

Sec. 28-58. Historic Resource Overlay District (HR).

- (a) *Definition and purpose.* The Historic Resource Overlay District (HR) shall be defined as consisting of any historic area, landmark, building or structure, or any land pertaining to any estate or interest therein, along with any adjoining lands deemed necessary to protect the context in which the resource exists, which, in the opinion of the board of supervisors, should be preserved and maintained for the use, observation, education, pleasure and welfare of the people, and is so designated. It is intended that the establishment of HR districts will protect against destruction of and encroachment upon historic resources. HR districts are areas containing buildings or places in which historic events have occurred or which have special public value because of notable architectural or other features relating to the cultural or artistic heritage of the county, the commonwealth, and the nation, of such significance as to warrant conservation and preservation.
- (b) *Architectural review board.* The governing body shall appoint an architectural review board (ARB) consisting of five (5) members for the purpose of administering this section, subject to the following conditions:
- (1) All members appointed to the ARB shall have a demonstrated knowledge, interest, or competence in historic preservation.
 - (2) At least one member shall be a registered architect, or an architectural historian, with a demonstrated interest in historic preservation; at least one member shall be a member of the planning commission; at least one member shall be a resident of a designated historic district in Stafford County. When adequate review of any proposed action would normally involve a professional discipline not represented on the ARB, the ARB shall seek appropriate professional advice before rendering a decision. Information on the credentials of all ARB members shall be kept on file locally for public inspection.
 - (3) The ARB shall adopt written bylaws that include [at] a minimum: Provision for regularly scheduled meetings at least four (4) times a year; a requirement that a quorum of three (3) members be present to conduct business; rules of procedure for considering applications; written minutes of all meetings.
 - (4) Terms of office for ARB members shall be for three (3) years and shall be staggered.
 - (5) Vacancies on the ARB shall be filled within sixty (60) days.
 - (6) In addition to those duties specified in this chapter, the ARB shall at a minimum perform the following duties:

- a. Conduct or cause to be conducted a continuing survey of the cultural resources in the community according to guidelines established by the state historic preservation office.
 - b. Act in an advisory role to other officials, and departments of local government regarding protection of cultural resources.
 - c. Disseminate information within the locality on historic preservation issues and concerns.
 - d. The ARB shall provide for adequate public participation, including:
 - 1. All meetings of the ARB must be publicly announced, to be open to the public, and have an agenda made available to the public prior to the meeting. ARB meetings must occur at regular intervals at least four (4) times per year. Public notices must be provided prior to any special meetings. The ARB shall allow for public testimony from interested members of the public, not just applicants.
 - 2. Minutes of all decisions and actions of the ARB, or in appeals to the local governing body, must be kept on file and available for public inspection.
 - 3. All decisions made by the ARB shall be made in a public forum and applicants shall be given written notification of decisions made by the ARB.
 - 4. The rules of procedure adopted by the ARB shall be made available for public inspection.
- (c) *Designation of historic districts.* The board of supervisors may designate by ordinance historic resources to be included in the Historic Resource (HR) Overlay District. These resources may be, but are not limited to, landmarks established by the Virginia Landmarks Commission and any other building or structures within the county having important historic, architectural or cultural interest.
- (1) The ARB shall recommend and the governing body may, approve by ordinance the designation of an area or resource as Historic Resource Overlay District within which the regulations set forth in this section and regulations adopted for each specific historic district shall apply.
 - (2) In order to fully protect historic resources and areas, the boundaries of an Historic Resource Overlay District may include adjoining land closely related to and bearing upon the character of the historic resource, including lands within proximity of the historic resource.
 - (3) Individual property owners' consent for inclusion of their property within the HR district is not required.
 - (4) The board of supervisors may create HR overlay districts, provided such districts:

- a. Contain buildings or places in which historic events have occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community, or such significance to warrant conservation and preservation.
- b. Is [are] closely associated with one or more persons, events, activities, or institutions that have made a significant contribution to local, regional, or national history; or
- c. Contain buildings or structures whose exterior design or features 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 masters; or
- d. Have yielded, or are likely to yield, information important to local, regional or national history; or
- e. Possess an identifiable character representative of the architectural or cultural heritage of Stafford County; or
- f. Contain a landmark, building or structure included on the National Register of Historic Places or the Virginia Landmark Register.

