



PLANNING COMMISSION STAFF REPORT

[PUBLIC HEARING ITEM]

SUBJECT: Zoning Code Amendment 2021-05

DATE OF MEETING: November 18, 2021

STAFF CONTACTS: Don Dooley, Director of Planning and Economic Development

Revised

SUMMARY and RECOMMENDATIONS:

Zoning Code Amendment 2021-05 involves the following requests:

- 1) To establish the proposed Historic Preservation Overlay Zone ("HPOZ") within the Purcellville Zoning Code, under Article 14B, and identify the properties within the HPOZ on the official Purcellville Zoning Map;
- 2) Incorporate proposed Article 14C within the Purcellville Zoning Code to regulate the demolition and relocation of historic resources in Town; and,
- 3) Modify Article 14A (Historic Corridor Overlay District ("HCOD")) of the Purcellville Zoning Code by moving all word definitions into proposed Article 14B and all demolition and relocation requirements for historic resources into proposed Article 14C.

Staff recommends that the Planning Commission take public testimony and review all submitted documentation associated with proposed Zoning Code Amendment 2021-05 and make a recommendation to the town council concerning the proposed project.

BACKGROUND

Purcellville Comprehensive Plan

On June 30, 2020, the town of Purcellville adopted its 2030 Comprehensive Plan in compliance with the requirements of the Code of Virginia. This broad-based public policy document expresses the community's values and the Town's vision of itself over the next ten years to help guide its physical development and evolution in a clear and consistent manner. It was developed through recommendations based on community engagement activities and public hearing comments that reflected citizen input. Although the Comprehensive Plan is

not a regulatory document, it is the foundation on which all Town policies and regulations are based on to help implement the vision of the Comprehensive Plan. Hence, all existing and proposed regulations for the Purcellville Zoning Code should reflect the broad recommendations identified in the Town's Comprehensive Plan.

Within the Purcellville Comprehensive Plan are several topical plans that provide guidance on various community assets in town. They *"... provide recommendations for programs and practices ...[which] may occur through the Town's development regulations or additional strategic or operational policies and plans."* By doing so, it helps recognize, conserve, and incorporate these assets into town planning efforts. One of the identified topical plans concern historical resources in Purcellville.

Purcellville's Historic Resources and its Historic District

As discussed in the Comprehensive Plan, Purcellville contains properties listed in both the *National Register of Historic Places* and the *Virginia Landmarks Register*. However, it is the Purcellville Historic District ("District") that is the largest resource in Town as it was adopted with hundreds of residential and non-residential buildings, structures and objects that contribute to the historic significance of the District. National Register Bulletin 15 defines a historic district as a place possessing *"... a significant concentration, linkage or continuity of sites, buildings, structures or objects united historically or aesthetically by plan of physical development."*

The District (and the contributing properties to the District) have been listed in both the *Virginia Landmarks Register* (in 2006) and the *National Register of Historic Places* (in 2007). The historic significance of the District was developed through a historic resource survey that was completed in 2006 by the firm, *History Matters* on behalf of the Town. The contextual or historic significance of the 293-acre Purcellville Historic District is based on its architectural importance as a *"...collection of historic buildings and structures that illustrate [the] architectural and historical trends from circa 1830 to 1957 in Loudoun County, Virginia."* The District is also significant for its association with broad patterns of history which, in this case, is related to Purcellville's role as the commercial center of western Loudoun County in the 20th century. *"Purcellville's history reflects local and regional trends during its period of significance; its growth was intimately linked to transportation developments in the 19th and 20th centuries and to municipal improvements in the early 20th century"* according to the National Register nomination prepared by *History Matters*.

