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ARTICLE 14A. - HISTORIC CORRIDOR OVERLAY DISTRICT—HC

Section 1. - Intent.

The historic corridor overlay district is intended to implement the Purcellville comprehensive plan goals of protecting the town's unique historical and architectural character, ensuring that new development is in keeping with the small-town character of Purcellville, encouraging aesthetic treatment along the entrances to town to provide an attractive entry into the historic town core, and promoting tourism and visitor opportunities through historic preservation and Main Street revitalization, all of the foregoing being deemed to advance and promote the public health, safety and welfare of the citizens of Purcellville and its visitors.

(Ord. No. 05-09-02, § I, 9-13-2005)

Section 2. - Applicability.

The historic corridor overlay district is created to conserve elements of the Town's historic character and in accordance with Section 15.2-2306 of the 1950 Code of Virginia, as amended, to preserve and protect corridors: (i) along arterial streets or highways designated as such pursuant to Title 33.1 of the Virginia Code found by the town council to be significant routes of tourist access to the town; (ii) to historic landmarks as may be established by the Virginia Board of Historic Resources and any other buildings or structures within the town having an important historic, architectural or cultural interest and any historic areas within the town as defined by Virginia Code § 15.2-2201; or (iii) to designated historic landmarks, buildings, structures or districts in any contiguous locality.

An historic corridor overlay district may be established over any basic zoning district and/or any other overlay district, and upon the highways and their rights-of-way identified in subsection ~~2.2~~ 2.2 (the "HC streets"), regardless of whether such HC streets are otherwise within a zoning district.

2.1. Historic corridor overlay districts are hereby established over and upon the parcels of land contiguous to the HC streets in subsection ~~2.2~~ 2.2 from the edge of the right-of-way including the full depth of the parcel, as the parcel existed on the original adoption date of these historic corridor regulations and as shown on the Purcellville Zoning Map.

2.2. Subject to subsection 2.1, historic corridor overlay districts are hereby established upon and along the following streets in their entirety within the corporate limits of the Town of Purcellville:

1. Main Street (Route 7 Business).
2. Route 287.
3. Route 690 North (23rd and 21st Street).
4. Route 690 South (32nd Street).
5. Route 1604 (21st Street between Main and 23rd Streets).

_ 2.3 Unless otherwise expressly exempted, no structure, ~~or~~ building within ~~an~~the historic corridor overlay district shall be erected, reconstructed, altered, restored, relocated or demolished, in whole or in part, unless and until a certificate of design approval authorizing such work shall have been approved in accordance with this article as well as Article 14C, as applicable.

(Ord. No. 05-09-02, § I, 9-13-2005; Ord. No. 12.07.03, 7-10-2012)

2.4 Definitions.

For the purposes of this article, the following definitions shall apply:

~~(1) **Structure.** Anything manmade, including but not limited to buildings, outbuildings, walls, and fixtures.~~

~~(2) **Historic preservation professional.** A person or firm who have professional qualifications to conduct evaluations of the historic character and significance of manmade structures, historic sites, etc., including, but not limited to architectural historians, historians and archaeologists.~~

~~(3) **Historic structure.** Any structure that is:~~

~~(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or the Virginia Landmarks Register or preliminarily determined as meeting the requirements of individual listing on the National Register or Virginia Landmarks Register;~~

~~(b) Certified or preliminarily determined by the Secretary of the Interior or the Virginia Department of Historic Resources (DHR) as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary or the DHR to qualify as a registered historic district;~~

~~(c) Individually listed on a local inventory of historic structures; or~~

~~(d) Designated for protection by the town as a historic structure.~~

~~A historic designation for properties not yet surveyed or designated under items (a) through (d) above shall be made by the zoning administrator on a case-by-case basis under the written opinion of an historic preservation professional, such as an architectural historian or historian.~~

~~(Ord. No. 12.07.03, 7-10-2012)~~

See Article 14(B), Section 3 (Definitions) for terms.