(d) *Historic resource overlay district regulations.* Historic resource overlay districts shall be subject to the following regulations in addition to those imposed for each specific historic district and those pursuant to the underlying zoning classification of the property. The Historic Resource Overlay District regulations shall take precedence over the underlying regulations when they conflict. All HR district boundaries shall be delineated on the official zoning map.

- (1) A certificate of appropriateness issued by the agent or his designee shall be required prior to the erection, reconstruction, exterior alteration, restoration or excavation of any building or structure within a HR district, or prior to the demolition, razing, relocation, or moving of any building or structure therein. The agent shall not issue a certificate of appropriateness until an application therefor has been approved by the ARB or upon appeal to the board of supervisors with consultation of the ARB, following the procedures set forth below. In addition, no demolition, razing, relocation, or moving of an historic resource in an HR district shall occur until approved by the ARB or upon appeal to the board of supervisors with consultation of the ARB.
- (2) Upon receipt of a complete application for a certificate of appropriateness, the agent shall forward to the ARB copies of the permit application, plat, site plan, and any other materials filed with such application. The complete application must be received by the ARB fourteen (14) days or more prior to its meeting.
- (3) The ARB may require the submission of the following information and other materials necessary for its review of the complete application: statement of proposed use; name of proposed user; design sketches showing exterior

building configuration, topography, paving and grading; and, a plan showing exterior signs, graphics, and lighting to establish location, color, size, and type of materials.

- (4) The ARB shall review and render a decision upon each application for a certificate of appropriateness within sixty (60) days of receipt, unless the applicant agrees in writing to an extension of the review period. The ARB shall apply the following criteria for its evaluation of any application. In addition to the following criteria, and guidelines adopted by the county, the ARB shall consider the Secretary of Interior's "Standards for Rehabilitation," as may be amended from time to time in determining the appropriateness of any application for approval pertaining to existing structures.
 - a. Risk of substantial alteration of the exterior features of an historic resource.
 - b. Compatibility in character, context and nature with the historic, architectural or cultural features of the historic district.
 - c. Value of the resource and the proposed change in the protection, preservation, and utilization of the historic resource located in the historic district.
 - d. Exterior architectural features, including all signs.
 - e. General design, scale, and arrangement.
 - f. Texture and materials.
 - g. The relationship of subsections a., b., and c., above, to other structures and features of the district.
 - h. The purpose for which the district was created.
 - i. The relationship of the size, design, and orientation of any new or reconstructed structure to the landscape of the district.
 - j. The extent to which denial of a certificate of appropriateness would constitute a deprivation of a reasonable use of private property.
- (5) No application for a permit to erect, reconstruct, alter, or restore any building or structure, including signs, shall be approved unless the ARB determines or upon appeal to the board of supervisors with consultation of the ARB that it is architecturally compatible with the historic resources in the HR district.
- (6) In reviewing an application to raze or demolish an historic resource the ARB shall review the circumstances and the condition of the structures proposed for demolition and shall make its decision based on consideration of the following criteria:
 - a. Is the historic resource of such architectural, cultural, or historic interest that its removal would be detrimental to the public interest?
 - b. Is the historic resource of such old and unusual design, texture, and material that it could not be reproduced or be reproduced only with great difficulty?

