



**STAFF REPORT**  
**PUBLIC HEARING ITEM**

Item # 7.a.

**SUBJECT:** Public Hearing - New Historic Preservation Overlay Zone

**DATE OF MEETING:** November 18, 2021

**STAFF CONTACT(S):**

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**ATTACHMENTS:**

**Public Hearing Ad**

**Staff Report**

**Attach 1**

**Attach 2**

**Attach 3**

**Attach 4**

**Attach 5**

**PUBLIC HEARING**  
**TOWN OF PURCELLVILLE PLANNING COMMISSION**  
**New Historic Preservation Overlay Zone**  
**Amendments to the existing Historic Corridor Overlay Zone**

The Planning Commission of the Town of Purcellville will conduct a public hearing on THURSDAY, NOVEMBER 18, 2021, at 7:00 PM for the purpose of receiving comments on, considering, and possibly voting on an amendment to the Purcellville Zoning Ordinance, to include the Official Zoning Map, which would:

**1. Create a new zoning district called the Historic Preservation Overlay Zone (“HPOZ”), and adopt new regulations governing properties within the HPOZ. The new regulations would be located in newly-created Articles 14B and 14C of the Zoning Ordinance.**

The HPOZ would encompass the properties identified in the table below and shown on the map published with this advertisement. These properties were selected for the HPOZ because they were identified as properties on which one or more historic resources is located. All properties located within the HPOZ will be subject to the HPOZ regulations, which, as proposed, require that the property owner obtain consent from the Town’s Board of Architectural Review (“BAR”) prior to demolishing or relocating a historic resource that is also a principal building on the property. The proposed HPOZ regulations set forth: the criteria by which the BAR will review applications for demolition or relocation of a historic resource, the property owner’s rights of appeal from the BAR decision, and the property owner’s rights to demolish a historic resource should the BAR deny the application and all appeals be lost.

**2. Amend the existing regulations of the Town’s Historic Corridor Overlay District (“HCOZ”), currently located at Article 14A of the Zoning Ordinance.**

The proposed amendment would delete both the definitions and demolition regulations currently contained in Article 14A, Sections 2.4 and 2.7, of the Zoning Ordinance, and would replace them with the same definitions and demolition regulations proposed for the new HPOZ.

Under the proposed regulations, the BAR would be required to consider the following when acting upon an application for the demolition or relocation of a historic resource located in either the HPOZ or HCOZ:

- How the demolition or relocation will impact the historic integrity of the site and any remaining on-site historic resources on the same property based on the integrity considerations in National Register Bulletin 15.
- How the loss of the historic resource will impact the historic integrity of any adjacent historic property based on the integrity considerations contained in National Register Bulletin 15;
- The impact the loss of the historic resource will have on the overall integrity to any historic district that the historic resource is located in, based on the historic integrity considerations contained in National Register Bulletin 15;
- The ability of the historic resource to be adaptively re-used as part of a new on-site development which would not adversely impact the historic resource’s ability to convey its historic significance through its integrity of location, setting, feeling, association, design, materials and workmanship, as described in National Register Bulletin 15;
- Whether any monies or assistance to facilitate the on-site preservation of the historic resource could be made available to the property owner within 180 days of the owner’s request to demolish or relocate the historic resource; and
- The structural soundness of the historic resource.

The properties proposed to be included in the new HPOZ are listed by parcel identification number in the table below, and are also shown on the map accompanying this notice, entitled, “*Proposed Historic Corridor and Overlay Zone.*”