2.5 Exemptions.

The provisions of section 5.1 of this article notwithstanding, no certificate of design approval shall be required for the following activities:

- (1) Construction or alteration of main and accessory buildings or structures in single-family detached residential use or in an agricultural and forestal district where no site plan is required for the work. Demolition of a historic ~~structures~~ resource is NOT exempted by this section, including demolition by neglect.
- (2) Interior alterations to a building or structure having no effect on exterior appearance of the building or structure.
- ~~(3)~~ (3) Construction of ramps and other modifications to serve the handicapped.
- ~~(4)~~ (4) The repair and maintenance of non-conforming structures authorized pursuant to section 5.2 of this article.
- ~~(5)~~ (5) General maintenance where no change in design or material is proposed.
- ~~(6)~~ (6) Additions or modifications to a building where no change in design or material is proposed as determined by the zoning administrator
- ~~(7)~~ (7) Signs, fences and light poles.

(Ord. No. 12.07.03, 7-10-2012)

~~2.6~~ 2.6 A certificate of design approval is required for the following:

- ~~a.~~ a. Except as otherwise provided in section 2.5 of this article, no zoning permit shall be issued for any purpose, including demolition, unless and until a certificate of design approval has been issued in accord with this article as well as Article 14C, as applicable, for improvements subject to such zoning permit.
- ~~b.~~ b. Except as otherwise provided in section 2.5 of this article, for any development requiring site plan approval, no final site plan shall be approved by the town unless and until a certificate of design approval has been issued in accord with this article for all buildings and improvements shown thereon. The certificate of design approval shall be binding upon the proposed development as to conditions of issuance. The certificate shall certify that the proposed development as may be modified by the conditions of issuance is consistent with the design criteria of section 8 of this article and any design guidelines adopted by the town council for the specific HC street. Signature by the zoning administrator upon the final site development plan or zoning permit, as the case may be, shall be deemed to constitute such certification.

In making such determination as to consistency with design guidelines, the board of architectural review may specify any architectural feature as to appearance, such as, but not limited to, motif and style, color, texture and materials together with configuration, orientation and other limitations as to mass, shape, height and location of buildings and structures, location and configuration of parking areas and landscaping and buffering requirements to the extent such practices are authorized under the design criteria of section 8 of this article and any design guidelines hereafter

adopted by the town council without regard to regulations of the underlying zoning district or other provisions of this ordinance.

2.7 ~~2.7~~ Demolition permit review and approval.

~~No historic structure, as defined in this article, within any historic corridor overlay district shall be razed, demolished or moved, in whole or in part, until the razing, demolition or moving thereof is approved by the board of architectural review, or, on appeal, by the town council after consultation with the board of architectural review.~~ No Historic Resource may be demolished or relocated unless and until a certificate of design approval authorizing such work has been approved by the BAR or, on appeal, by the Town Council after consultation with the BAR, in accordance with Article 14C.

~~In addition to the right of appeal set forth herein, the owner of a historic structure, the razing or demolition of which is subject to the provisions of this section, shall, as a matter of right, be entitled to raze or demolish such landmark, building or structure provided that: (i) he has applied to the town council for such right, (ii) the owner has for the period of time set forth in the schedule contained in Section 15.2-2306 of the 1950 Code of Virginia (the "Code"), as amended, and at a price reasonably related to its fair market value, made a bona fide offer to sell the landmark, building or structure, and the land pertaining thereto, to the town or to any person, firm, corporation, government or agency thereof, or political subdivision or agency thereof, which gives reasonable assurance that it is willing to preserve and restore the landmark, building or structure and the land pertaining thereto, and (iii) no bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such landmark, building or structure, and the land pertaining thereto, prior to the expiration of the applicable time period set forth in the time schedule specified in the Code. Any appeal which may be taken to the court from the decision of the town council, whether instituted by the owner or by any other proper party, notwithstanding the provisions heretofore stated relating to a stay of the decision appealed from shall not affect the right of the owner to make the bona fide offer to sell referred to above. No offer to sell shall be made more than one year after a final decision by the town council, but thereafter the owner may renew his request to the town council to approve the razing or demolition of the historic landmark, building or structure.~~

2.8 Demolition by neglect.

a.a. The purpose of this subsection is to prevent the demolition by neglect through permanent damage by weather or vandalism of any historic ~~structure, as defined in this article~~ resource.

