

**FAIRFAX COUNTY
ARCHITECTURAL REVIEW BOARD**

BYLAWS

Date of Original Adoption: June 2008
Date of Revisions Adoption: May 2023

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 name of this board is the Fairfax County Architectural Review Board hereinafter referred to as "ARB."

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

2.1. Origin and Authority. The ARB was authorized by vote of the Board of Supervisors of Fairfax County ("Board of Supervisors") on November 22, 1967, to oversee and administer Fairfax County regulations concerning certain physical changes and uses within Historic Overlay Districts in Fairfax County as 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 § 15.2-2306 (2012)), which authorized local governments to establish such historic districts and review boards. The ARB was established as Article 8, subsection 8103.4 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 Article 8, subsection 8103.4 of the Zoning Ordinance, the purpose of the ARB is to administer the regulations of Historic Overlay Districts under Article 3, subsection 3101 of the Zoning Ordinance, and to advise and assist the Board of Supervisors in its efforts to preserve and protect historic, architectural, and archaeological resources in Fairfax County. To carry out those purposes, the ARB has the following duties and powers pursuant to Article 8, subsection 8103.4 of the Zoning Ordinance:

- (a) In a Historic Overlay District, to hear and decide applications for building permits and sign or small cell facility permits as provided for in Article 3, subsection 3101 of the Zoning Ordinance.

- (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 problems of preservation.
- (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 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 fifteen (15) Historic Overlay Districts. In addition, pursuant to a Memorandum of Agreement regarding the disposal of the Lorton Correctional Complex finalized June 28, 2001, the area identified as the National Register-eligible Historic District is subject to the jurisdiction of the ARB as if it were a Fairfax County designated historic overlay district.

As provided in Article 3, subsection 3101.1 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 Supervisors as having historical, cultural, architectural, or archaeological significance and which are created for the purpose of promoting the general welfare, education, economic prosperity, and recreational pleasure of the public, through the identification, preservation, and enhancement of those buildings, structures, neighborhoods, landscapes, places, and areas.

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 Article 3, subsection 3101.1 of 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. MEMBERSHIP AND TERM OF OFFICE

3.1. Appointment of Members. Members of the ARB are appointed by vote of the Board of Supervisors in accordance with Article 8, subsection 8103.4(f) the Zoning Ordinance. The ARB shall be composed of eleven (11) voting Members who shall be residents of the County. Ten (10) of the Members shall be appointed by the Board of Supervisors as follows:

- A. Two (2) licensed architects, at least one of whom must meet the Secretary of the Interior's Professional Qualification Standards for Historic Architecture as published in 36 CFR Part 61.
- B. One (1) licensed landscape architect.
- C. One (1) lawyer who is an active member in good standing with the Virginia State Bar.
- D. One (1) archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for Archaeology as published in 36 CFR Part 61.
- E. One (1) historian who meets the Secretary of the Interior's Professional Qualification Standards for History as published in 36 CFR Part 61 or one (1) architectural historian who meets the Secretary of the Interior's Professional Qualification Standards for Architectural History as published in 36 CFR Part 61.
- F. The other Members appointed by the Board of Supervisors shall be drawn from the ranks of related professional groups such as historians, architectural historians, architects, landscape architects, archaeologists, engineers, land-use planners, lawyers, and real estate brokers.

The eleventh Member shall be an ex officio Member from, and shall be chosen by, the Fairfax County History Commission, who shall be drawn from the ranks of related professional groups or who meets the Secretary of the Interior's Professional Qualification Standards for one of the disciplines cited in A, D, or E.

3.2. Term of Office. Members shall serve for such term or terms as established by the Board of Supervisors. Members other than the Member from the History Commission, who is chosen by the History Commission, shall be appointed to serve for a term of three (3) years or until their successor has been appointed. Terms shall be staggered with three (3) Members appointed every year except that four (4) Members shall be appointed every third year. An appointment to fill a vacancy shall be only for the unexpired portion of the term. Members may be reappointed to succeed themselves.