Parcel Number	Street Number	Street Name	Parcel Number	Street Number	Street Name
488201513000	400	11th Street South	488379880000	161	Hatcher Avenue North
488201506000	410	11th Street South	488270453000	201	J Street West
488201480000	410	11th Street South	488270753000	201	J Street West
488298807000	411	11th Street South	488269947000	209	J Street West
488101490000	420	11th Street South	488267830000	230	J Street West
488101474000	430	11th Street South	488266247000	241	J Street West
488198767000	511	11th Street South	488266042000	241	J Street West
488199254000	521	11th Street South	488266245000	241	J Street West
488101350000	530	11th Street South	488266242000	241	J Street West
488396003000	110	12th Street South	488266855000	241	J Street West
488296060000	120	12th Street South	488266857000	241	J Street West
488294097000	121	12th Street South	488266860000	241	J Street West
488294091000	131	12th Street South	488266250000	245	J Street West
488296484000	140	12th Street South	488264240000	301	J Street West
488293982000	141	12th Street South	488264643000	311	J Street West
488295675000	150	12th Street South	488263548000	321	J Street West
488293473000	151	12th Street South	488258827000	410	J Street West
488296850000	220	12th Street South	488256426000	500	J Street West
488293456000	221	12th Street South	488272691000	171	K Street West
488295546000	222	12th Street South	488273096000	171	K Street West
488293342000	301	12th Street South	488273180000	171	K Street West
488297007000	310	12th Street South	488270968000	200	K Street West
488296331000	320	12th Street South	488270984000	201	K Street West
488293332000	321	12th Street South	488270289000	211	K Street West
488296324000	330	12th Street South	488269389000	221	K Street West
488293323000	331	12th Street South	488268689000	231	K Street West
488296208000	350	12th Street South	488264066000	300	K Street West
488196296000	410	12th Street South	488264064000	300	K Street West
488196289000	420	12th Street South	488264069000	300	K Street West
488193893000	441	12th Street South	488264161000	300	K Street West
488292407000	441	12th Street South	488257462000	420	K Street West
488385457000	110	18th Street North	489474306000	200	Locust Grove Drive
488383759000	111	18th Street North	488282086000	148	Main Street East
488385564000	120	18th Street North	488377002000	100	Main Street West
488385564000	120	18th Street North	488377002000	100	Main Street West
488385573000	130	18th Street North	488207475000	150	Maple Avenue South
488383870000	131	18th Street North	488207570000	150	Maple Avenue South
488383979000	141	18th Street North	488207572000	150	Maple Avenue South
488383866000	151	18th Street North	488207764000	200	Maple Avenue South
488378701000	130	20th Street South	488207856000	210	Maple Avenue South
488279695000	140	20th Street South	488204743000	221	Maple Avenue South
488279690000	140	20th Street South	488208240000	300	Maple Avenue South
488279383000	150	20th Street South	488208145000	300	Maple Avenue South
488277684000	151	20th Street South	488208236000	300	Maple Avenue South
488279979000	200	20th Street South	488209555000	300	Maple Avenue South
488277873000	201	20th Street South	488209645000	300	Maple Avenue South
488278461000	211	20th Street South	488204228000	311	Maple Avenue South
488280455000	220	20th Street South	488208027000	320	Maple Avenue South