- c. Would retention of the historic resource help preserve and/or protect another historic resource?
- (7) In reviewing an application to move or relocate an historic resource, the ARB shall consider the following criteria:
 - a. Detrimental effect of the proposed relocation on the structural integrity of the historic resource.
 - b. Detrimental effect of the proposed relocation on the historical aspects and context of other historic resources, buildings, or structures in the HR district.
 - c. Compatibility of proposed new surroundings with the historic resource if relocated.
 - d. Benefits of relocation of the historic resource with regard to its preservation.
- (8) The ARB, on the basis of the application and the criteria set forth herein shall approve, with or without modifications, or deny the application. If the ARB approves or approves with modifications the application, it shall authorize the agent to issue the permit. The permit shall expire after twelve (12) months from the date of issuance if work has not yet commenced on the property. If the ARB denies the application, it shall so notify the applicant and the agent in writing.
- (9) Minor work or actions, deemed by the agent or his designee not to have a permanent effect upon the character of the historic property or district, shall be exempt from full review by the ARB. Instead, such minor work or actions shall be reviewed and approved or disapproved by the agent or his designee. Decisions made regarding minor work shall be rendered in writing. An applicant may appeal the decision of the agent or his designee to the ARB and of the ARB to the board of supervisors, in accord with the procedures hereinafter established. The term "minor work" shall include, but not be limited to, the repair or replacement of existing materials on exterior surfaces or appurtenances, such as steps, gutters, chimneys, windows, or exterior painting which does not result in a color change.
- (e) *Appeals; right to demolish.*
 - (1) Any owner or owners of real property within Stafford County who are jointly or severally aggrieved by a decision of the ARB, may appeal the decision to the board of supervisors by filing a written petition with the agent within thirty (30) days of that decision. The filing of the petition shall not stay the decision of the ARB if that decision denies the right to demolish a historic resource. The board of supervisors, after consultation with the ARB, may reverse the decision of the ARB, in whole or in part, or it may affirm the decision of the ARB.

- (2) Any owner or owners of real property within Stafford County who are jointly or severally aggrieved by a final decision of the board of supervisors, may appeal to the Circuit Court of Stafford County for review of that decision by filing a petition at law setting forth the alleged illegality within thirty (30) days of the final decision of the board, in accordance with Code of Virginia § 15.1-503.2, as amended. The filing of said petition shall stay the decision of the board pending the outcome of the appeal to the court, provided that the filing of such petition shall not stay the decision of the board if such decision denies the right to raze or demolish an historic resource. The court may reverse or modify the decision of the board of supervisors, in whole or in part, if it finds upon review that the decision of the board is contrary to the law or that its decision is arbitrary and constitutes an abuse of discretion, or it may affirm the decision of the board of supervisors.
- (3) In addition to the right of appeal set forth in subsection (2) above, the owner of an historic resource, the razing of which is subject to the provisions of this chapter, shall, as a matter of right, be entitled to demolish such historic resource, provided that:
- a. He has applied to the governing body for such right; and
 - b. He has, for a period of time set forth in the time schedule contained in this section, and at a price reasonably related to its fair market value, made a bona fide offer to sell such historic resource, and the land pertaining thereto, to the county, or any person, firm, corporation, government or agency thereof which gives reasonable assurance that it is willing to preserve and restore the historic resource and the land pertaining thereto; and
 - c. No bona fide contract, binding upon all parties thereto, shall have been executed for the sale of such historic resource, and the land pertaining thereto, prior to the expiration of the application time set forth in the time schedule contained in this section.
- (4) Any appeal which may be taken to the court from a decision of the board of supervisors, whether instituted by the owner or by any other party with proper standing, notwithstanding the provisions heretofore stated relating to a stay of the decision appealed from, shall not affect the right of the owner to make a bona fide offer to sell such historic resource. No offer shall be made more than one year after a final decision by the board of supervisors, but thereafter the owner may renew his request to the board to approve razing of the historic resource. The time schedule for offers to sell shall be as follows:
- a. Three (3) months when the offering price is less than twenty-five thousand dollars (\$25,000.00).

- b. Four (4) months when the offering price is twenty-five thousand dollars (\$25,000.00) or more, but less than forty thousand dollars (\$40,000.00).
 - c. Five (5) months when the offering price is forty thousand dollars (\$40,000.00) or more, but less than fifty-five thousand dollars (\$55,000.00).
 - d. Six (6) months when the offering price is fifty-five thousand dollars (\$55,000.00) or more, but less than seventy-five thousand dollars (\$75,000.00).
 - e. Seven (7) months when the offering price is seventy-five thousand dollars (\$75,000.00) or more, but less than ninety thousand dollars (\$90,000.00).
 - f. Twelve (12) months when the offering price is ninety thousand dollars (\$90,000.00) or more.
- (5) The time periods specified in this section shall commence upon receipt by the ARB of the owner's written notification of his intention to sell an historic resource. This statement shall identify the property, state the offering price, and the name of the real estate agent, if any. The ARB shall, within five (5) days, convey a copy of such statement to the county attorney.

