

**MOTION:**

**June 15, 2021  
Regular Meeting  
Res. No. 21-**

**SECOND:**

**RE: INITIATE AMENDMENTS TO – THE ZONING ORDINANCE, INCLUDING, BUT NOT LIMITED TO, A POTENTIAL HISTORIC OVERLAY DISTRICT, AND THE DESIGN AND CONSTRUCTION STANDARDS MANUAL, IN ORDER TO ADDRESS THE PRESERVATION AND PROTECTION OF HISTORIC AND CULTURAL RESOURCES AND PROPERTIES IN THE THOROUGHFARE AREA, INCLUDING, BUT NOT LIMITED TO, AFRICAN-AMERICAN AND NATIVE AMERICAN CEMETERIES AND BURIAL GROUNDS, AND OTHER AFRICAN-AMERICAN AND NATIVE AMERICAN CULTURAL AND HISTORICAL SITES; AND INITIATE AMENDMENTS TO THE COMPREHENSIVE PLAN FOR THE SAME PURPOSES – COUNTYWIDE**

**ACTION:**

**WHEREAS**, in accordance with Sections 15.2-2285 and 15.2-2286 of the Code of Virginia, Ann., the Prince William Board of County Supervisors (Board) may amend the Zoning Ordinance whenever it determines that public necessity, health, safety, convenience, general welfare, and good zoning practice necessitate such change; and

**WHEREAS**, Section 15.2-2306 of the Code of Virginia sets forth the powers of localities with respect to preservation of historical sites and areas through zoning; and

**WHEREAS**, Section 32-502.04 of the County's Zoning Ordinance allows for the creation of Historic Overlay Districts by the Board; and

**WHEREAS**, on May 18, 2021, the Board, via Directive (DIR) 21-40, requested staff to prepare information for the Board to vote to initiate a Zoning Text Amendment to create a historic overlay district for Thoroughfare and come back with a presentation on what are the implications of creating that overlay district, what are the protections, and what does that mean for the people who live in the Thoroughfare area; and

**WHEREAS**, the goal of the Cultural Resources section of the Prince William County Comprehensive Plan is to "Identify, preserve, and protect Prince William County's significant historical, archaeological, architectural, and other cultural resources including those significant to the County's minority communities –for the benefit of all of the County's citizens and visitors"; and

**WHEREAS**, African Americans, Native Americans, and other people of color have historically faced barriers to the preservation of fixtures in their history, including but not limited to burial grounds, cemeteries, structures, and geographical areas; and

**WHEREAS**, the Thoroughfare area is historically significant and has not been afforded all of the protections possible under current zoning ordinances; and

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**WHEREAS**, the Thoroughfare area is the site of significant African-American history;  
and

**WHEREAS**, the Thoroughfare area is the site of Oakrum Baptist Church founded by freed slaves and still in existence today; and

**WHEREAS**, the Thoroughfare area was the location of the North Fork School that served as a school for children of color during the late 19<sup>th</sup> and early 20<sup>th</sup> centuries; and

**WHEREAS**, the Thoroughfare area is the site of significant Native American history,  
and

**WHEREAS**, the Thoroughfare area is the site of a Civil War engagement; and

**WHEREAS**, the people, events, structures, and cemeteries of the Thoroughfare area in sum illustrate a pivotal moment in the history of Prince William County, the Commonwealth of Virginia, and the United States of America that led to the abolishment of slavery and the establishment of a thriving community of freed people of color; and

**WHEREAS**, the Thoroughfare area was studied previously by the Virginia Commonwealth University and the Virginia Department of Historic Resources; and

**WHEREAS**, previous studies identified the existence of historic structures and recommended further study for a National Register District; and

**WHEREAS**, pursuant to Section 10.1-2211.2 of the Virginia Code, allows for the disbursement of funds for the maintenance and care of Historical African American Cemeteries that have been certified by the Department of Historical Resources and documented in the Department's cultural resources database; and

**WHEREAS**, The National Tribal Preservation Program helps Native American tribes protect resources and traditions important to them and funds Tribal Heritage grants for federally recognized Indian tribes to help them with cultural and historic preservation projects; and

**WHEREAS**, pursuant to Section 15.2-2229 of the Virginia Code, the Board may consider amendments to the Comprehensive Plan; and

**WHEREAS**, the Board finds that amending the Comprehensive Plan for the above-referenced issue(s) guides and accomplishes a coordinated, adjusted, and harmonious development of the territory which will, in accordance with present and probable future needs and resources, best promote the health, safety, morals, order, convenience, prosperity and general welfare of the inhabitants, including the elderly and persons with disabilities; and