48827258000	221	20th Street South	488208226000	320	Maple Avenue South
488280544000	300	20th Street South	488208228000	320	Maple Avenue South
488278340000	301	20th Street South	488205124000	321	Maple Avenue South
488278250000	301	20th Street South	488208518000	400	Maple Avenue South
488280630000	310	20th Street South	488208616000	400	Maple Avenue South
488280617000	320	20th Street South	488205410000	401	Maple Avenue South
488280710000	330	20th Street South	488203308000	401	Maple Avenue South
488280703000	340	20th Street South	488208614000	410	Maple Avenue South
488179042000	501	20th Street South	488208711000	410	Maple Avenue South
488179038000	501	20th Street South	488105699000	415	Maple Avenue South
489384947000	17760	20th Street South	488103594000	415	Maple Avenue South
489384860000	17760	20th Street South	488208902000	420	Maple Avenue South
488264597000	121	26th Street South	488108791000	430	Maple Avenue South
488264588000	131	26th Street South	488108789000	430	Maple Avenue South
488264159000	213	26th Street South	488106090000	431	Maple Avenue South
488264222000	311	26th Street South	488109388000	440	Maple Avenue South
488264416000	321	26th Street South	488108957000	440	Maple Avenue South
488264413000	321	26th Street South	488109181000	450	Maple Avenue South
488264318000	321	26th Street South	488106180000	451	Maple Avenue South
488300854000	200	28th Street North	488109176000	460	Maple Avenue South
488357019000	100	29th Street South	488109175000	460	Maple Avenue South
488357007000	110	29th Street South	488106339000	461	Maple Avenue South
488257697000	120	29th Street South	488106244000	461	Maple Avenue South
488255895000	121	29th Street South	488109070000	500	Maple Avenue South
488255295000	121	29th Street South	488106964000	501	Maple Avenue South
488257692000	126	29th Street South	488107456000	511	Maple Avenue South
488255844000	131	29th Street South	453150738000	600	Maple Avenue South
488257375000	140	29th Street South	488355673000	510	N Street West
488256776000	141	29th Street South	488355890000	511	N Street West
488255771000	141	29th Street South	488354974000	520	N Street West
488255657000	201	29th Street South	488355091000	521	N Street West
488257549000	210	29th Street South	488167799000	341	Nursery Ave South
488257554000	210	29th Street South	488167099000	341	Nursery Ave South
488353970000	110	31st Street North	488167297000	341	Nursery Ave South
488352465000	111	31st Street North	488267001000	341	Nursery Ave South
488353977000	120	31st Street North	488376110000	121	Nursery Avenue South
488352678000	121	31st Street North	488375704000	131	Nursery Avenue South
488354187000	200	31st Street North	488276081000	140	Nursery Avenue South
488352689000	211	31st Street North	488274289000	141	Nursery Avenue South
488354195000	220	31st Street North	488275672000	200	Nursery Avenue South
489399057002	37489	E A Street	488272772000	201	Nursery Avenue South
488174543000	160	F Street West	488275563000	210	Nursery Avenue South
488173541000	170	F Street West	488272566000	211	Nursery Avenue South
488376792000	171	F Street West	488275053000	220	Nursery Avenue South
488172841000	180	F Street West	488272159000	221	Nursery Avenue South
488172861000	181	F Street West	488275623000	250	Nursery Avenue South
488172140000	190	F Street West	488270723000	311	Nursery Avenue South
488172216000	191	F Street West	488168881000	340	Nursery Avenue South
488171560000	195	F Street West	488167193000	341	Nursery Avenue South
488171239000	200	F Street West	488167470000	360	Nursery Avenue South
488170959000	201	F Street West	488160961000	370	Nursery Avenue South
488170538000	210	F Street West	488166451000	380	Nursery Avenue South
488170359000	211	F Street West	488166141000	400	Nursery Avenue South
488169938000	220	F Street West	488166830000	410	Nursery Avenue South
488169859000	221	F Street West	488375982000	100	O Street East
488169338000	230	F Street West	488369279000	216	O Street West
488169159000	231	F Street West	488368679000	220	O Street West
488168642000	240	F Street West	488367880000	230	O Street West
488168558000	241	F Street West	488262097000	130	Orchard Drive South
488168042000	250	F Street West	488362002000	130	Orchard Drive South
488167854000	251	F Street West	488259798000	131	Orchard Drive South
488167341000	260	F Street West	488261679000	150	Orchard Drive South
488182075000	100	G Street East	488259975000	151	Orchard Drive South
488181372000	100	G Street East	488262261000	200	Orchard Drive South
488183480000	110	G Street East	488259763000	201	Orchard Drive South
488185677000	200	G Street East	488262355000	210	Orchard Drive South
488282972000	201	G Street East	488262352000	210	Orchard Drive South
488283712000	211	G Street East	488262350000	210	Orchard Drive South
488186187000	220	G Street East	488262258000	210	Orchard Drive South
488284815000	221	G Street East	488259953000	211	Orchard Drive South
488187085000	300	G Street East	488262347000	230	Orchard Drive South
488188087000	310	G Street East	488263513000	300	Orchard Drive South
488189288000	320	G Street East	488260230000	301	Orchard Drive South
488286219000	321	G Street East	488262522000	310	Orchard Drive South
488190189000	330	G Street East	488262525000	310	Orchard Drive South
488287322000	331	G Street East	488262520000	310	Orchard Drive South
488191191000	400	G Street East	488262515000	320	Orchard Drive South
488191692000	410	G Street East	488262512000	320	Orchard Drive South
488192787000	430	G Street East	488262517000	320	Orchard Drive South
488193180000	440	G Street East	488262607000	330	Orchard Drive South
488193477000	450	G Street East	488262605000	330	Orchard Drive South
488196469000	501	G Street East	488262510000	330	Orchard Drive South
488198860000	501	G Street East	488259904000	331	Orchard Drive South
488198941000	551	G Street East	488162697000	340	Orchard Drive South
488106753000	651	G Street East	488162692000	350	Orchard Drive South
488365567000	121	Hall Road North	488159583000	351	Orchard Drive South
488382450000	120	Hatcher Avenue North	488161071000	361	Orchard Drive South
488380249000	121	Hatcher Avenue North	488161136000	501	Orchard Drive South
488382158000	130	Hatcher Avenue North	488165996000	211	School Street West
488380257000	131	Hatcher Avenue North	488164592000	301	School Street West
488382366000	140	Hatcher Avenue North	488163766000	320	School Street West
488380263000	141	Hatcher Avenue North	488207949000	210	South Maple Avenue
488382374000	150	Hatcher Avenue North	488207951000	210	South Maple Avenue
488380172000	151	Hatcher Avenue North	488109396000	430	South Maple Avenue
488381880000	160	Hatcher Avenue North			

A full and complete copy of the proposed amendments to the Purcellville Zoning Map and Purcellville Zoning Ordinance, including an enlarged map of the proposed HPOZ, is available for review on the town’s website at <https://purcellvilleva.gov/829/Hot-Topics-and-Important-Issues>, and also in-person at the office of the Town Clerk, or at the office of the Planning Department, both located within the Purcellville Town Hall, 221 S. Nursery Avenue, Purcellville, Virginia from 9:00 AM to 4:00 PM, Monday through Friday, holidays excepted. For questions, please call (540) 338-7421.

At this public hearing, all persons desiring to present their views concerning this matter will be heard. Hearing assistance is available for meetings in the Town Council Chambers. If you require any type of reasonable accommodation to partic-

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-pate in this meeting as a result of a physical, sensory or mental disability, contact the Town Clerk at 240-751-2334; please provide notice of the accommodation at least three days in advance of the meeting.