3.3. Vacancies. In the event a Member cannot serve or resigns from office, then the Chairperson, the Recording Secretary, or the County staff Administrator to the ARB shall advise the Clerk to the Board of Supervisors of the vacancy in writing. If a Member completes his or her term of office, remains qualified to serve as a Member, and the Board of Supervisors has not reappointed that Member to another term or appointed a successor Member, then that person

may continue to serve as a Member until such time as the Member is reappointed or a successor Member is appointed.

ARTICLE IV. OFFICERS AND DUTIES

4.1. Officers. The ARB shall elect a Chairperson, Vice-Chairperson, and Recording Secretary, and may elect a Treasurer. Officers shall be elected by a majority vote of all voting Members. Each term of office will be one-year, and officers may be elected to successive terms except as stated in Section 4.2. A vacancy occurring during an officer's term shall be filled in the same manner, but the replacement shall be elected only to serve the unexpired balance of the term. Prior to the election of any replacement officer, the Fairfax County Staff Administrator to the ARB will provide all Members with notice of the proposed election before the meeting at which the replacement is to be elected. The officers' duties are as follows:

- (a) Chairperson. The Chairperson shall preside at all meetings and decide all points of order and procedure, subject to these Bylaws, unless directed otherwise by a majority vote of the ARB Members properly in session at the time. As and to the extent stated in Article VIII below, the Chairperson shall appoint all committees.
- (b) Vice-Chairperson. The Vice-Chairperson shall serve as acting Chairperson in the absence of the Chairperson, and at such times the Vice-Chairperson shall have the same powers and duties as the Chairperson.
- (c) Recording Secretary. The Recording Secretary shall take minutes of the ARB meetings. The Recording Secretary shall record accurately all motions made and voted upon, and have the minutes distributed through the Fairfax County ARB Staff Administrator to Members of the ARB no later than one week prior to the next meeting. The Recording Secretary need not be a Member of the ARB.
- (d) Treasurer. If the ARB chooses to elect a Treasurer, the Treasurer shall advise membership and County staff, as required, on the ARB budget and expenditure of funds.

4.2. Term Limitations. No Member shall serve as Chairperson for more than four (4) consecutive one-year terms.

4.3. Terms and 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 V. MEETINGS AND VOTING

5.1. Meetings. The ARB shall have regular monthly meetings on the second Thursday of each month, except the month of August, 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 Chairperson of the ARB. Nothing in this section shall prohibit the ARB from having a monthly August meeting or any other special meeting in accordance with the provisions of these bylaws. The ARB may change the time and place of regular monthly meetings as it deems appropriate. The Fairfax County ARB Staff Administrator shall notify all Members of the ARB of the time and place of any special meetings at least five (5) days in advance of the meeting. All meetings shall be conducted in accordance with the Virginia Freedom of Information Act, Virginia Code §§ 2.2-3700 *et seq.*, as amended (“VFOIA”), and except for closed sessions, all meetings shall be open to the public. “Meeting” or “meetings” means the meetings including work sessions, when sitting physically, or through electronic communication means pursuant to the VFOIA or other applicable Virginia law, as a body or entity, or as an informal assemblage of as many as three members of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body.

The Fairfax County ARB Staff Administrator shall give at least three (3) working days’ prior public notice of the date, time, and location of its meetings in accordance with Virginia Code § 2.2-3707. Notice, reasonable under the circumstances of special or emergency meetings, shall be given by the Fairfax County ARB Staff Administrator contemporaneously with the notice provided to Members of the ARB. Notice of all meetings shall be provided to the Office of Public Affairs for posting at the Government Center and on the County Internet site. Also, notices for all meetings shall be placed at a prominent public location by the Fairfax County ARB Staff Administrator. All meetings shall be conducted in places that are accessible to persons with disabilities, and all meetings shall be conducted in public buildings whenever practical.