(Ord. No. 094-29, § 28-408, 8-9-94; Ord. No. 013-31, 9-3-13)

Sec. 28-59. Highway Corridor Overlay District (HC).

- (a) *Purpose of the HC.* In furtherance of the purposes set forth in Code of Virginia, §§ 15.2-2280, 15.2-2283, 15.2-2284 and 15.2-2285, and in general to protect the health, safety and general welfare of the public by the prevention or reduction of traffic congestion, and distracting visual clutter which may result in danger on the public and private streets, a limitation is hereby placed on certain automobile-oriented, fast service, quick turnover uses and related signage, which generate traffic in such amount and in such manner as to present the possibility of increased danger to the motoring public and other impediments to safe travel. This district is created in recognition of the need to provide suitable and sufficient road systems in the county and the need to protect existing and future highways from unsafe use.
- (b) *Establishment of districts.* The Highway Corridor Overlay District (HC) shall be designated by the board of supervisors by separate ordinance and will overlay all other zoning districts where it is applied so that any parcel of land lying in a HC shall also lie within one or more other land use districts provided for by this chapter. The regulations and requirements of both the underlying district(s) and the HC shall apply; provided, however, that when the regulations applicable to the HC conflict with the regulations of the underlying district, the more restrictive regulations shall apply.
- (c) *District boundaries.*
 - (1) HC boundaries shall be designated on the official zoning map as ordained by Ordinances O95-57, O96-23 and amended by O98-27, O96-24, O98-30, O01-29, and O01-37 establishing the boundaries of the overlay district, pursuant to article XII, Amendments to Zoning Maps.
 - (2) The district boundaries will be described as follows:
 - a. Length of the district shall be established by fixing points of beginning and end in the centerline of a street.
 - b. Width will be established by designation of the distance on one or both sides from the centerline to which the overlay district shall extend; or, by a description of coterminous property boundaries of lots along such street, or highway; or, by using visible geographic features.

The HC zoning district shall be established and overlay all other zoning districts, except HI districts, on all parcels of land within the below described area:

Beginning at a point at the centerline of Cambridge Street, extending five hundred (500) feet east from the centerline of Cambridge Street at the intersection with the centerline of Truslow Road; thence continuing in a northerly direction parallel to the centerline of Cambridge Street to a point where Cambridge Street becomes Jefferson Davis Highway; thence along Jefferson Davis Highway continuing in a northerly direction parallel to the centerline of Jefferson Davis Highway to a point at the centerline of Courthouse Road; thence continuing in a westerly direction along

the centerline of Courthouse Road to five hundred (500) feet west of the centerline of Jefferson Davis Highway; thence continuing in a southerly direction from the centerline of Courthouse Road, parallel to the centerline of Jefferson Davis Highway to a point where Jefferson Davis Highway becomes Cambridge Street; thence continuing in a southerly direction along Cambridge Street to the centerline of Truslow Road; thence, extending along the centerline of Truslow Road to the point of beginning; encompassing all or part of the parcels listed on Attachment A, attached hereto, as shown on the map entitled "Proposed Route 1 Highway Corridor Overlay District" dated December, 2001, made by the Stafford County Department of Planning and Community Development, a copy of which shall be added to and become part of the Official Zoning Map of Stafford County.

- (d) *Uses permitted by right.* All uses permitted by right in the underlying land use district(s), shall be permitted by right in the HC unless otherwise specifically made a conditional use by this section.
- (e) *Conditional uses.* In addition to the listed uses requiring a conditional use permit (as listed in Table 3.1) in the underlying district, the following uses shall require a conditional use permit when proposed to be established in a HC:
 - (1) Car washes, self-service and automated.
 - (2) Funeral chapel, funeral home, or mortuary.
 - (3) Convenience stores.
 - (4) Theaters, arenas, or auditoriums.
 - (5) Recreational enterprise.
 - (6) Hotels or motels.
 - (7) Hospitals.
 - (8) Motor vehicle fuel sales.
 - (9) Automobile repair.
 - (10) Any uses which include drive-through facilities.
- (f) *Development standards.* All nonresidential uses shall be subject to the use limitations and development standards set forth in the underlying land use district(s) and, in addition, shall be subject to the following HC limitations:
 - (1) Access and internal circulation shall be designed so as not to impede traffic on a public street. To such end, access via the following means will be approved:
 - a. By provisions of shared entrances, interparcel connection and travelways, or on-site service drives connecting adjacent properties.
 - b. By access from a secondary public street as opposed to the corridor highway.
 - c. By the internal streets of a commercial, office, or industrial complex.