### **GoToMeeting**

If you have already installed the GoToMeeting app and wish to comment during the hearing but cannot attend in person, please join the Public Hearing remotely by going to the following:

### **Planning Commission Meeting**

Thu, Nov 18, 2021 7:00 PM - 10:00 PM (EST)

### **Please join my meeting from your computer, tablet or smartphone.**

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### **You can also dial in using your phone.**

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**Access Code:** 401-459-885

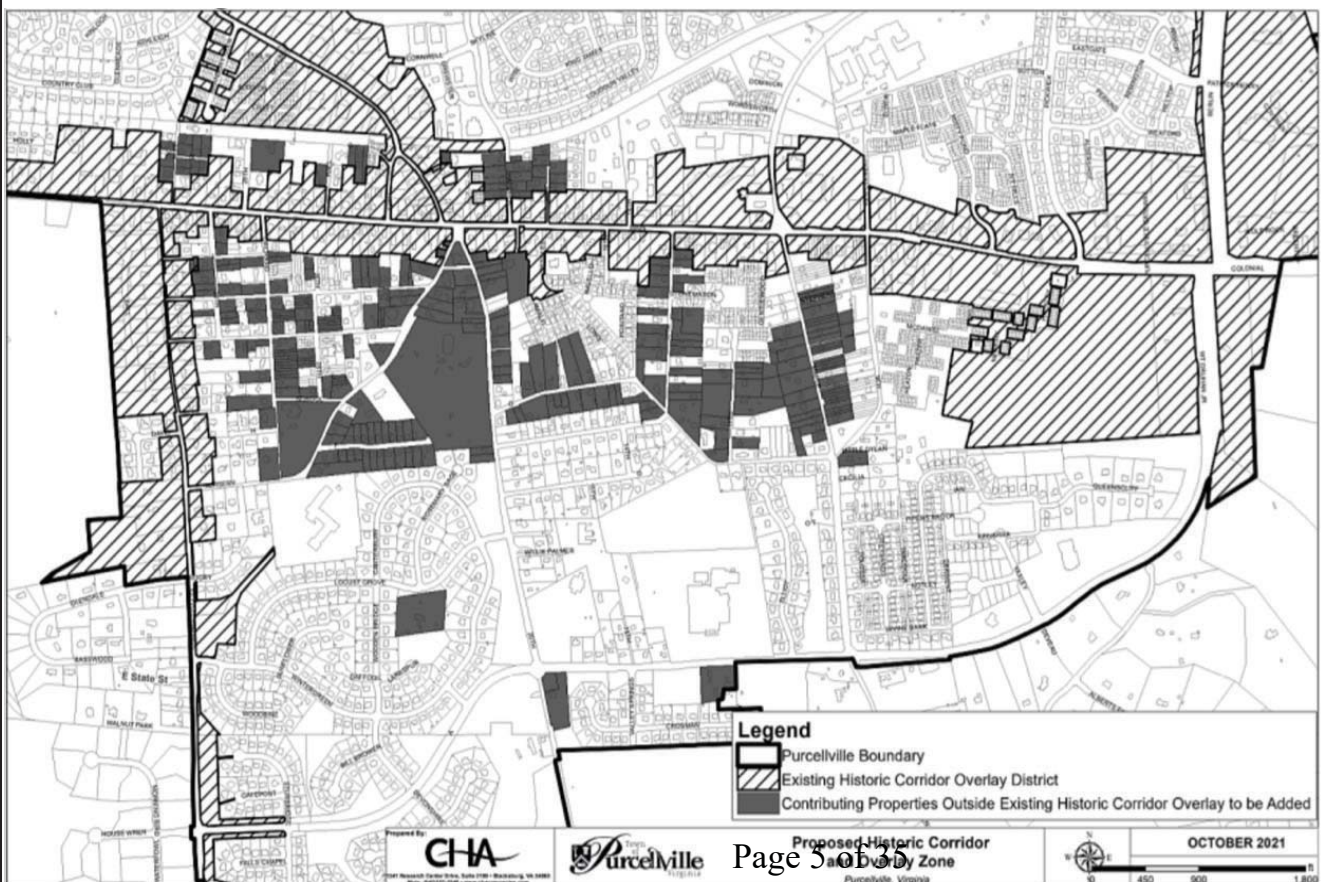
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### **Email**

In addition, all persons have the option of sending an email to the Town Clerk, Diana Hays, at [dhays@purcellvilleva.gov](mailto:dhays@purcellvilleva.gov), with written comments or questions concerning the proposed project. Emails may be sent by 6:00 PM the day of the Public Hearing. The Town Clerk, or another employee or officer of the Town, will read those emails into the public record before the Planning Commission Public Hearing on the project is closed.

