

H-2 CORRIDOR ORDINANCE

ORDINANCE NO. 90-0-02

PRESENTED: JANUARY 23, 1990

ADOPTED: JANUARY 23, 1990

AN ORDINANCE: AMENDING THE LEESBURG ZONING ORDINANCE BY ADOPTING A NEW ARTICLE 10-B-HISTORIC CORRIDOR REGULATIONS

WHEREAS, this Council desires to enhance and protect the entrance corridors to the Town's National Register Historic District; and

WHEREAS, Section 15.1-503.2 of the 1950 *Code of Virginia*, as amended, provides enabling authority for the Town to establish architectural control districts that encompass parcels of land contiguous to arterial streets or highways found by the Town Council to be significant routes of tourist access to the Town or its historic landmarks, buildings, structures and districts; and

WHEREAS, on August 9, 1988, the Town Council initiated a new Article 10-B to the Leesburg Zoning Ordinance, which would create such a district; and

WHEREAS, on September 15, 1988, the Planning Commission held a public hearing on this proposed Article and subsequently recommended to Council the adoption of this Article; and

WHEREAS, on November 8, 1988, and December 12, 1989, the Council held public hearings on this Article; and

WHEREAS, as a result of these hearings, and written comments from the development community and the citizens of the Town as well as a meeting with the leaders of the business and development community, modifications were made to the original proposed ordinance and Corridor Design Guidelines were developed with the assistance of a professional architectural and planning firm; and

WHEREAS, this Council has found that a historic corridor overlay district will ensure the Town Plan goal of quality urban design compatible with Leesburg's historic, architectural and tourism resources through architectural control along the Town's arterial routes leading to the Old and Historic District, and will ultimately promote the public health, safety and general welfare of the citizens of the Town;

THEREFORE, ORDAINED by the Council of the Town of Leesburg in Virginia as follows;

SECTION I. The Leesburg Zoning Ordinance, is hereby amended by adding a new article to be numbered Article 10-B, which said Article shall read as follows:

Section 10-B-1. PURPOSE AND INTENT

The purpose of these historic corridor regulations is to implement the Town Plan goal of ensuring quality urban design compatible with Leesburg's historic, architectural and tourist resources through architectural control along the town's arterial routes to the Old and Historic District. The protection of these vital corridors which form the traditional gateways to Leesburg's historic district will stabilize and improve property values; protect and enhance the town's attraction to tourists and visitors; and will support and stimulate complimentary development appropriate to the prominence afforded properties contiguous to Leesburg's major arterial routes. Benefits attributable to

the promotion of superior design and appearance of structures constructed and altered along the town's arterial highways will ultimately promote the public health, safety and general welfare of the citizens of the town.

Section 10-B-2. APPLICABILITY

The regulations contained in this Article shall apply to the Historic Corridor Architectural Control District established herein.

Section 10-B-3. HISTORIC CORRIDOR ARCHITECTURAL CONTROL DISTRICT CREATED

A Historic Corridor Architectural Control District is hereby established as an overlay on the official zoning map under authority of Section 15.1-503.2 of the 1950 *Code of Virginia*, as amended, to be known as the H-2 Corridor District with boundaries to include all or parts of parcels, exclusive of the H-1 Overlay District, within 1,000 linear feet of the right-of-way centerline along Route 7 from the east corporate limit to the Route 7/15 by-pass; 500 linear feet of the right-of-way centerline along Route 7 from the Route 7/15 by-pass to the east side of Catoctin Circle along its intersection with Route 7, East; 300 linear feet from the right-of-way centerline along Route 7 from the west side of Catoctin Circle along its intersection with Route 7 East to the west corporate limits, and 500 linear feet of the right-of-way centerline of Route 15 from the north corporate limits to the southern corporate limits. If any part of a structure to be erected, altered or restored is located within these boundaries, the entire structure shall be governed by this Article. Any structure proposed to be erected, altered or restored within a parcel, partly located within the H-2 District, shall be exempt from this Article, if said structure is located entirely outside the H-2 District border.

Section 10-B-4. APPLICATION TO BOARD FOR H-2 ARCHITECTURAL CONTROL DISTRICT CERTIFICATE OF APPROVAL

(a) Board Power to Approve

No structure, building, or sign, excluding single-family detached dwellings and construction within approved Planned Development districts, located on land within the H-2 District shall be erected, reconstructed, altered or restored until the plans for such shall have been approved by the Board of Architectural Review (hereinafter referred to as Board) in the form of an issuance of an Historic Corridor Architectural Control Certificate of Approval (COA) as being architecturally compatible with the historic landmarks, buildings, structures, and the H-1 Historic District located within the town; provided, that the provisions of this article shall not apply to the regular maintenance of the same as opposed to the reconstruction, alteration or restoration.

(b) Definitions

For the purposes of this section, changing the exterior color and/or materials of a structure, building or sign shall be deemed an alteration and not regular maintenance. For the purposes of this section a structure shall also include, but not be limited to outbuildings, fences, walls, lamp posts and light fixtures.

(c) Required Contents of Applications

Except when hereinafter provided, when filing application for a COA, applicants must submit information for consideration by the Board, including ten (10) copies of the following:

- (1) all architectural elevations drawn to scale;
- (2) site plans;

- (3) complete materials samples;
- (4) photographs or drawings relating the proposed project to the surrounding streetscape;
- (5) proposed colors;
- (6) lighting;
- (7) landscaping, as required by Article 9A of this ordinance; and
- (8) proposed signage, as required in Section 10-B-4(e) of this ordinance.