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**WHEREAS**, amending the Zoning Ordinance for the above-referenced issue is required by public necessity, convenience, general welfare, and good zoning practice, and is consistent with the purpose and intent of Title 15.2-2283 of the Code of Virginia, Ann;

**NOW, THEREFORE, BE IT RESOLVED** that the Prince William Board of County Supervisors hereby initiates amendments to – the Zoning Ordinance, including, but not limited to, a potential historic overlay district, and the Design and Construction Standards Manual, in order to address the preservation and protection of historic and cultural resources and properties in the Thoroughfare area, including, but not limited to, African-American and Native American cemeteries and burial grounds, and other African-American and Native American cultural and historical sites;

**BE IT FURTHER RESOLVED** that the Prince William Board of County Supervisors hereby initiates an amendment to the Comprehensive Plan to address the preservation and protection of historic and cultural resources and properties in the Thoroughfare area, including, but not limited to, African-American and Native American cemeteries and burial grounds and other African-American and Native American cultural and historical sites;

**BE IT FURTHER RESOLVED** that the Prince William Board of County Supervisors hereby directs County staff to work with the owner and interested parties of the Scott Cemetery, to try to help facilitate mutually agreeable access to the Scott Cemetery for all interested parties;

**BE IT FURTHER RESOLVED** that the Prince William Board of County Supervisors hereby directs County staff to examine the African-American Cemeteries and any other burial sites located in the Thoroughfare area for eligibility and participation in the Historical African American Cemeteries and Graves Fund pursuant to Section 10.1-2211.2 of the Code of Virginia, and any other applicable program.

**Votes:**

**Ayes:**

**Nays:**

**Absent from Vote:**

**Absent from Meeting:**

**ATTEST:** \_\_\_\_\_

**Clerk to the Board**



# PRINCE WILLIAM COUNTY

Office of the County Executive  
Christopher E. Martino

## The Board of County Supervisors

Hon. Ann B. Wheeler, Chair  
Hon. Andrea O. Bailey, Vice Chair  
Hon. Victor S. Angry  
Hon. Kenny A. Boddye  
Hon. Pete Candland  
Hon. Margaret Angela Franklin  
Hon. Jeanine M. Lawson  
Hon. Yesli Vega

# STAFF REPORT

<b>Board Meeting Date:</b>	June 15, 2021
<b>Agenda Title:</b>	Initiate Policy and Code Amendments to Protect Thoroughfare
<b>District Impact:</b>	Countywide
<b>Requested Action:</b>	Initiate Amendments to the Zoning Ordinance, the Design and Construction Standards Manual, and the Comprehensive Plan in order to Create an Historic Overlay District for the Thoroughfare area.
<b>Department:</b>	Planning Office
<b>Staff Lead:</b>	Parag Agrawal, AICP, Director of Planning

## EXECUTIVE SUMMARY

On May 18, 2021, the Prince William Board of County Supervisors (Board) requested that staff initiate, study, and propose a Thoroughfare Historic Zoning Overlay District, using as a guide the Thoroughfare Historic District (076-5150) registered with the Virginia Department of Historic Resources. The Board directed staff to prepare an initiation of a Zoning Text Amendment to create a historic overlay district for Thoroughfare and present the implications of creating that overlay district, the protections, and what it means for the people who live in the Thoroughfare Community area.