Nedim Ogelman, Chair  
Purcellville Planning Commission





## **PLANNING COMMISSION STAFF REPORT** **[ACTION/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

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### **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 20<sup>th</sup> century. *"Purcellville's history reflects local and regional trends during its period of significance; its growth was intimately linked to transportation developments in the 19<sup>th</sup> and 20<sup>th</sup> centuries and to municipal improvements in the early 20<sup>th</sup> 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 the public's comments and concerns while balancing the Commission's 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).



**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 (23<sup>rd</sup> and 21<sup>st</sup> Street).
4. Route 690 South (32<sup>nd</sup> Street).
5. Route 1604 (21<sup>st</sup> Street between Main and 23<sup>rd</sup> 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.~~ 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.

~~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.**

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)

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**Article 14B – Historic Preservation Overlay Zone**

**Section 1. Purpose and Authority.**

1.1 The Historic Preservation Overlay Zone (HPOZ) is adopted to protect the Town's Historic Resources from demolition. Through this ordinance, the Town intends to retain and conserve the community's significant architectural and cultural heritage sites that best represent Purcellville's historical development patterns, and which helped influence and shape Purcellville's community character. The properties mapped in the HPOZ include every property on which a known Principal Building Historic Resource is located, unless such a property is mapped in the Historic Corridor Overlay District (HCOD) and therefore subject to similar regulations under Section 14A. This ordinance is adopted under authority granted by Va. Code §15.2-2306.

**Section 2. Applicability.**

2.1 Historic Preservation Overlay Zone.

The (HPOZ) is hereby established over and upon all parcels of land outside of the (HCOD) that are known to contain a Principal Building Historic Resource, including any Principal Building Historic Resource that contributes to an eligible or designated historic district, as identified by the Virginia Department of Historic Resources, the National Parks Service, or the Town of Purcellville.

**Section 3. Definitions.**

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

- (1) 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.
- (2) 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.
- (3) Resource. A building, structure, object, site, or district.
- (4) Historic preservation professional. A person who meets the U.S. Secretary of the Interior's professional qualifications as published in the Code of Federal Regulations, Title 36 CFR Part 61, in history, architectural history, historic architecture or archeology.
- (5) Historic Resource. Any resource that meets one or more of the following criteria:

- i. An individual resource that is designated and listed in the National Register of Historic Places or the Virginia Landmarks Register or preliminarily determined eligible for individual designation and listing in the National Register of Historic Places or in the Virginia Landmarks Register;
- ii. Identified in either the Virginia Landmarks Register or the National Register of Historic Places as contributing to a designated historic district;
- iii. A designated historic district listed in the National Register of Historic Places or in the Virginia Landmarks Register or preliminarily determined by National Parks Service, or the Virginia Department of Historic Resources as eligible for designation and listing in the National Register of Historic Places or in the Virginia Landmarks Register as a historic district; or
- iv. A resource that has been designated by the Town Council as either (a) a local landmark, or (b) one that has an important historic, architectural, archaeological or cultural interest.

#### **Section 4. Demolition permit review and approval.**

4.1 No Principal Building that constitutes a Historic Resource may be demolished or relocated unless and until a certificate of design approval authorizing such work has been approved by the Board of Architectural Review or, on appeal, by the Town Council after consultation with the BAR, in accordance with Article 14C.



## **Article 14.C. Demolition**

### **Section 1. Purpose and Authority.**

This ordinance governs the process for the Town's review and action upon requests to demolish or relocate a Historic Resource, as defined under Section 14B of the Zoning Ordinance. This ordinance implements authority granted under Va. Code §15.2-2306.

### **Section 2. Application and Consideration by the Board of Architectural Review.**

It shall be unlawful to demolish or relocate a Historic Resource without first obtaining a certificate of design approval from the Board of Architectural Review (BAR). Application for a certificate of design approval shall be submitted on the proper form to the Town's zoning administrator, together with the application fee as adopted by the Town Council. Complete applications must be received by the zoning administrator at least 14 calendar days prior to the BAR 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 BAR. The BAR 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 BAR to approve or disapprove such application within 60 calendar days from the date on which a complete application was submitted shall be deemed to constitute approval of the application.