Purcellville's 2030 Comprehensive Plan Recommendations for Historic Resources

As stated in the 2030 Purcellville Comprehensive Plan concerning historic resources, it is recommended [that the town] *"... consider in all land use and development decisions to*

continue practicing and incorporating historical resources into the fabric and character of Purcellville” in addition to the following the recommendations:

1. *“Consider amending the Town's historic zoning overlay district to be more inclusive of all historically contributing structures even in non-contiguous areas and entertain recommendations from relevant entities to expand recognition of historic assets within Town.”*
2. *Consider becoming a Certified Local Government (CLG).*
3. *Coordinate efforts with the Purcellville Historical Society, the Purcellville Train Station Advisory Board, and other relevant organizations.*
4. *Include historical information in signs, walking tours, online, and other information sources about the Town.*
5. *Ensure any new development within the Purcellville Historic District and Historic Corridor Overlay Zoning District reflects the scale, design, and layout of existing historic buildings.*
6. *Amend the Design Guidelines to:*
 - a. *Create standards that specifically apply to the historic commercial buildings within the Town.*
 - b. *Ensure new development outside of the historic districts reflects the Town's character.*
7. *Continue efforts for preservation of structures on the Aberdeen property.*
 - a. *Restore the house through appropriate partnerships, or subdivide the property and sell the house with the caveat that the buyer must restore the house.*
 - b. *Establish a working group to further examine potential revenue generating uses for this property with emphasis of agriculture, tourism, and recreation.*
8. *Work with the owners of the Dillon House, the oldest house in Purcellville data back to 1795, to assess opportunities for restoration and transformation it into a working historic community asset.*
9. *Consider options to preserve the barn and silo on the community garden property adjacent to Village Case.*
10. *Review and update accordingly the Town's historical survey.*

11. *Advance efforts to convert portions of the Purcellville Train Station into a museum and welcome center.*
12. *Collaborate with land owners to sustain agricultural community assets through partnerships, patience, and a commitment to achieve innovative and workable long-term agricultural economic plans."*

Planning Commission Public Hearing of July 15, 2021

At the Planning Commission public hearing on July 15, 2021, the Commission originally proposed to expand the existing Historic Corridor Overlay District (HCOD) boundaries to incorporate all historic resources outside of the District and modify the existing text of Article 14A (Historic Corridor Overlay District) by making key amendments that included the following:

- 1) Modify the existing word definitions in Article 14A;
- 2) Modify the exemption provisions for certain properties under Article 14A;
- 3) Modify Article 14A to require a Certificate of Design Approval over and upon all parcels/lots of land under common ownership that are associated with an address that contains a historic resource when a demolition or relocation of a resource is proposed, including main and accessory buildings/structures in single-family detached use;
- 4) Modify the BAR's demolition approval criteria for historic resources;
- 5) Supplement the provisions within Article 14A concerning demolition by neglect; and,
- 6) Provide optional BAR design criteria (based on the U.S. Secretary of the Interior's Standards and Guidelines) for evaluating additions, modifications and repairs to historic resources, subject to the consent of the applicant.

During the public hearing on the proposed changes to Article 14A, the Commission received numerous public comments as summarized below:

- 1) Residents expressed concern about additional restrictions to their property;
- 2) There was no study to assess economic impacts to property values based on the proposed changes to Article 14A;
- 3) Some community members expressed a preference to see other forms of preservation and enhancements to the Town's historic district rather than the new/modified regulations in Article 14A (i.e., plaquing, landscaping, lighting etc.);
- 4) Some residents expressed concern that the proposed regulations are overburdensome and would adversely impact the enjoyment of their property;
- 5) The changes to Article 14A were burdensome to property owners and punishing low income households;

- 6) The changes to Article 14A would destroy their quality of life and force them to move;
- 7) Some residents questioned how the proposed text amendments to Article 14A benefit the Town.
- 8) The proposed changes to Article 14A need to incentivize historic preservation;
- 9) Historic preservation was viewed as being potentially expensive and cost prohibitive to some property owners;
- 10) Some residents expressed concern that being added to the overlay will prevent or discourage the re-sale of their respective properties;
- 11) Residents were worried about the costs associated with required repair work to their historic resource(s);
- 12) Some property owners wanted the ability to opt-out of being in a historic overlay zone;
- 13) Some residents did not believe there was any incentive to have their property in a historic overlay zone;
- 14) The changes to Article 14A should be limited to only focus on the demolition of historic resources and nothing else; and,
- 15) Demolition permits must be processed in an expedited manner without over regulation.

DISCUSSION

Revisions to the Planning Commission's Preservation Project Initiative

After the July 15, 2021, Planning Commission meeting, the Commission held several subsequent public meetings to determine how to **best address citizen comments and concerns while balancing the citizens' expressed goal** of trying to preserve the character defining features of the Town's historic resources. The Commission also desired to enhance the Town's review process for proposed demolition requests to historic resources. Nevertheless, the Commission aspired to only apply the lightest touch possible for changes to Article 14A.