## BACKGROUND

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- A. Purpose of the Zoning Ordinance – Section 15.2-2283 of the Code of Virginia states that zoning ordinances shall be for the general purpose of promoting the health, safety, or general welfare of the public.
- B. Purpose of the Design and Construction Standards Manual – is to assist the public in knowing the policies and regulations which apply to land development in Prince William County. The provisions contained herein relate primarily to the requirements which apply to the review and approval of site development plans and plats, and construction in accordance with those plans.
- C. Purpose of the Comprehensive Plan - A comprehensive plan guides the growth and development of a community. It articulates the goals and policies that the Board relies on to make informed land use development decisions and investments in public infrastructure. It also presents a blueprint for creating a great quality of place, quality of community, and quality of life based on the County's vision for its future.
- D. Purpose of Historic Overlay Districts – Section 15.2-2306 of the Code of Virginia sets for the powers of localities with respect to preservation of historical sites and areas through zoning. The purpose and intent of the County Code Sec. 32-502.01 Historic Overlay District is to protect and perpetuate those areas or structures which have been designated as being of significant historic, architectural, or cultural interest. Regulations imposed in such districts are intended to protect against destruction of or encroachment upon such historic resources, to encourage uses which will continue to preserve them and to prevent the creation of adverse environmental influences. Historic Overlay Districts primarily focus on ensuring architectural compatibility of buildings and structures within a historic district.
- E. Directive – Staff was directed on May 18, 2021 via Directive (DIR) 21-40 to prepare an initiation of a Zoning Text Amendment to create a historic overlay district for Thoroughfare and present the implications of creating that overlay district, the protections, and what it means for the people who live in the Thoroughfare Community area.
- F. Proposed Remedy – A number of steps or phases are involved in designating historic zoning overlay districts. Section 15.2-2306(C) of the Code of Virginia requires localities to identify and inventory all landmarks, buildings, and structures, in the areas being considered for inclusion with the proposed district. In this case, a resurvey of the existing Thoroughfare Historic District would be required. The resurvey would focus on above-ground architectural resources and include historical research to reaffirm the current boundaries, criteria of significance, and document resources discovered since 2005 when the district was last evaluated. Archaeological investigation may also be warranted. After the architectural survey and archaeological evaluations, zoning text and the design review guidelines should be proposed for the district. The zoning text and design review guidelines must be consistent with the enabling authority contained in section 15.2-2306 of the Virginia Code. Landowner and community outreach are an essential component of multiple phases in this effort, including during a National Register nomination (if warranted), review of the district by the Architectural Review Board, Planning Commission, and the Prince William Board of County Supervisors.

The work associated with the creation of a new Historic Overlay District for Thoroughfare requires the utilization of historic preservation and archaeology professionals and consultants to conduct architectural and archaeological studies. Staff previously identified the need for a new full-time position in Fiscal Year (FY)2022 to manage the work associated with protecting the County's cultural resources, during a presentation to the Board on May 18, 2021. Staff would expect the new position to manage the major components of the overlay, including the research, architectural and archaeological survey, and evaluations. The new full-time Parks, Recreation, and Tourism position in FY 2022 is recommended via separate resolution for the Board's consideration on the June 15 agenda. A second position was recommended in FY 2023 in furtherance of additional historic and cultural preservation work.

## **STAFF RECOMMENDATION**

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The Planning Office recommends the Board initiate amendments to Part 502, Historic Overlay Districts, of Chapter 32 of the Zoning Ordinance, the Design and Construction Standards Manual, and the Comprehensive Plan to create a Historic Overlay District for Thoroughfare.

### **Community Input**

The Planning Office plans to hold a series of meetings with residents and landowners throughout the amendment process. Community meetings are also required for the district's nomination to the National Register of Historic Places and the Virginia Landmarks Register. In addition to meeting with the public, these amendments will be presented to the Architectural Review Board (ARB), who will be consulted during entirety of this process. ARB members are appointed by the Board and will administer the Design Review Guidelines for any future historic zoning overlay district. Any Design and Construction Standards Manual amendments are presented to the Development Ordinance Review Advisory Committee (DORAC) and the Planning Commission. The DORAC Committees' make up includes staff, industry stakeholders and eight (8) resident appointees made by the Board.

### **Fiscal Impact**

If the historic district is adopted, staff anticipates the need for one additional staff person in FY 2023, which was presented to the Board during the staff recommendation on May 18, 2021.

### **Legal Issues**

The Board may initiate amendments to the zoning text and map, the Design and Construction Standards Manual, or the Comprehensive Plan. Legal issues, if any, are appropriately addressed through the County Attorney's Office.

### **Timing**

There is no time requirement for the Board to take action on initiation of zoning text and map amendments, the Comprehensive Plan, or Design and Construction Standards Manual amendments. The timing to complete the work associated with the creation of a new Thoroughfare Historic Overlay District will be dependent upon the timing of filling new positions within the County and funds made available for consultants. With additional professional staff resources, the work associated with the completion of the Historic Overlay District for Thoroughfare would take approximately twelve (12) months.