~~b.b.~~ The owner of any historic ~~structure, as defined by this article,~~ resource shall maintain ~~the~~ their building ~~or,~~ structure or object in good repair; that is, structurally sound and protected against decay and deterioration in compliance with this section and the provisions of the Virginia Uniform Statewide Building Code, as adopted by the town under Chapter 14 of the Town Code, to the extent that, in the opinion of the zoning administrator, such decay or deterioration may result in irreparable deterioration of any exterior architectural feature or produce a detrimental effect upon the ~~structure,~~ historic resource or upon the character of the district, including, but not limited to:

~~(1)~~ (1) The deterioration of exterior walls or other vertical supports; or

~~(2)~~ (2) The deterioration of roofs or other horizontal members; or

~~(3)~~ (3) The deterioration of exterior chimneys; or

~~(4)~~ (4) The deterioration or crumbling of exterior plaster or mortar; or

~~(5)~~ (5) The ineffective waterproofing of exterior walls, roofs and foundations, including broken windows and doors; or

~~(6)~~ (6) The peeling of paint, rotting, holes and other forms of decay; or

~~(7)~~ (7) The lack of maintenance of surrounding structures, such as fences, walls, gates, sidewalks, steps, signs, or other accessory structures; or

~~(8)~~ (8) The deterioration of any feature so as to create or permit the creation of any hazardous condition.

~~e.c.~~ The zoning administrator shall have concurrent jurisdiction with the county building official to enforce the requirements of this section.

~~d.d.~~ Upon a finding by the zoning administrator that a historic ~~structure~~ resource is not in good repair and protected against decay and deterioration, the zoning administrator shall inform the owners of the property in writing, by certified mail, return receipt requested, of the specific deficiencies requiring remediation and shall order such owners to repair or secure such building or structure.

~~e.e.~~ If the owners or lien holder of the property cited and notified under subsection (d) have not completed the prescribed repairs or other approved remedial measures within 90 days of the date of the notification prescribed in subsection (d), then the zoning administrator shall notify the owners or lien holder in writing, by certified mail, return receipt requested, that they are in violation of the zoning ordinance, and enforcement shall be pursued by the administrator in accordance with article 11.

(Ord. No. 05-09-02, § I, 9-13-2005)

Section 3. - Permitted uses.

3.1 By right.

The following uses shall be permitted by right in any HC overlay district:

- a. All uses permitted by right in the underlying districts except as herein otherwise provided.

3.2 *By special use permit.*

The following uses are authorized within the historic corridor overlay district only by special use permit:

- a. All uses authorized by special use permit in the underlying districts.

Section 4. - Area and bulk regulations; minimum yard and setback requirements; height requirements; landscaping and screening; preservation of natural features.

4.1 Area and bulk regulations, minimum yard and setback requirements, and height regulations shall be as provided by the underlying district, except that the following provisions and limitations shall apply to any development or portion thereof within the district which shall be visible from a designated HC street.

4.2 Regulations of article 7, landscaping, screening and open space regulations, shall apply within any HC overlay district except that:

a.a. In addition to the provisions of article 7, the board of architectural review may require specific landscaping measures in issuance of a certificate of appropriateness, as the same may be related to ensuring that the proposed development is consistent with any design guidelines adopted by the town council for the specific HC street. Existing landscaping, tree cover and other significant natural features shall be preserved to the greatest extent possible.

b. No grading or other earth disturbing activity (including trenching or tunneling), except as necessary for the construction of tree wells or tree walls, shall occur within the drip line of any trees or wooded areas nor intrude upon any other existing features designated in the certificate of design approval for preservation.