In reframing the Commission's preservation and demolition initiatives, based on the Town's 2030 Comprehensive Plan recommendations and the public input, the Commission is now proposing to:

- 1) No longer expand the Historic Corridor Overlay District (HCOD). Instead, the Commission believes it is best to create a historic preservation overlay zone that would include all of the Town's individually designated historic properties as well as contributing historic resources to the Purcellville Historic District that lay outside of the current HCOD. The new historic overlay is proposed to be named the *Historic Preservation Overlay Zone* (HPOZ);

- 2) The proposed HPOZ would be incorporated onto the official Purcellville Zoning Map to identify all historic properties outside of the existing HCOD;
- 3) Creation of a proposed new zoning ordinance (Article 14B) that legislatively establishes the Historic Preservation Overlay Zone (HPOZ) and its provisions. The ordinance would also include new and updated word definitions for historic resource management/administration;
- 4) Establish proposed Article 14C within the Purcellville Zoning Code that would regulate the demolition of all historic resources within the HCOD (under Article 14A) and in the proposed HPOZ (under Article 14B). In the HPOZ, demolition approval for a historic building by the Board of Architectural Review (BAR) would only be required when it is a historic resource and used as the principal building to serve the property; and,
- 5) Modify Article 14A by removing sections of the Article, as they pertain to demolition regulations and word definitions, and recodify the provisions (with some modifications) within Articles 14B and 14C, as applicable.

Modifications to Article 14A and Proposed Article 14B and Article 14C to the Zoning Code

To more fully understand the principal changes proposed within Article 14A and the content within proposed Articles 14B and 14C, staff has provided an expanded summary of the specific changes to each article below.

Article 14A: Article 14 has been modified to delete and move the word definitions contained within Section 2.4 (Definitions) and place them in Section 3 of proposed Article 14B. The purpose for doing so is to provide a more ideal location in the zoning code for definitions that pertain strictly to historic resource matters. Similarly, the provisions concerning demolition requests for historic resources within Section 2.7 (Demolition permit and approval) of Article 14A is being moved into Article 14C, as demolition requests within the existing HCOD and the proposed HPOZ will be centralized into a single zoning article (Article 14C) to apply to both historic preservation areas of the Town. Finally, Section 8.3 (Demolition criteria) of Article 14A is being deleted and relocated into Article 14C to apply to both the HCOD and HPOZ. For ease of use, a reference to the sections of Article 14A that have been moved into either Article 14B or Article 14C have been identified in Article 14A.

Article 14B: Proposed Article 14B has been crafted to establish the *Historic Preservation Overlay Zone* (HPOZ) that identifies the historic properties that are applicable for inclusion in the HPOZ. As previously discussed, the HPOZ captures all properties outside of the existing Historic Corridor Overlay District (HCOD) that have a principal building on it that is individually designated as a historic resource or is a contributor to a historic district. It is

important to recognize that all historic resources included in the proposed HPOZ by the Planning Commission have been previously designated as an individual historic resource or as a contributor to a historic district by the Virginia Department of Historic Resources (and listed in the Virginia Landmarks Register) and/or by the National Parks Service (and listed in the National Register of Historic Places). Most of the Town's historic resources were previously designated in 2006 as contributors to the Purcellville Historic District. It should also be noted that there are no existing or proposed historic resources that have been designated by the town of Purcellville or proposed for designation as part of this project under Zoning Code Amendment 2021-05. In addition, the Town does not have the authority to voluntarily remove any existing historic resource designation given to a property by the Virginia Department of Historic Resources or by the National Parks Service. Those are separate historic resource programs established and operated under state and federal authority. However, landmark designation status is honorary and does not carry any additional state or federal regulations, including tax burdens.

