

DRAFT**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).

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

~~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.

~~c.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.*

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)

~~(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.

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