At any meeting, at least one copy of the agenda and, unless exempt under the VFOIA, all materials furnished to Members of the ARB shall be made available for public inspection at the same time such documents are furnished to the Members. Any person may photograph, film, record, or otherwise reproduce any portion of a meeting required to be open, but no person broadcasting, photographing, filming or recording any open meeting may interfere with any of the proceedings.

Minutes of all regular and special meetings of the ARB shall be approved by majority vote of the voting Members present. The minutes shall include: (1) the date, time, and location of each meeting; (2) the Members present and absent; (3) a summary of the discussion on matters proposed, deliberated, or decided; and (4) a record of any votes taken. Such minutes are public records and subject to inspection and copying by citizens of the Commonwealth or by members of the news media.

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

5.3. Voting. Any action taken shall require the affirmative vote of a majority of the voting Members present during consideration of a properly called matter. All votes of Members shall be taken during a public meeting, and no vote shall be taken by secret or written ballot or proxy. All voting Members who are present at the meeting, including the Chairperson, may vote at any meeting.

5.4. Expenditures. 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. No expenditure of ARB funds shall be made without prior approval of the ARB.

5.5. Conflicts of Interest. A Member shall exempt himself or herself from taking part in the hearing, consideration, or determination of any matter before the ARB in which the Member has a personal interest such that he or she is disqualified from participation under the Virginia Conflicts of Interest Act ("COIA"), including but not limited to § 2.2-3112 of the COIA addressing prohibited conduct, or that would qualify as 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.

5.6. Attendance at Meetings. Members are expected to attend all regular and special meetings of the ARB unless excused. Members may request to be excused from a meeting following submission of a valid excuse in advance to the Chairperson or Vice Chairperson, when requested by the Chairperson.

Absences from ARB meetings does not exclude Members from providing comments on action and administrative items in the meeting agenda. If a member has comments and cannot attend the meeting, the requesting Member must provide written comments to the Chairperson and ARB Administrator in advance of the meeting so their comments can be included in the record.

Members with three unexcused absences in any twelve-month period will be reminded by the Chairperson in writing of the importance of full participation in ARB meetings and activities. After four unexcused absences in a twelve-month period, the Chairperson shall notify the Clerk to the BOS and the appropriate appointing Supervisor, of the Member's repeat absences. After five unexcused absences in a twelve-month period, the Member's position shall be declared vacant. The determination of an excused absence for valid reason shall be made by the Chairperson, subject to review by the full ARB for an appeal of a determination by the Chairperson that a Member's absence is not excused.

5.7. Conduct of Meetings.

- (a) Order of Meeting: 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 ARB shall be as follows:

1. The Chairperson, 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 Chairperson;
5. ARB Members, including the Chairperson, may discuss the application;
6. An ARB Member, other than the Chairperson, may introduce a motion. The names of the ARB Members making and seconding motions shall be recorded.
7. The ARB may, in its discretion, view the premises and obtain additional facts concerning any application before arriving at a decision.
8. 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.

9. 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.
10. Procedures may be modified by the ARB.

ARTICLE VI. RULES GOVERNING ACTIONS OF THE BOARD

The ARB is governed by the following:

6.1. Ordinances/Regulations. The ARB shall be governed by the Zoning Ordinance Article 3, subsection 3101, 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.

6.2. Rules of Procedure. Procedural matters of the ARB, including the rules for conducting public meetings of the ARB, which are not otherwise governed by these By-Laws, ordinance, regulation, or statute, shall be carried out in accordance with *Roberts Rules of Order, Newly Revised*. Except as specifically authorized by the VFOIA, no meeting shall be conducted through telephonic, video, electronic, or other communication means where the Members are not all physically assembled to discuss or transact public business.