### **STAFF CONTACT INFORMATION**

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jspatton@pwcgov.org



**PRINCE WILLIAM**  
COUNTY

# Initiate Policy and Code Amendments to Protect Thoroughfare

June 15, 2021  
Countywide

Tom Smith  
Director of Public Works

Justin Patton, MMA, RPA, County Archaeologist  
Planning Office

# Directive 21-40

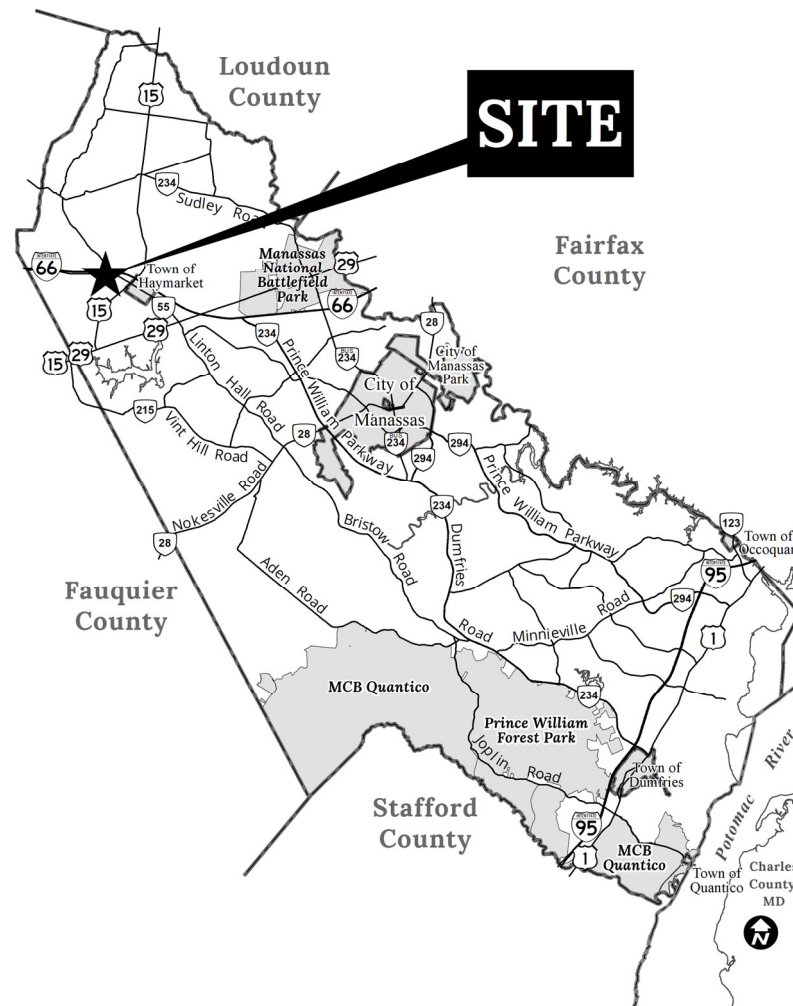
County staff was directed to:

- Prepare information for the Board to initiate a Zoning Text Amendment to create a historic zoning overlay district for Thoroughfare, and
- Return to the Board with a presentation on what are the implications of creating that overlay district, what are the protections, and what does that mean for the people who live in the town of Thoroughfare

# Locator Map



PRINCE WILLIAM  
COUNTY



Virginia Department of Historic Resources (VDHR) #076-5150

Virginia Department of Historic Resources (VDHR) #076-5150



# Background



- Studies of Thoroughfare in 1996 and 2005 identified and recorded 14 resources
- In 2005 the district was determined eligible for listing on the National Register of Historic Places under Criterion A (associated with events that have made a significant contribution to the broad patterns of our history) for its association with the free black and Native American settlement of the area
- Criterion C (architecture) was not recommended due to significant alteration completed to many of the buildings and structures
- The 2005 study did not consider the following resources
  - Three cemeteries (cemeteries are not typically considered NR eligible)
  - Oakrum Church and two houses
  - Three Civil War battlefields

# VA State Code & County Zoning Ordinance



- Preservation of historic sites through local zoning ordinances is governed by Section 15.2-2306 of the Virginia Code
- Part 502, Historic Overlay Districts, in Section 32 of the County's Zoning Ordinance allows for the creation of Historic Overlay Districts by the Board of County Supervisors
- Historic Overlay Districts created under this section do not prevent development of property for by-right uses, but establishes procedures that must be followed before development occurs
- Historic Overlay Districts primarily focus on ensuring architectural compatibility of buildings and structures within a historic district
- Architectural Review Board reviews development and ensures procedures are followed
- Individual owner consent for inclusion in the zoning district is not required

# Part 502. - Historic Overlay Districts



Each district shall meet one or more of the following criteria:

- a) Is closely associated with one or more persons, events, activities, or institutions that have made a significant contribution to local, regional or national history; or
- b) Contains buildings or structures which the exterior design or features of which 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
- c) Has yielded, or is likely to yield, information important to local, regional or national history; or
- d) Possesses an identifiable character representative of the architectural and cultural heritage of Prince William County; or
- e) Contains a registered landmark, building or structure included on the National Register of Historic Places or the Virginia Landmarks Register.