Developers of all parcels or lots within the HC shall submit an access and internal circulation plan to the county for approval which addresses access for the project and the surrounding area.

The access plan shall demonstrate the ability to provide adequate access to surrounding properties via cross-easement agreement(s), shared entrances, interparcel connections and travelways, on-site service drives connecting adjacent properties, and/or access by secondary public streets.

- (2) Pedestrian circulation shall be provided for and coordinated with that generated from or using adjacent properties.
 - a. The requirement for the provision of pedestrian circulation for the development of any parcels abutted on both sides along its road frontage to undeveloped parcels may, at the option of the county administrator, be satisfied by the execution and recordation of a sidewalk security agreement between the owner of the property and the county administrator to be prepared by the director of planning. The agreement shall provide for payment of one hundred twenty-five (125) percent of the amount of an engineer's certified cost estimate of the construction of the required sidewalk(s) at the time of permits or by monthly installments during a term not to exceed thirty-six (36) months and shall contain appropriate provisions for acceleration upon the sale or transfer of the property or upon a breach of the terms of the agreement. Payments made pursuant to this section shall also include an administrative fee of one hundred dollars (\$100.00) which shall be payable at the time of the execution of the sidewalk security agreement.
 - b. The requirement for the provision of pedestrian circulation for the development of any parcels abutted on both sides along its road frontage to undeveloped parcels may, at the option of the planning director (agent) or his designee, be satisfied by a payment in lieu of constructing the required pedestrian circulation. The payment shall be in the amount of an engineer's certified cost estimate of the construction of the required sidewalk(s) that is deemed to be acceptable by the agent. Such payment shall be made at the time of permits. The payment shall be deposited in an account designated for pedestrian circulation improvements along the corridor highway that serves the property.
- (3) Outdoor storage of goods shall be completely screened from view of the corridor highway. Outdoor storage shall include the parking of company owned and operated vehicles, with the exception of passenger vehicles. Outdoor display areas shall not encroach into any required front yard, with

the exception that outdoor display areas may extend fifteen (15) feet from the building front; however, in no case shall outdoor display areas be permitted less than fifteen (15) feet from the street right-of-way.

- (4) Parking areas and driveways shall be paved with concrete, bituminous concrete, or other similar material except for low-impact development sites in accordance with the provisions of chapter 21.5 of this Code where pervious paving blocks and other similar materials may be allowed as approved by the agent. Surface treated parking areas and drives shall be prohibited. Concrete curb and gutter shall be installed around the perimeter of all driveways and parking areas, except that concrete curb without a gutter may be permitted where drainage is designed to flow away from the curb, and asphalt curb may be permitted where the property adjacent to a travel lane is undeveloped. Drainage shall be designed so as to not interfere with pedestrian traffic.
- (5) Where parking is designed to be located in the front yard setback of the corridor highway, a berm shall be utilized within a designated street buffer. Where no berm is proposed within a designated street buffer, whenever possible, parking areas shall be located to the rear or side of the structure(s) or building(s) they are intended to serve.
- (6) Utility lines such as electric, telephone, cable television, or similar lines shall be installed underground. This requirement shall apply to lines serving individual sites as well as to utility lines necessary within the project. All junction and access boxes shall be screened. All utility pad fixtures and meters shall be shown on the site plan. The necessity for utility connections, meter boxes, etc., should be recognized and integrated with the architectural elements of the site plan.
- (7) Loading areas, service entrances, and service bays shall be oriented and/or screened so as to not be visible from the corridor highway.
- (8) Dumpster and other waste disposal or storage areas shall be completely screened from the public view by means of a board-on-board fence and/or landscaping, or similar opaque material approved by the zoning administrator.
- (9) Architectural treatment shall be designed so that all building facades of the same building (whether front, side or rear) will consist of similar architectural treatment in terms of materials, quality, appearance, and detail pursuant to the neighborhood design standards plan element of the comprehensive plan. No facade portion of a building constructed of unadorned cinderblock, corrugated metal or sheet metal shall be visible from the corridor highway. Mechanical equipment shall be shielded and screened from public view and designed to be perceived as an integral part of the building.

