

**§ 1 Establishment of, and additions to or deletions from, conservation districts.**

- City Council may designate conservation districts through the rezoning process.
- Prior to the adoption of the ordinance, the City Council shall consider recommendations from the Planning Commission and the Architectural Review Board as well as:
  - o Whether a majority of the property owners in the proposed district have signed the petition;
  - o Whether the District is identified in the Small Area Plans;
  - o Whether the buildings, structures, and areas are appropriate to be designated as a Conservation District based on the following additional criteria:
    - The age of buildings and structures;
    - Whether the district meets the minimum district size of one block or block face;
    - Whether they are listed on the Virginia Landmarks Register or the National Register of Historic Places, or are eligible to be listed on such registers;
    - Whether the buildings, structures or areas are of locally important historic, cultural, architectural or archaeological interest;
    - Whether the buildings, structures or areas are associated with an historic person or event or with a significant architect or master craftsman, or have special public value because of notable features relating to the cultural or artistic heritage of the Fredericksburg community;
    - Whether the district structures and sites represent the culture and heritage of Fredericksburg in ways not adequately addressed in other areas as in their visual prominence, reference to intangible heritage, or any range of cultural practices;
    - Whether the buildings, structures or areas are part of a geographically definable area within which there exists a significant concentration or continuity of buildings or structures that are linked by past events or, aesthetically, by plan or physical development, or within which there exists a number of buildings or structures separated geographically but linked by association or history; and
    - Whether the buildings, structures or areas, when viewed together, possess a distinctive character and quality or historic significance.

**§ 2 Responsibilities of the Architectural Review Board.**

- The Architectural Review Board shall review the creation of conservation districts, make recommendations to the Planning Commission and City Council regarding their establishment, and shall review administrative decisions made within the Conservation District through the consent process. Specifically, the Architectural Review Board shall:
  - o Recommend surveys of potential conservation districts, and recommend properties for inclusion in, or deletion from, conservation districts.
  - o Work with neighborhood residents and City staff to develop and recommend to the city council for council's approval design guidelines for the city's conservation districts ("conservation district design guidelines"), consistent with the purposes and standards set forth within this division. Conservation district design guidelines shall have the status of interpretive regulations.
  - o Provide consent upon administrative review in accordance with § 72-23.1.B-C.

### **§ 3 Regulated activities in the Conservation District.**

- The following activities shall require design review under an established Conservation District:
  - o Construction of new buildings and structures if they require a building permit and unless they are concealed by the principal structure from all abutting streets.
  - o Wholescale demolition a “contributing structure” or partial demolition of a portion of the “contributing structure” visible from the public right-of-way;
  - o Additions to existing buildings or structures meeting any of the following:
    - Additions located wholly or partially to the side or front of the principal structure on a lot;
    - Additions that are equal to or greater than fifty (50) percent of the total gross floor area of the existing building; or
    - Additions located to the rear that exceed the height or width of the existing building or structure.

### **§ 4 Design Guidelines**

- Design guidelines shall be established and adopted for the Conservation District. The Design Guidelines may address the following elements:
  - o Demolition;
  - o Building Height;
  - o Setbacks;
  - o Site Layout;
  - o Foundation Height;
  - o Building Form; and
  - o Additions.

### **§ 5 Administrative Review (to be added to § 72-23.1B).**

- Within a designated Conservation District, the Zoning Administrator is authorized to approve, approve subject to conditions, or disapprove an application for a certificate of appropriateness, subject to the ARB’s consent for any of the items established in § 3.
- Administrative review procedure:
  - o The Zoning Administrator shall endeavor to make a decision on the application within 45 days, for timely ARB review and final decision. Every administrative decision to approve, approve with conditions, or deny an accepted application for a certificate of appropriateness, subject to ARB consent, shall be in writing and state the reasons therefor.
  - o Administrative review shall apply the applicable review criteria stated in this section.
  - o An administrative decision to approve, condition, or deny an application shall be submitted to the ARB for its consent, before the decision becomes final. The ARB may consent to the decision, modify the decision, or reverse the decision on an application.
  - o ARB consideration of administrative decisions does not require a public hearing, but may be carried out through the Board's consent agenda or under an appropriate agenda item, at any ARB meeting.
  - o The ARB shall not decide an application for a certificate of appropriateness under the administrative review process until notice of intention to do so has been published once in a newspaper published or having general circulation in the City. The notice shall specify

the time and place of the first ARB meeting at which persons affected may appear and present their views, not less than five days after the advertisement appears in the newspaper.