c.c. Areas designated on approved plans for preservation of existing features shall be clearly and visibly delineated on the site prior to commencement of any grading or other earth-disturbing activity (including trenching or tunneling) and no such disturbing activity or grading or movement of heavy equipment shall occur within such area. The visible delineation of all such existing features shall be maintained until the completion of development of the site. In addition, an applicant for development subject to the provisions of this article, shall sign a conservation checklist approved by the zoning administrator to further ensure that the specified existing features will be protected during development. Except as otherwise expressly approved by the agent in a particular case, such checklist shall conform to specifications contained in the Virginia Erosion and Sediment Control Handbook, pp III-284 through III-297.

(Ord. No. 05-09-02, § I, 9-13-2005)

Section 5. - Nonconformities.

5.1 Any existing use, activity, lot or structure subject to the provisions of the HC overlay district, which does not conform to the provisions of the HC overlay district shall be subject to article 5, Nonconformities, of this ordinance.

5.2 *Repair and maintenance of nonconforming structures.*

An owner may repair and maintain a nonconforming structure or a structure occupied or used by a nonconforming use, upon determination by the zoning administrator that such repair or maintenance would not be contrary to the purpose and intent of this article 14A.

(Ord. No. 05-09-02, § I, 9-13-2005)

Section 6. - Administration.

Article 14A, Historic Corridor Overlay District—HC, shall be administered by the board of architectural review created and appointed by the Purcellville Town Council pursuant to Chapter 54, Article II of the Town Code. The board of architectural review shall be responsible for issuance of certificates of design approval as required by this article 14A.

Application for a certificate of design approval together with a fee as adopted by the town council shall be filed by the owner or contract purchaser of the subject property with the zoning administrator. Materials submitted with the application shall include all plans, maps, studies and reports which may be reasonably required to make the determinations called for in the particular case, with sufficient copies for necessary referrals and records. Complete applications with the required fee must be received by the zoning administrator at least 14 calendar days prior to the board meeting at which consideration is desired.

Upon receipt of a complete application, the zoning administrator shall schedule the same for hearing and shall cause notice of such hearing to be sent to the board of architectural review. The board shall confer with the applicant at the hearing and shall approve or disapprove such application and, if approved, shall issue a certificate of design approval, with or without conditions together with such modifications as deemed necessary to ensure compliance with this article. Failure of the board of architectural review to approve or disapprove such application within 60 days from the date of complete application shall be deemed to constitute approval of the application.

Nothing contained in article 14A, Historic Corridor Overlay District—HC, shall be deemed to compromise, limit, or otherwise impair the planning commission in its exercise of preliminary or final site plan review as authorized in this ordinance and the Purcellville Land Development and Subdivision Control Ordinance. It is the express intent of the town council that matters related to public health and safety as may be defined by the commission shall prevail over issues of aesthetics as may be defined by the board of architectural review. Therefore, the commission in its review of any preliminary or final site plan may modify, vary or waive any requirement of the certificate of design approval related to site plan concerns, such as landscaping, issued by the board of architectural review upon finding that such action would better serve the public health or safety.

(Ord. No. 05-09-02, § I, 9-13-2005)

Section 7. - Appeals.

The town council reserves unto itself the right to review all decisions of the board of architectural review made in the administration of article 14A which, in its discretion, it shall deem necessary to the proper administration hereof.

Any person aggrieved by any decision of the board of architectural review in the administration of this article may demand a review of the application by the town council. Such demand shall be made by filing a request therefore in writing with the zoning administrator with the appropriate fee within ten calendar days of the date of such decision. The town council may affirm, reverse or modify, in whole or in part, the decision of the board of architectural review. When considering an appeal pertaining to a public safety facility, the council may issue a certificate of design approval if it finds that the facility is a public necessity. In considering an appeal, the town council shall give due consideration to the recommendations of the board of architectural review together with such other evidence as it deems necessary for a proper review of the application.