Proposed Article 14B also includes various word definitions related to historic resource management. As noted in the discussion for Article 14A (above), these definitions are being removed from Article 14A and placed in Article 14B. However, the definitions have been modified for administrative clarity to be more specific and to provide greater understanding of their meaning and application. Also, two new definitions have been added to include "Principal Building," and "Demolition." As proposed, the definition of "Demolition" is to mean the following:

"Demolition. "The destruction, in whole or in part, of a resource. Demolition of a building, structure or object shall mean the destruction of greater than twenty-five percent (25%) of all exterior wall surfaces to a building, structure or object regardless of its visibility from the public right-of-way. Demolition of a building, structure or object shall not include the demolition of a single exterior wall to build an addition, even if such wall exceeds twenty five percent (25%) of the aggregate exterior wall surface area. The mere replacement of any material fabric on a building, structure or object shall not constitute demolition of an exterior wall. Moving a building, structure, or object off of its current foundation(s) to relocate elsewhere shall not constitute demolition."

This is a keystone definition as it specifies what type of activities trigger the demolition requirements contained in Article 14C that necessitate the approval of a certificate of design approval by the Board of Architectural Review (BAR). The intent of the definition is to provide flexibility to enable certain additions or modifications to historic resources to occur without requiring a certificate of design approval by the BAR.

As proposed, demolition requests in the HPOZ requiring the approval of the BAR will only apply to a historic “principal building” on a property identified within the HPOZ (i.e., a single-family house). It will not apply to ancillary buildings, structures, and objects (i.e., sheds, garages, signs, etc.) that are associated with the principal building. The definition for a principal building is proposed to read as follows:

“Principal Building. A building or structure used, or historically used, to serve the primary use or function of the property on which it is constructed.”

The proposed definitions for “demolition” and “principal building” are intended to help provide assurances to the community that it is not the Planning Commission’s intent to require a certificate of design approval for every historic resource in the HPOZ that may be proposed for demolition in the future.

Article 14C - Proposed Article 14C addresses demolition standards, protocols and review criteria that will apply to demolition requests of historic resources. One of the key components of Article 14C is the demolition criteria under Section 3 (Demolition Criteria) of the Article. It provides evaluation standards to understand the impact(s) associated with the demolition or relocation of a historic resource using mainstream historic preservation evaluation practices that are centered around the concept of *historic integrity*. Evaluating the historic integrity of a building helps determine the resource’s ability to convey its historic significance as well as to understand the impacts upon the integrity of other historic resources around it, if demolished. Particularly, within a historic district.

Another key provision within proposed Article 14C is the right to demolish a historic resource if an application to do so (under a Certificate of Design Approval) is denied by the Board of Architectural Review (BAR). Under the Code of Virginia, a property owner has the right to demolish any historic resource they own, even if the demolition is denied by the community or county it is located in, subject to certain provisions of the Code of Virginia. As proposed by the Planning Commission, Section 2.7 (Demolition permit review and approval) of Article 14A would be deleted and replaced by proposed Section 6 (Right to Demolish After Denial of Application) of Article 14C. This provision would scale back the time frame from up to 12 months to 6 months that a property owner to be required to offer their historic resource for sale if a demolition permit was denied by the BAR, but the property owner still wanted to demolish the resource. In addition, the underlying property the historic resource is constructed on would not have to be offered for sale with the building. The Planning Commission believes this is a more equitable balance between trying to encourage the preservation of a historic resource with the rights of a property owner to demolish improvements on their property.

Properties Subject to Inclusion in the Proposed Historic Preservation Overlay Zone

When the Planning Commission held its initially public hearing on Zoning Code Amendment 2021-05, on July 15, 2021, there were 299 parcels proposed for inclusion in the expansion of the Historic Corridor Overlay District ("HCOD"). However, additional vetting and research has determined that only 283 parcels would actually be subject to inclusion in the proposed the Historic Preservation Overlay Zone ("HPOZ") due to an accounting error in the historical status of some the identified properties. Please see Attachment No. 5 of this staff report for the full list properties that have been add or deleted from the original list of 299 properties.

ATTACHMENTS:

- 1) Proposed Modifications to Article 14A (Historic Corridor Overlay District) (HCOD) of the Purcellville Zoning Code.
- 2) Proposed Article 14B (Historic Preservation Overlay Zone) to be added to the Purcellville Zoning Code.
- 3) Proposed Article 14C (Demolition) to be added to the Purcellville Zoning Code.
- 4) Proposed Purcellville Zoning Map with the Inclusion of the Historic Preservation Overlay Zone (HPOZ).
- 5) List of Parcel Corrections to be Added and Deleted from the Proposed Historic Preservation Overlay Zone (HPOZ).