6.3 Participation as Consulting Party. The ARB shall notify the BOS in advance of any request to be identified as a consulting party, pursuant to Section 106 of the National Historic Preservation Act (54 USC § 306108) (NHPA) and its implementing regulations, "Protection of Historic Properties" (36 CFR Part 800). When the ARB has identified an interest in a proposed Federal undertaking that has the potential to cause effects on historic properties within Fairfax County, the ARB shall notify the Clerk of the BOS, the Chairman of the Board, the appropriate District Supervisor, and the County Attorney of its intent to be identified as a consulting party at least fifteen days prior to transmitting any such correspondence to the lead Federal agency responsible for conducting the Section 106 review. The ARB's participation as a consulting party does not preclude or modify the County's ability to participate as a consulting party.

If identified as a consulting party, the ARB through representation by its Members may participate in consultation meetings and provide comments on determinations of eligibility, findings of effect, and measures to resolve adverse effects. Formal comments conveyed in writing by the ARB shall be shared with the Chairman of the BOS, the Clerk to the BOS and appropriate District Supervisor and the County Attorney prior to conveying them to the lead Federal agency. Further, the ARB through signature of the Chairperson or Vice Chairperson may elect to sign an agreement document developed pursuant to the Section 106 process as a concurring party.

ARTICLE VII. GENERAL PRINCIPLES GOVERNING DECISIONS

Subject to the terms of Article VI, in making its decisions the ARB will consider all standards, criteria, and considerations required under Article 3, subsection 3101f the Fairfax Zoning Ordinance, guidelines established for specific historic overlay districts, and the following factors and general principles as applicable to particular applications:

7.1. 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.

7.2. 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 archaeological 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 districts rather than simply individual structures and therefore seeks to preserve, improve, and encourage harmonious visual relationships among the buildings within each district. The ARB stresses the role that design elements play in making buildings within a given area harmonize, including but not limited to consideration of the following design elements:
- Scale
 - Fenestration (window size, number, style, and arrangement)
 - Roof pitch
 - Proportions of building
 - Placement and shape of entrance
 - Detailing
 - Color
 - Materials
 - Set backs

ARTICLE VIII. COMMITTEES

All Committees shall be appointed by the Chairperson, except the Nominating Committee which shall be appointed by majority vote of the Members. The ARB may establish as many committees as may be required to perform its function. All meetings of any committees shall comply with the notice and other requirements of the VFOIA, as per paragraph 5.1 above. To the extent practicable, any such committees shall be composed of at least four Members.

8.1. Purposes and Establishment of Committees. Committees may be established to investigate any matters before the ARB, as determined by a majority vote of the ARB.

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.

**ARTICLE IX.
ANNUAL REPORT**

The ARB shall prepare an annual written report to the Board of Supervisors that describes the actions and activities conducted in the previous year and any plans and/or recommendations for future action and activities. The Chairperson shall provide the report to the Clerk to the Board of Supervisors for distribution to the members of the Board of Supervisors and to the County Executive.

**ARTICLE X.
COMPLIANCE WITH LAW AND COUNTY POLICY**

The ARB and its Members shall comply with all Virginia laws, including, but not limited to, the VFOIA and COIA, with all County ordinances, and with all County policies concerning the activities of its boards, authorities, and commissions.

**ARTICLE XI.
AMENDMENTS TO BYLAWS**

These 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. Upon approval of any bylaws amendments by the ARB, the bylaws shall be submitted to the Board of Supervisors for its approval.

**ARTICLE XII.
DISSOLUTION**


In the event of dissolution of the ARB, all remaining assets derived from County funding after payment of all obligations shall be returned to Fairfax County Government. No funds shall inure to the benefit of any individual Member of the ARB.

Date of ARB Approval: March 9, 2023

Date of Board of Supervisors Adoption: May 23, 2023

These bylaws were approved by the Board of Supervisors on May 23, 2023.

GIVEN under my hand this 23rd day of May, 2023



Jill G. Cooper
Clerk for the Board of Supervisors
Department of Clerk Services