### **Section 3. Demolition criteria.**

3.1 In reviewing applications for the demolition or relocation of a Historic Resource, the BAR shall consider the following:

- a) How the demolition or relocation will impact the historic integrity of the site and any remaining on-site historic resources on the same property based on the integrity considerations in National Register Bulletin 15.
- b) How the loss of the historic resource will impact the historic integrity of any adjacent historic property based on the integrity considerations contained in National Register Bulletin 15;
- c) The impact the loss of the historic resource will have on the overall integrity to any historic district or zone that the historic resource is located in, based on the historic integrity considerations contained in National Register Bulletin 15;
- d) The ability of the historic resource to be adaptively re-used as part of a new on-site development which would not adversely impact the historic resource's ability to convey its historic significance through its integrity of location, setting, feeling, association, design, materials and workmanship, as described in National Register Bulletin 15;

- e) Whether any monies or assistance to facilitate the on-site preservation of the historic resource could be made available to the property owner within 180 days of the owner's request to demolish or relocate the historic resource; and
- f) The structural soundness of the historic resource.

#### **Section 4. Appeals.**

The Town Council reserves unto itself the right to review all decisions of the BAR made in the administration of this Article.

Any person aggrieved by any decision of the BAR in the administration of this Article has the right to appeal the decision to the Town Council. Such appeal shall be made by submitting a written application to the zoning administrator clearly stating how the BAR erred in assessing the demolition criteria set forth in Section 3.1. For the appeal to be considered, such application must be submitted, with the appropriate fee, no later than ten calendar days after the date of the BAR's decision. The Town Council may affirm, reverse, or modify, in whole or in part, the decision of the BAR. In considering an appeal, the Town Council shall give due consideration to the recommendations of the BAR together with such other evidence as it deems necessary for a proper review of the application.

Any person aggrieved by a decision of the Town Council under this Article may appeal such decision to the Loudoun County Circuit Court 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 calendar 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.

#### **Section 5. Deviations from approved plans.**

5.1 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 17 of this ordinance.

#### **Section 6. Right to Demolish After Denial of Application**

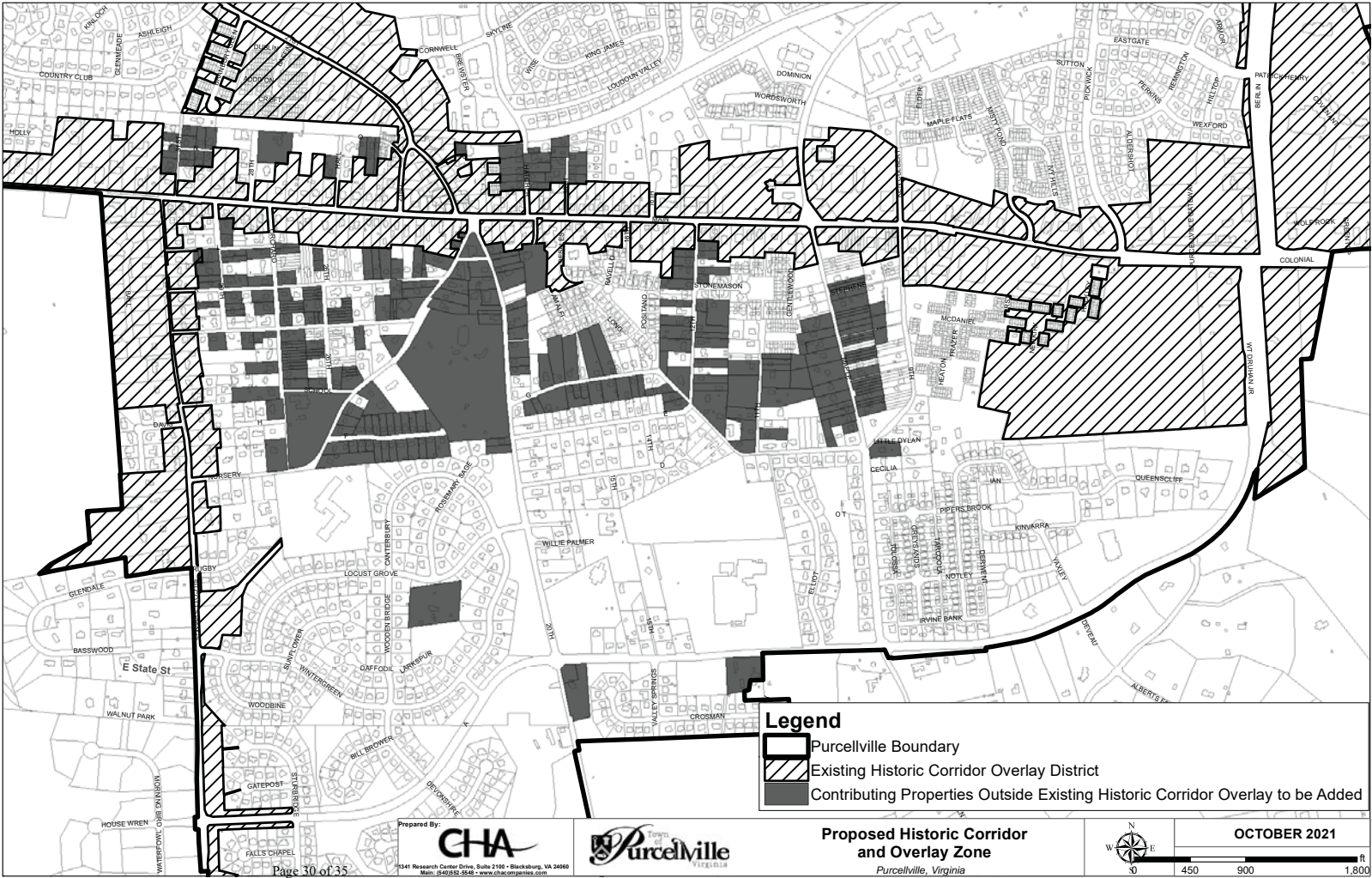
The owner of a historic building, structure or object shall, as a matter of right, be entitled to demolish, move, or relocate their Historic Resource provided that: (i) the owner has appealed to the Town Council for such right and been denied, (ii) the owner has maintained a bona fide offer to sell the historic building, structure or object in its entirety for the applicable time period set forth in the schedule below, at a price reasonably related to its fair market value (which need not include the sale of any underlying land pertaining to the historic building, structure or object), with such offer being made to the Town, or to any person, firm, corporation, government,

