic Preservation, and other interested parties, both public and private, in its efforts to preserve, restore, and conserve historic, cultural or archaeological buildings, sites, or areas in the County.

(h) To make available to the Fairfax County Library, on request, copies of reports, maps, drawings, and other documents bearing on the historical significance and architectural history of landmarks considered by or brought to the attention of the ARB, and permit copies thereof to be made for permanent keeping in the library's historical collection.

(i) To employ secretarial assistance and to pay salaries, wages and other incurred necessary expenses, pursuant to appropriations by the Board of Supervisors.

2.3. Purpose of Historic Overlay Districts. At the time of adoption of these Bylaws, Fairfax County has thirteen (13) Historic Overlay Districts. In addition, pursuant to a Memorandum of Understanding between the United States Department of the Interior and the County, a portion of the lands turned over to the County by the United States Department of Interior in Lorton, Virginia, is subject to the jurisdiction of the ARB as if it were a designated historic overlay district in the County.

As provided in Section 7-201 of the Zoning Ordinance, Historic Overlay Districts are specifically delineated general areas or individual structures and premises of the County that have been officially designated by the Board of Supervisor as having historic, architectural, or cultural significance and which are created for the purpose of promoting the general welfare, education, and recreational pleasure of the public, through the perpetuation of those areas, structures or premises.

Regulations within historic districts are intended to protect against destruction of or encroachment upon such areas, structures, and premises; to encourage uses which will lead to their continuance, conservation, and improvement in a manner appropriate to the preservation of the cultural, social, economic, political, architectural, or archaeological heritage of the County; to prevent creation of environmental influences adverse to such purposes; and to assure that new structures and uses within such districts will be in keeping with the character to be preserved and enhanced. The historic overlay district regulations are intended to encourage uses that will lead to the continuance, conservation, and improvement of such significant areas, structures, and premises within the districts in accordance with the following purposes specified in the Zoning Ordinance:

- (a) To preserve and improve the quality of life for residents of the County by protecting and preserving familiar visual elements in the district.
- (b) To promote tourism by protecting heritage resources attractive to visitors to the County and thereby supporting local business and industry.
- (c) To promote the upkeep and rehabilitation of significant older structures and encourage appropriate land use planning and development that will enhance both the economic viability and historic character of the district.
- (d) To educate residents of the County about the heritage resources within the district and to foster a sense of pride in this heritage.
- (e) To foster local heritage resource identification and preservation efforts and to encourage the nomination by their owners of qualified properties for listing on the National Register of Historic Places and the Virginia Landmarks Register.
- (f) To prevent, within the district, the encroachment of new buildings or structures, and additions or attachments, which are architecturally incongruous with the visual and historic character of the district.
- (g) To ensure that new development within the district is appropriate and that new structures are well designed.

ARTICLE III. MEETINGS, QUORUM, AND VOTING

3.1 Meetings. The ARB shall have regular monthly meetings on the second Thursday of each month at 6:30 p.m. at the Fairfax County Government Center or at such other time and/or place designated by the ARB, and shall have such other special meetings from time to time at the times and places designated by the Chairman of the ARB. The ARB may change the time and place of regular monthly meetings as it determines. All Members of the ARB shall be notified of the time and place of any special meetings at least five (5) days in advance of the meeting. The

ARB shall give public notice of the date, time, and location of its meetings in accordance with Va. Code Ann. § 2.2-3707 (Supp. 2007). Minutes of all regular and special meetings of the ARB shall be prepared and approved by the vote of the Members.

3.2. Quorum. A quorum of six (6) voting members present is required for consideration of any matter.

3.3. Voting. Any action taken shall require the affirmative vote of a majority of the voting members in attendance of a properly called matter.

Conflict With Any Application Involving A Member. Members shall exempt themselves from taking part in the hearing, consideration, or determination of any application in which the Member or any of their immediate family or employer is financially interested. For purpose of this provision, a Member has a financial interest if the Member, the Member's business partner or any organization for which the Member or the Member's partner is employed or is about to be employed has a financial interest in the matter being considered by the ARB. Immediate family shall be construed to mean close relatives by birth or marriage including siblings, parents, children, in-laws, and any financial dependents. It is the intent of this section to prohibit any and all conduct that would amount to a conflict of interest as defined in any rule, regulation, or guideline of the Virginia Department of Historic Resources or of the National Park Service.