(10) Area and bulk regulations in the HC shall be the same as for the underlying land use district(s), except that: The height of buildings or structures within seventy-five (75) feet of the corridor highway shall not exceed two (2) stories or thirty (30) feet, whichever is less; and where parking areas are provided in a manner such that the structure or building is located between the parking area and the corridor highway, the applicable setback requirement may, at the option of the applicant, be reduced to fifty (50) percent of that otherwise required for the underlying district.

(11) A landscaping and planting plan shall be submitted in conjunction with site plan submittal. Such landscaping and planting plan shall be drawn to scale, including dimensions and distances, and clearly delineate all existing and proposed parking spaces or other vehicle areas, access aisles, driveways, and the location, size, and description of all landscaping materials and areas. Landscaping and planting plans shall be prepared by persons practicing in their area of competence.

All plant materials shall be living and in a healthy condition. Plant materials used in conformance with the provisions of these specifications shall conform to the standards of the most recent edition of the "American Standard for Nursery Stock," published by the American Association of Nurserymen.

Preservation of existing trees is encouraged to provide continuity, improved buffering ability; pleasing scale and image along the corridor. Any healthy, existing tree on-site may be included for credit towards the requirements of this section.

The owner, or his designee, shall be responsible for the maintenance, repair, and replacement of all landscaping materials as may be required or approved within the scope of these provisions.

(12) Redevelopment or expansion of structures or uses that were in existence prior to the adoption of the HC district and where the square footage of any addition to a structure shall not be more than the square footage of the primary structure shall be exempt from the provisions of subsections 28-59(f)(5), (6) and (9); provided that such redevelopment shall not result in an increase of outside storage area or display on the undeveloped site.

(g) *Reserved.*

(Ord. No. 094-29, § 28-409, 8-9-94; Ord. No. 095-11, 3-7-95; Ord. No. 095-21, 3-21-95; Ord. No. 095-22, 3-21-95; Ord. No. 095-58, 9-5-95; Ord. No. 096-23, 7-23-96; Ord. No. 096-24, 7-23-96; Ord. No. 096-51, 10-15-96; Ord. No. 098-27, 4-21-98; Ord. No. 098-30, 5-5-98; Ord. No. 098-42, 6-2-98; Ord. No. 099-32, 6-15-99; Ord. No. 000-19, 2-15-00; Ord. No. 000-25, 5-16-00; Ord. No. 001-29, 6-5-01; Ord. No. 001-37, 12-11-01; Ord. No. 003-26, 6-17-03; Ord. No. 008-02, 5-6-08; Ord. No. 013-23, 6-4-13)

Sec. 28-65. Historic Gateway Corridor Overlay District (HG).

- (a) *Purpose and intent of the HG.* The Historic Gateway Corridor Overlay District (HG) is intended to implement the comprehensive plan's goal of protecting cultural resources by guiding new development along the major entrance routes to the designated areas. Historical, archaeological, cultural, and scenic resources throughout the county are accessed by major highways and streets that have a visual and physical impact on these areas that are significant to Stafford County's past, present, and future. The district is created to ensure the continued role of these significant resources while enhancing the physical areas that surround them that are viewed by tourists and residents alike who travel these roads.
- (b) *Establishment of districts.* The Historic Gateway Corridor Overlay District (HG) shall be designated by the board of supervisors to protect and enhance the significant historical, archaeological, cultural, and scenic resources by controlling new development along arterial streets or highways designated by the board of supervisors. The Historic Gateway Overlay District (HG) shall overlay all other zoning districts where it is applied. The regulations and requirements of both the underlying districts and those of the Historic Gateway Corridor Overlay District (HG) shall apply, however, that when the regulations applicable to the Historic Gateway Overlay District (HG) conflict with the regulations of the underlying district, the more restrictive regulations shall apply.
- (c) *District boundaries.* HG district boundaries shall be designated on the official zoning map.
 - (i) Length of the district shall be established by fixing points of the beginning and end in the centerline of a street.
 - (ii) Width will be established by designation of the distance on one or both sides from the centerline to which the overlay district shall extend; or, by a description of coterminous property boundaries of lots along such street, or highway; or, by using visible geographic features.
- (d) *Uses permitted by right.* All uses permitted by right in the underlying land use district(s), shall be permitted by right in the HG unless otherwise specifically made a conditional use by this section.
- (e) *Conditional uses.* All uses requiring a conditional use permit in the underlying land use district(s), shall require a conditional use permit when such uses are proposed in the HG.
- (f) *Development standards.* All new development shall be subject to the use, limitations, and development standards set forth in the underlying land use district(s) and, in addition, shall be subject to the following HG limitations:
 - (1) Architectural styles of buildings within the HG do not need to be exact replicas of historic sites. Rather, new development shall harmoniously blend within the HG with existing historic buildings, structures, sites, and objects.