# Design Review Guidelines



In summary, the rehabilitation of an existing structure or the development of property within the Historic Overlay District assumes that at least some of the visible changes to either structures or the land will be needed to provide for an efficient and economically sound contemporary use.

These necessary changes must be carefully planned or designed to protect those materials, features, and visual characteristics that are important in defining the district's historic, architectural, or archaeological significance.

# ARB Process



PRINCE WILLIAM  
COUNTY

4-6 Weeks

## Application Submitted

- Site Plan
- Elevations
- Color Renderings
- Material Samples

## Staff Review

- No Detrimental Effects
- Contextual

## ARB Review

- Public Meeting
- Certificate of Appropriateness

# How it Works

## Certificate of Appropriateness (COA)



- A Certificate of Appropriateness (COA) is required
  - Prior to the erection, reconstruction, exterior alteration, restoration or excavation of any building or structure within an Historic Overlay District, or
  - prior to the demolition, razing, relocation or moving of any building or structure therein
  - No demolition, razing, relocation or moving of a historic resource in a Historic Overlay District shall occur until approved
- The ARB, on the basis of the application and the evaluation criteria in the Design Guidelines and "The Secretary of Interior's Standards for Rehabilitation," shall approve, with or without modifications, or deny the application within 60 days of a complete submission package
- If the ARB approves or approves with modifications the application, it shall authorize the Director of Planning to issue the COA
- If the ARB denies the application, it shall so notify the applicant and the Director of Planning in writing
- Appeals can be made to the Board of County Supervisors and if denied to the Circuit Court

# COA Submission Requirements



- A **site plan** including topography, exterior signs, graphics and lighting, scaled drawings showing building plans, elevations, sections, and construction details of significant architectural elements, and proposed materials and their color
- **Photographs** which show the subject property in relationship to nearby properties and show where work is proposed
- Small samples of materials must be provided to illustrate appropriateness. Specific product identification and color samples for all exterior painting must also be provided
- Location, dimensions, floor area and height of existing structures and proposed structures
- The precise location of the proposed work must be indicated on a building or property plan when the application involves an addition to a building, landscaping or new free-standing elements. Decks, balconies and enclosed roof space also require such plans

# Implications to Land-Owners



- Land-owners must get approval by the Architectural Review Board and the Director of Planning for the following:
  - Changes to the exterior appearance of any building, structure, or site located within the Historic Overlay District – including demolition, rehabilitation, or additions to existing buildings or structures
  - New construction
  - Alteration of existing cultural landscapes (including features such as earthworks, historic transportation networks, Indian mounds and battlefield features)
- Consistency in implementation of design guidelines
- Preservation of historic context
- More regulation
- More time to acquire approvals for modifications, new construction and demolition

# Potential Overlay District Protections



- Provides mandatory procedures before development occurs, but does not prevent development of a property for by-right uses
- Changes to the following require a Certificate of Appropriateness
  - the exterior appearance of any building, structure, or site located within the Historic Overlay District – including demolition, rehabilitation, or additions to existing buildings or structures
  - New construction
  - Alteration of existing cultural landscapes (including features such as earthworks, historic transportation networks, Indian mounds and battlefield features)
- Provides Design Guidelines for
  - Renovation, Repair and Maintenance of existing buildings and structures
  - Additions to Existing Structures
  - New Structures
  - Site elements – (for example driveways, fences, outbuildings, exterior lighting, signs)
- Can Provide Design Guidelines for
  - Native American Site Features, Civil War Landscapes, archaeology sites,
- Because most protections available under the Virginia Code pertain to architectural review of buildings and structures, protection for cemeteries may be limited

# Recommendation



Initiate amendments to County policies and regulations related to the creation of a historic overlay district for Thoroughfare including:

- Part 502 of the Zoning Ordinance – Historic Overlay Districts
- The Zoning Ordinance in general
- The Design and Construction Standards Manual
- The Comprehensive Plan

Staff would complete:

- Architectural survey and National Register/Virginia Landmarks Register Nomination
- Archaeological survey
- Public Outreach
- Preparation of zoning text
- Design review guidelines

*Note: During the Board of County Supervisor meeting on June 15, 2021, the following budget item is scheduled for approval: "Budget and Appropriate \$765,000 for Historical Preservation and Interpretation at the Thoroughfare and Settlement Communities and Updates to the County Cemetery Database." If approved, this item funds the positions and consultant work (archaeological and architectural studies) referenced above.*