**§ 5 Appeals of decisions.**

- Any person aggrieved by a decision of the ARB may appeal such decision to the City Council, provided that such appeal is filed in writing within 30 days from the date of the ARB's decision. The appeal shall clearly set forth the grounds of the appeal, including the procedure or standard alleged to have been violated or misapplied by the ARB. The City Council shall consult with the ARB in relation to any appeal and may require documentation of any ARB decision prior to hearing the appeal. On appeal, the City Council may consider additional submissions, and it may refer any additional information to the ARB for its consideration. The City Council may affirm, reverse, or modify the ARB's decision and shall transmit a record of its decision to the ARB. The City Council shall decide such appeal within 45 days of the date of the appeal.

# CONSERVATION DISTRICT

## Regulation options

*As individual conservation districts are identified and formed, regulations specific to that neighborhood will be implemented. Only those regulations which serve to preserve distinctive elements of the neighborhood will be included, and the requirements for each district will be tailored to its unique characteristics. Regulations would potentially be triggered by new construction, demolition, or construction of additions or accessory structures.*

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### DEMOLITION

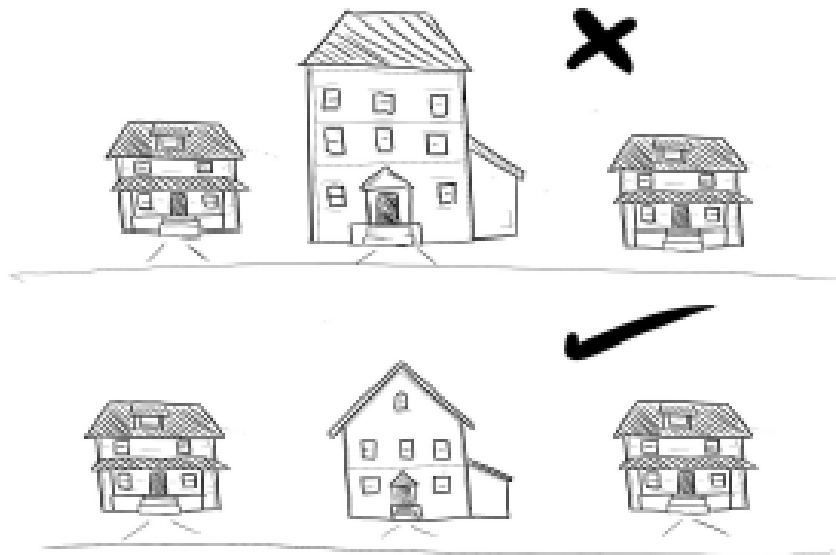
Restrictions on the demolition of existing buildings may be incorporated. The same provisions that apply to demolition in the HFD, requiring that a property be offered for sale for a period of time in the HFD for demolition after offering a property for sale for a period of time would also apply.

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### DIMENSIONAL STANDARDS

- **BUILDING HEIGHT**

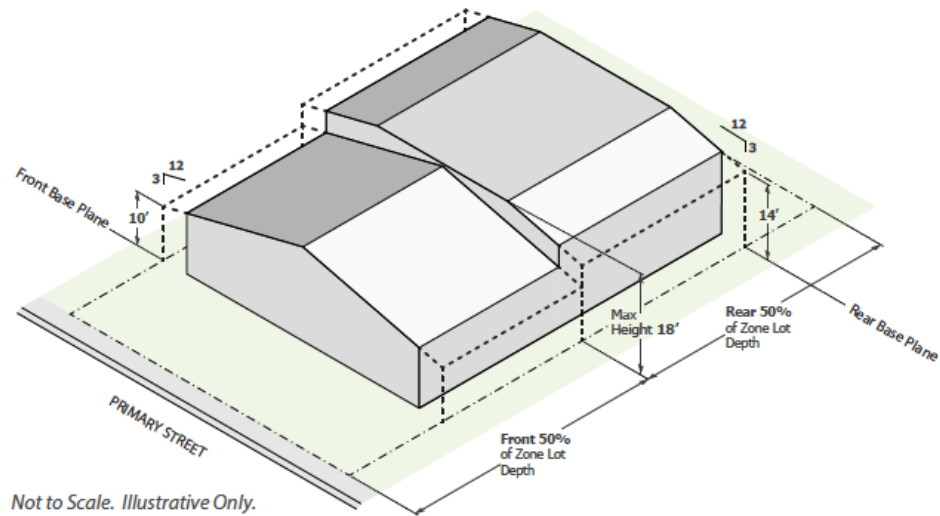
The heights of new buildings should be within a specified range that relates to existing buildings. Heights within one-half to one story above the median are likely appropriate in most neighborhoods. Tighter restrictions may be warranted in neighborhoods dominated by one-story structures (i.e. maximum variation of a half-story).