3.4. Conduct of Meetings.

(a) Order of Meeting: All meetings shall be open to the public. The order of business at regular meetings shall be as follows:

1. Determination of quorum
2. Declaration of purpose of the ARB
3. Approval of agenda
4. Consent Agenda items requiring board action
5. Application or other Agenda items requiring ARB action
6. Workshop sessions with prospective applicants
7. Other items, such as:
 - Treasurer's Report
 - Staff Report
 - Other
8. Adjourn

(b) Consideration of Applications: Applicants or other interested persons may appear in person or by agent at the meeting. The order of business for consideration of applications for action by the Architectural Review Board shall be as follows:

1. The Chair, or such person as she or he shall direct, shall give a preliminary statement concerning the application;
2. The applicant may present statements in support of his or her application;
3. Members of the public other than the applicant either in favor or opposed to granting the application may present statements concerning the application;
4. Statements or arguments submitted by any official, commission, or department of the County of Fairfax, any state agency, or any local historical, preservation or neighborhood association shall be presented as directed by the Chair;
5. ARB members, including the Chair, may discuss the application;
6. An ARB member, other than the Chair, may introduce a motion. The names of the ARB members making and seconding motions shall be recorded.
7. Procedures may be modified by the ARB.

The ARB may, in its discretion, view the premises and obtain additional facts concerning any application before arriving at a decision. In the event that facts other than those presented at a meeting at which an application has been considered are relied upon to support a decision, such facts shall be stated for the record. Decisions of the ARB may be accompanied by such conditions and/or recommendations as may be reasonable under the circumstances to effectuate the purposes of the Zoning Ordinance.

ARTICLE IV. RULES GOVERNING ACTIONS OF THE BOARD

The ARB is governed by the following:

4.1. Ordinances/Regulations. The ARB shall be governed by the Zoning Ordinance, specifically as applicable to Historic Overlay Districts and generally by Historic District Guidelines adopted from time to time for each historic overlay district pursuant to the Zoning Ordinance, by other applicable provisions of the 1976 Code of the County of Fairfax, Virginia and by the Code of Virginia.

4.2. Rules of Procedure. Procedural matters of the ARB, including the rules for conducting public meetings of the ARB, which are not otherwise governed by ordinance, regulation, or statute, shall be carried out in accordance with *Roberts Rules of Order, Newly Revised*.

**ARTICLE V.
GENERAL PRINCIPLES GOVERNING DECISIONS**

Subject to the terms of Article IV, in making its decisions the ARB will consider guidelines established for specific historic overlay districts and the following factors and general principles as applicable to particular applications:

5.1. Factors Considered:

(a) The historical or architectural value and significance of a building or structure and its relationship to or congruity with the historic value of the land, place, or area in the historic area upon which it is proposed to be located, constructed, reconstructed, altered, or repaired.

(b) The appropriateness of the exterior architectural features of such building or structure to such land, place or area and its relationship to or congruity with the exterior architectural features of other land, places, areas, buildings, or structures in the historic area and environs.

(c) The general exterior design, arrangement, textures, materials, planting and color proposed to be used in the location, construction, alteration, or repair of the building, structure, or improvement, and the types of windows, exterior doors, lights, landscaping, and parking viewed from a public street, public way, or other public place and their relationship to or congruity with the other factors to be considered by the ARB.

5.2. Principles: Keeping in mind the purposes and objectives of the Historic Overlay Districts and the above-stated factors, decisions of the ARB are governed by the following general principles:

(a) Architectural Variety: The beauty of a district depends upon contrast, complexity, and variety, rather than upon uniformity.

(b) Architectural Integrity: Because buildings vary widely, what is appropriate for one building may be inappropriate for another. The ARB treats each building as having its own integrity and, thus, gives each building individual consideration.

(c) Preservation: Preservation of historically significant features within an historic overlay district is a goal of the ARB, under the following guidelines:

1. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.

2. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

3. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.

4. Changes which may have taken place over the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

5. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.

6. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.

8. Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent, to any project.

9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment.

10. Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

(d) Improvement: The goal of the ARB is to approve design, materials, and construction techniques that improve a property, rather than diminishing its character or value.

(e) Architectural Congruity: The ARB oversees a district rather than simply individual structures and therefore seeks to preserve, improve, and encourage harmonious visual relationships among the buildings within the district. The ARB stresses the role that the following design elements play in making buildings within a given area harmonize:

- Scale
- Fenestration (window size, number, style, and arrangement)
- Roof pitch
- Proportions of building
- Placement and shape of entrance
- Detailing
- Color
- Materials
- Set backs

ARTICLE VI. ARB MEMBERSHIP

6.1. Appointment of Members. Members of the ARB are appointed by vote of the Board of Supervisors in accordance with Section 19-303 of the Zoning Ordinance. Subject to periods of time to fill vacancies, the ARB shall have eleven (11) Members, ten (10) voting members and one (1) non-voting ex officio member from the Fairfax County History Commission. All members shall be residents of Fairfax County, at least two (2) shall be certified architects, at least one (1) shall be a landscape architect, at least one (1) shall be a member of the Virginia State Bar, and other members shall be drawn from the ranks of related professional group, such as archaeologists, historians, lawyers, or real estate agents.