Any person or persons jointly or severally aggrieved by any decision of the town council may appeal such decision to the Loudoun County Circuit Court for review by filing a petition at law, setting forth the alleged illegality of the action of the town council, provided such petition is filed within 30 days after the final decision is rendered by the town council. The filing of said petition shall stay the decision of the town council pending the outcome of the appeal to the court.

For the purposes of this section, the term "person aggrieved" shall be limited to the applicant, the board of architectural review or any member thereof, the planning commission or any member thereof, the zoning administrator, the town manager, the town council or any member thereof.

(Ord. No. 05-09-02, § I, 9-13-2005)

Section 8. - Design criteria.

~~8.1~~ 8.1 The board and, on appeal, the town council shall use the following standards and criteria in considering applications other than demolitions filed under this article:

~~(1)~~ (1) Whether or not the proposed architectural design is suitable for Purcellville's historic small town character in terms of external architectural features, including signs subject to public view, general design and arrangement, texture, color, line, mass, dimension, material and lighting.

~~(2)~~ (2) Whether or not the proposed structure, building or improvement is compatible with existing well-designed structures, acceptable to the board, in the vicinity and in the town as a whole.

~~(3)~~ (3) Whether or not, and to what extent, the proposed structure, building or improvement would promote the general welfare and protect the public health, safety and morals by tending to maintain or augment the town's tax base as a whole, generating business activity, maintaining and creating employment opportunity, preserving historical sites and structures and making the town a more attractive and desirable place in which to live.

~~(4)~~(4) Whether or not proposed buildings use the same or architecturally harmonious materials, color, texture and treatment for all exterior walls;

~~(5)~~(5) Whether or not the combination of architectural elements proposed for a structure, building or improvement, in terms of design, line, massing, scale, proportion, dimension, color, material, texture, lighting, landscaping and roofline and height conform to accepted architectural principles for permanent buildings as contrasted with engineering standards designed to satisfy safety requirements only; and exhibit external characteristics of demonstrated architecture and aesthetic durability and quality.

~~(6)~~(6) Whether or not, in terms of design, material, texture, color, lighting, landscaping, dimension, line, massing, scale, proportion, roof line and height, the proposed structure, building or improvement is designed to serve primarily as an advertisement or commercial display, exhibits exterior characteristics likely to deteriorate rapidly, would be of temporary or short- term architectural or aesthetic acceptability, would be plainly offensive to human sensibilities or would otherwise constitute a reasonable foreseeable detriment to the community.

The town council at its discretion and upon recommendation of the board may adopt additional design guidelines for use by the board in the review of applications under this article. Such additional guidelines shall not be adopted unless and until the town clerk has caused notice of same to be published at least once in a newspaper of general circulation within the county, at least seven days before the council meeting at which such proposed adoption is scheduled.

8.2. *No specific architectural style to be required.*

The board of architectural review and the town council on appeal shall not adopt or impose any specific architectural style in the administration of this article.

8.3 *Demolition ~~permit criteria.~~*

~~In reviewing demolition applications, the board of architectural review shall consider the following:~~

~~(1) The designation of the particular structure as historic or non-historic by a qualified historic preservation professional or by a government-recognized historic survey;~~

~~(2) The context of the structure in relation to surrounding buildings and landscape on the site and adjacent and nearby sites; and~~

~~(3) The appropriateness, as determined through application of applicable design criteria and guidelines, of proposed structures, which will replace the demolished structure, if any.~~ No Historic Resource may be demolished or relocated unless and until a certificate of design approval authorizing such work has been approved by the BAR or, on appeal, by the Town Council after consultation with the BAR, in accordance with Article 14C.

~~(Ord. No. 05-09-02, § I, 9-13-2005)~~

Section 9. - Deviations from approved plans.

Any person who once having obtained the approval required by this article deviates substantially from the approved plan shall be subject to the violations and penalties specified in article 11, section 19 of this ordinance.

(Ord. No. 05-09-02, § I, 9-13-2005)