political subdivision, or agency thereof, and, (iii) no bona fide contract for the sale and purchase of the historic building, structure or object which reasonably assures the preservation of the historic building, structure or object shall have been executed prior to the expiration of the applicable time period set forth in the following time schedule, with such time periods to be calculated from the date on which the Town Council rendered its final denial:

- (a) three months when the offering price is less than \$25,000;
- (b) four months when the offering price is \$25,000 or more but less than \$40,000;
- (c) five months when the offering price is \$40,000 or more but less than \$55,000;
- (d) six months when the offering price is \$55,000 or more.

No 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, shall affect the rights of the owner to enter into the bona fide offer to sell, referred to above.

If all steps above have been satisfied and no bona fide contract is fully executed within the applicable time frame as set forth above, then the owner shall be entitled to obtain from the Town a permit to demolish the historic building, structure or object. If the owner has acquired the right to demolish the historic building, structure or object, subject to the process set forth above, and has not obtained a demolition permit within twenty-four (24) months from the date on which the Town Council issued its final denial, then, prior to demolishing the historic building, structure or object the owner will be required to re-commence and re-complete the demolition application process, as described above.



**CHANGES TO BE MADE sorted by Street\_Name, Street\_No.**

FID	Action	Street No.	Street Name	Parcel ID No.	DHR ID	Contribute	Comment
268	Remove	440	11th Street South	488103674000	286-5001-0335	Zone	1996: Listed as non-contributing. Should be removed from the map.
74	Remove	130	12th Street South	488296589000	286-5001-0559	Zone	County showing being built in 2003, Should be removed from the map.
408	Remove	630	20th Street South	489482494000	286-5003	Zone	Outside of any listed historic district and not individually listed.
112	Remove	630	20th Street South	489483383000	286-5003	Zone	Outside of any listed historic district and not individually listed.
409	Remove	630	20th Street South	489484785000	286-5003	Zone	Outside of any listed historic district and not individually listed.
142	Remove	730	20th Street South	489484455000	286-5011	Zone	Outside of any listed historic district and not individually listed.
143	Remove	750	20th Street South	489483845000	286-5012	Zone	Outside of any listed historic district and not individually listed.
109	Remove	760	20th Street South	489483435000	286-5013	Zone	Outside of any listed historic district and not individually listed.
	Add Parcel	311	26th Street South	488264222000	286-5001-0481	Zone	Due to a previous omission error the contributing parcel/property was omitted from the original mapping and listing. The
260	Remove	101	33rd Street North	523396882000	286-5024	Zone	Outside of any listed historic district and not individually listed.
250	Remove	201	33rd Street North	523397097000	286-5025	Zone	Outside of any listed historic district and not individually listed.



103	Remove	121	9th Street South	488209287000	286-5029	Zone	Outside of any listed historic district and not individually listed.
162	Remove	321	9th Street South	453251215000	286-5030	Zone	Outside of any listed historic district and not individually listed.
377	Remove	321	9th Street South	453251217000	286-5030	Zone	Outside of any listed historic district and not individually listed.
376	Remove	321	9th Street South	453251307000	286-5030	Zone	Outside of any listed historic district and not individually listed.
298	Remove	510	9th Street South	453152661000	286-5031	Zone	Outside of any listed historic district and not individually listed.
155	Remove	311	E Street East	488187368000	286-5049	Zone	Outside of any listed historic district and not individually listed.
415	Remove	311	E Street East	488187969000	286-5049	Zone	Outside of any listed historic district and not individually listed.
186	Remove	341	G Street East	488288609000	286-5001-0108	Zone	DHR survey states not contributing. No longer retains its architectural integrity. The house has been heavily altered by the installation of the second story addition on the front façade and the 1-story, wraparound addition on the west. Should be removed from the map.
	Add Parcel	400	G Street East	488191191000	286-5001-0232	Zone	Due to a previous omission error the contributing parcel/property was omitted from the original mapping and listing. The property was evaluated as contributing in the DHR survey. Parcel should be added to the map. Demolition of structure has been approved but has not yet been demolished.
266	Remove	641	G Street East	488104853000	286-5001-0570	Zone	County showing being built in 2007. Should be removed from the map.