6.2. Attendance at Meetings. Members are expected to attend all regular and special meetings of the ARB unless excused. The determination of an excused absence for valid reason shall be made by the Chair, subject to review by the full ARB for an appeal of a determination by the Chair that a Member's absence is not excused.

ARTICLE VII. OFFICERS AND DUTIES

7.1. Officers. The ARB shall elect officers designated as Chair, Vice-Chair, Secretary and Treasurer as determined by majority vote of the entire membership of the ARB: The officers shall be elected and have duties as follows:

(a) Chair. A Chair shall be elected by the voting members of the ARB. The term of the Chair shall be for one (1) year, and shall be eligible for reelection. The Chair shall decide all points of order and procedure, subject to these by laws, unless directed otherwise by a majority of the Board in session at the time. The Chair shall appoint any committees found necessary to investigate any matters before the ARB.

(b) Vice-Chair. A Vice-Chair shall be elected by the ARB from among its members in the same manner as the Chair, and shall be eligible for reelection. He or she shall serve as acting Chair in the absence of the Chair, and at such times the Vice-Chair shall have the same powers and duties as the Chair.

(c) Secretary. A Secretary shall be appointed by the ARB. The Secretary, subject to the direction of the Chair of the Board, shall keep all records, shall conduct all correspondence of the ARB, and shall generally supervise the clerical work of the ARB. The Secretary need not be a member of the ARB. The Secretary shall be responsible for the preparation of all minutes of meetings of the ARB.

(d) Treasurer. A Treasurer shall be elected by the ARB from among its members in the same manner as the Chair, and shall be eligible for reelection. The Treasurer shall maintain the financial records of income and expenses of the ARB, shall have check-writing authority over the funds of the ARB, and shall provide periodic financial reports to the ARB, at least quarterly, and such reports to Fairfax County officials as the Board of Supervisors shall require. The Treasurer, in conjunction with the Chair, shall be responsible for maintaining proper procedures regarding financial management of the funds of the ARB, to include but not be limited to the following:

1. All funds of the ARB shall be deposited into a checking account of the ARB.

2. All expenditures of the ARB shall be made by checks drawn on the checking account payable to a vendor or in reimbursement to a Member for expenses incurred on behalf of the ARB or in carrying out ARB activities.

3. All expenditures shall be in furtherance of the purposes of the ARB, and shall include costs of training and education of the Members as approved by the ARB. No expenditure shall inure to the private interest of any Member.

4. The Treasurer shall provide reports of the financial condition of the ARB funds at each regular meeting of the ARB, such report to include identification of all expenditures of funds.

5. At least quarterly, a committee of the Members shall reconcile the checking account and review all expenditure invoices and documentation, and shall report the results thereof at the next regular meeting.

6. No expenditure of ARB funds shall be made without prior approval of the Board.

7. Any check payable for an amount in excess of \$500.00 shall require the signatures of two Members.

8. Financial records of the ARB shall be maintained in accordance with Fairfax County Government records retention procedures.

7.2. Term Limitations. No Member shall serve as Chair for more than four (4) one-year terms.

7.3. Elections. Terms for officers shall begin in January of each calendar year. Election of officers for the succeeding calendar year shall take place no later than the regular December meeting of the ARB.

ARTICLE VIII. COMMITTEES

All Standing Committees shall be appointed by the Chair, except the Nominating Committee which shall be appointed by majority vote of the Members.

8.1. Budget Committee. At the close of the fiscal year, the Budget Committee shall prepare and present an operational budget for the coming fiscal year.

8.2. Nominating Committee. The Nominating Committee shall meet in November of each year to nominate a slate of officers in preparation of the December election.

8.3. Bylaws Committee. The Bylaws Committee shall ensure that the Bylaws are current and shall recommend amendments when changes are appropriate.

8.4. Audit Committee. The Audit Committee shall meet with the Treasurer to conduct an annual review of the financial records and submit a report to the ARB within thirty days of the close of the fiscal year, which is June 30 of each year.

ARTICLE IX. AMENDMENTS TO BY-LAWS

The bylaws may be amended at any regular meeting of the ARB by a two-thirds majority vote by those members present and voting, provided notice of the proposed amendment has been given to members at the previous regular meeting or has been mailed to members at least ten days prior to the meeting.