Franchise designs are unacceptable, as are unadorned "box-like" buildings. Instead, applicants are encouraged to use the existing historic architectural fabric of Stafford County historic resources as a guide in designing buildings within the HG.

- (2) All new development within the HG shall be designed in a harmonious manner with the existing natural environment. The preservation of trees on site shall be practiced except to accommodate ingress/egress, parking, building development, and other necessary infrastructure. Where required, street trees shall be of native species.
- (3) All new construction for buildings or structures, including signs within the HG shall be approved by the Stafford County Architecture Review Board (ARB) prior to approval of any application for development.
- (4) Appeal to the BOS.
 - a. Any owner or owners of real property within Stafford County who are jointly or severally aggrieved by a decision of the ARB, may appeal the decision to the board of supervisors by filing a written petition with the agent within thirty (30) days of that decision. The board of supervisors, after consultation with the ARB, may reverse the decision of the ARB, in whole or in part, or it may affirm the decision of the ARB.
 - b. Any owner or owners of real property within Stafford County who are jointly or severally aggrieved by a final decision of the board of supervisors, may appeal to the Circuit Court of Stafford County for review of that decision by filing a petition at law setting forth the alleged illegality within thirty (30) days of the final decision of the board, in accordance with section 15.2-2306, Code of Virginia 1950, as amended. The court may reverse or modify the decision of the board of supervisors, in whole or in part, if it finds upon review that the decision of the board is contrary to the law or that its decision is arbitrary and constitutes an abuse of discretion, or it may affirm the decision of the board of supervisors.

(g) *Design specifics.*

- (1) Building form and scale shall be mindful of the existing historic fabric. No building shall dominate others within the same development. Efforts shall be taken to reduce the scale of large warehouse buildings by designing the facade of such buildings as multiple buildings clustered together. All new development shall be designed with a human scale.
- (2) Architectural materials should be consistent with or reflective of those used in the construction of existing historic resources located throughout the county.

- (3) All utilities fixed to buildings shall be shielded from public view on buildings by incorporating them into the design of the building or concealing them through parapet walls or other architectural features.
- (4) Building facades shall be symmetrical where applicable.
- (5) Franchise designs shall be tailored to meet these requirements.
- (6) Accessory structures shall be consistent with the overall site development including building treatment and materials.
- (7) Outdoor storage of equipment and materials shall be screened from all right-of-ways within the HG using fencing, walls, or planting materials. The fences or walls shall be consistent with the overall site development including building treatment and materials.
- (8) No banners shall be installed on any building within the HG.
- (9) No amplified speaker system shall be used outdoors within the HG.
- (10) Signage shall be designed to complement the building by using similar materials and designs.
- (11) Freestanding sign shall be monument signs with a maximum height of eight (8) feet and shall be designed with materials that complement the building.
- (12) Lighting in signage shall not create a glare.
- (13) Colors within signs shall be coordinated with the building and shall not be overly intense.
- (14) All utilities on site shall be located underground.
- (15) Parking, loading and service area shall be oriented away from or shielded from the rights-of-way with walls or planting.
- (16) Unless required by another regulation, sidewalks shall be provided along all road frontage of the site. There shall be a separation of a minimum of five (5) feet between the sidewalk and the edge of the road(s). It is recommended the required street trees are located in this strip.

(Ord. No. 005-21. 3-15-05)