Sample Diagram

- **SETBACKS**

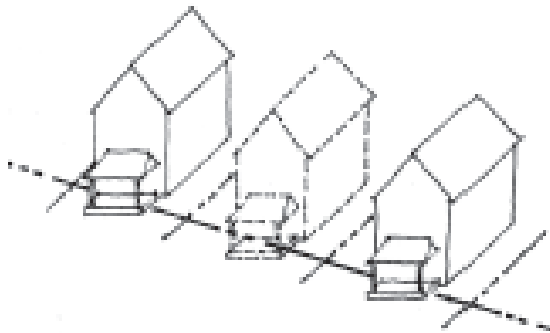
Front and side setbacks in residential zoning districts will already be determined via infill calculations as required by the City Code. Reductions in required setbacks may be warranted where building height or the location of additions is substantially restricted due to other district regulations (i.e. if the maximum height permitted is 1.5 stories, the required rear setback is reduced to 12 feet).



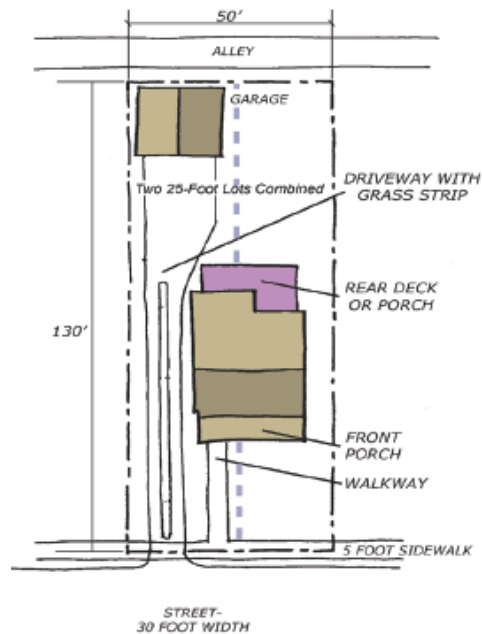
Sample Diagram from Denver, CO's Krisana Park Conservation District

## SITE LAYOUT

The location of driveways and detached garages or the position of the residence on the lot may be required to align with neighborhood patterns. Garages that are detached or with entrances at the side or rear of the primary structure may be required based on neighborhood pattern.



Sample Diagrams from Alexandria, VA's Del Ray Pattern Book



## FOUNDATION HEIGHT

A specific height or range may be provided if this is a consistent feature of the neighborhood.



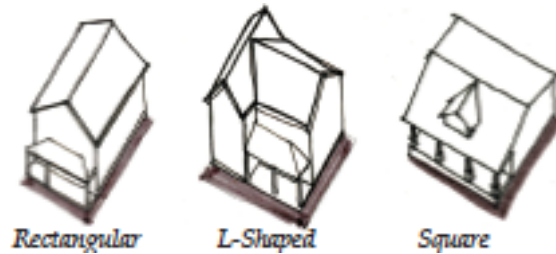
Sample Diagram from Alexandria, VA's Del Ray Pattern Book

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## BUILDING FORM

A variety of building features may be addressed through building form if they are a distinctive component of the neighborhood, such as:

- Massing: simple square or rectangular forms versus complex massing



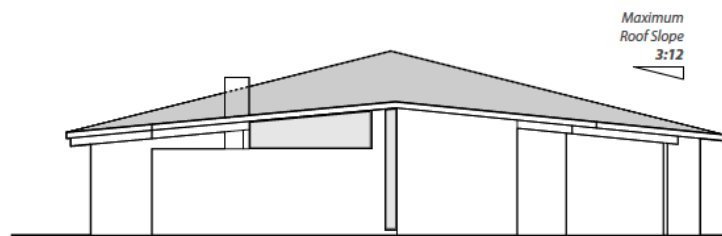
Sample Diagram

- Porches: inclusion, location, and depth can be defined.



Sample Diagram

- Roof: Shape, pitch, overhang, etc.



Sample Diagram from Denver, CO's Krisana Park Conservation District

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## ADDITIONS

Additions may be required to be located to the side or rear, not exceed certain dimensions such as the height or width of the original structure, be set in/back from existing building walls, and not exceed a specified FAR that is supported by neighborhood pattern.



Sample Diagram from Alexandria, VA's Del Ray Pattern Book