	Add Parcel	651	G Street East	488105753000	286-5001-0571	Zone	Due to a previous omission error the contributing parcel/property was omitted from the original mapping and listing. The property was evaluated as contributing in the DHR survey. Parcel should be added to the map. DHR survey states the house is not included because the estimated date of construction is 1985 but the shed at the northwest corner of the property is contributing.
115	Remove	661	G Street East	488106650000	286-5001-0572	Zone	County showing being built in 1985. Should be removed from the map.
55	Remove	120	Hall Road North	488366759000	286-5001-0538	Zone	1964: Listed as non-contributing. Should be removed from the map.
53	Remove	130	Hall Road North	488366870000	286-5001-0540	Zone	1970: Listed as non-contributing. Should be removed from the map.
39	Remove	260	Hatcher Avenue North	488477532000	286-5034	Zone	Outside of any listed historic district and not individually listed.
	Add Parcel	201	J Street West	488270453000	286-5001-0094	Zone	Due to a previous omission error the contributing parcel/property was omitted from the original mapping and listing. The property was evaluated as contributing in the DHR survey. Parcel should be added to the map.
	Add Parcel	201	J Street West	488270753000	286-5001-0094	Zone	Due to a previous omission error the contributing parcel/property was omitted from the original mapping and listing. The
	Add Parcel	209	J Street West	488269947000	286-5001-0095	Zone	Due to a previous omission error the contributing parcel/property was omitted from the original mapping and listing. The

382	Remove	420	J Street West	488257727000	286-5001-0381	Zone	DHR survey states not contributing. No longer retains its architectural integrity. Window and door openings on the front elevation have been extensively altered and an earlier 1-story porch has been removed from the front elevation. Should be removed from the map.
0	Edit	100	Main Street East	488377002000	286-5001-0118	Zone	Change Street Name to Main Street West
227	Remove	501	Main Street East	488395632000	286-5041	Corridor	Not Evaluated
7	Remove	550	Main Street East	488300207000	286-5044	Corridor	Not Evaluated
173	Remove	600	Main Street East	488301307000	286-5045	Corridor	Not Evaluated
247	Remove	613	Main Street East	488301053000	286-5008	Zone	Outside of any listed historic district and not individually listed.
101	Remove	740	Main Street East	488309104000	286-5046	Corridor	Not Evaluated
102	Remove	750	Main Street East	453350509000	286-5047	Corridor	Not Evaluated
420	Remove	750	Main Street East	453350709000	286-5047	Corridor	Not Evaluated
421	Remove	760	Main Street East	453350909000	286-5048	Corridor	Not Evaluated
66	Remove	760	Main Street East	453351209000	286-5048	Corridor	Not Evaluated
300	Remove	811	Main Street West	523300266000	286-5036	Corridor	Not Evaluated

251	Remove	921	Main Street West	523393567000	286-5037	Corridor	Not Evaluated
	Add Parcel	150	Maple Avenue South	488207475000	286-5001-0135	Zone	Due to a previous omission error the contributing parcel/property was omitted from the original mapping and listing. The property was evaluated as contributing in the DHR survey. Parcel should be added to the map.
	Add Parcel	150	Maple Avenue South	488207570000	286-5001-0135	Zone	Due to a previous omission error the contributing parcel/property was omitted from the original mapping and listing. The property was evaluated as contributing in the DHR survey. Parcel should be added to the map.
	Add Parcel	150	Maple Avenue South	488207572000	286-5001-0135	Zone	Due to a previous omission error the contributing parcel/property was omitted from the original mapping and listing. The property was evaluated as contributing in the DHR survey. Parcel should be added to the map.
	Add Parcel	500	Maple Avenue South	488109070000	286-5001-0146	Zone	Due to a previous omission error the contributing parcel/property was omitted from the original mapping and listing. The property was evaluated as contributing in the DHR survey. Parcel should be added to the map. DHR survey states the house is not included because large-scale additions have obscured the original configuration and features of the house but the shed on the northern property line is contributing.
113	Remove	200	Willie Palmer Way East	489487172000	286-5009	Zone	Outside of any listed historic district and not individually listed.

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