(d) Waivers of Certain Requirements

Upon written request from the applicant, the Land Development Official may waive any of the above requirements deemed not to be necessary for review of the application. These waivers may be overruled by the Board if additional information is determined to be required at the Board's meeting to consider the application. The Land Development Official may promulgate rules and procedures for the filing of applications under this Article not in conflict with the provisions of this Article.

(e) Signs

When filing application for a COA for signs, applicants must submit the following information:

- (1) a scale drawing of the proposed sign;
- (2) proposed materials for the sign, including supports, and the lighting method to be used;
- (3) the style and size of the lettering; and

- (4) a sketch or photograph showing the proposed location of the sign on the building or site.

(f) Historic Corridor Architectural Control Certificate of Approval

Applications for COA's must be made on forms provided by the Department of Planning, Zoning and Development. Complete applications must be submitted at least 17 days before the next regularly scheduled meeting of the Board. The Land Development Official or Board may require a revised application with a new application date when alterations or modifications are made to the accepted application.

(g) Review of Plans in a Timely Manner

The Board shall vote and announce its decision on any matter properly before it not later than 45 days after the conclusion of the public meeting on the matter, unless the time is extended by mutual agreement between the Board and the applicant.

(h) Board Actions on Applications

In response to applications for COA's, the Board shall approve, deny, or approve in modified form the applications.

(i) Public Meetings Required

The Board shall meet at least twice monthly to consider applications for COA's. The meetings of the Board shall be open to the public and a full and impartial hearing shall be granted to the applicant.

(j) Forms of Decision

All decisions of the Board granting or denying a COA shall be in writing, a copy of which shall be sent to the applicant and a copy filed with the Town Office.

(k) Explanation of Disapproval

In the case of denial of a COA request, the Board shall state the reasons for such denial in writing and transmit the written statement to the applicant. In the statement, the Board may make suggestions that would assist the applicant in the resubmitting of an application.

(l) Accurate Drawings of Approved Plans Required

Before issuing permits for any work which has been approved by the Board, the Land Development Official shall require applicants to submit plans that accurately reflect any changes or conditions imposed by the Board in its approval of projects.

(m) Conformance With Certificate Required

All work performed pursuant to issuance of a COA shall conform to the approved plans and specifications and to any modifications required by the Certificate. In the event work is performed not in conformance with the Certificate, the Zoning Administrator shall notify the responsible person or firm in writing of the violations and shall take the necessary legal steps to ensure that the work is performed in conformance with the Certificate.

(n) Change of Plans After Issuance of Certificate

Any change in the approved plans subsequent to the issuance of a COA shall be promptly submitted to the Land Development Official prior to construction of the modified feature. The Land Development Official may administratively approve non-substantive modifications with notice thereof to the board at its next meeting. Copies of any proposed revisions deemed substantive by the Land Development Official shall be forwarded to the Board, accompanied by additional application materials as determined necessary by the Land Development Official and Board to render a decision.

(o) Appeals

- (1) Appeals to the Board. The Board shall not hear the subject matter of any application which has been denied except in cases where an applicant submits his application so amended that it substantially addresses the Board's reasons for denial of the original application.
- (2) Appeals to the Town Council. Appeals to the Town Council from any final decision of the Board may be made by any person by filing a petition with the Clerk of Council, setting forth the basis for the appeal, within 30 days after the final decision of the Board is rendered. The filing of the petition shall stay the decision of the Board pending the outcome of the appeal to the Town Council, except that the filing of such petition shall not permit any construction activity which was the subject of the application on appeal to the Town Council. The Town Council may reverse or modify the decision of the Board in whole or in part, if it finds upon review that the decision of the Board is contrary to the law or that its decision is arbitrary and constitutes an abuse of discretion, or it may affirm the decision of the Board.
- (3) Appeals to the Circuit Court of Loudoun County. Appeals to the Circuit Court of Loudoun County from any decision of the Town Council may be made by any person by filing a petition at law, setting forth the alleged illegality of the action of the Town Council within 30 days from the final decision rendered by the Town Council. The filing of the said petition shall stay the decision of the Town Council pending the outcome of the appeal to the Court, except that the filing of such petition shall not permit any construction activity which was the subject of the application on appeal to the Town Council. The court may reverse or modify the decision of the Town Council in whole or in part, if it finds upon review that the decision of the Town Council is contrary to law or that its decision is arbitrary and

constitutes an abuse of discretion or it may affirm the decision of the Town Council.

Section 10-B-5. DESIGN CRITERIA

The Board, and on appeal, the Town Council shall find that the application meets all of the following standards and criteria stated below in approving applications filed under this Article. These standards and criteria are further defined in the *H-2 Corridor Design Guidelines*, dated January 23, 1990, which are hereby adopted and shall be used by the Board in evaluating COA's.

- (a) Whether or not the proposed external architectural features, represented by the general design and arrangement, texture, color, line, mass, dimension, material and lighting reflect desirable design for the Town of Leesburg.
- (b) Whether or not the proposed structure, building or improvement is compatible with well designed structures, acceptable to the Board, in the vicinity of the proposed structure.
- (c) Whether or not proposed freestanding buildings use the same or architecturally harmonious materials, color, texture and treatment for all exterior walls; and in the case of partially freestanding buildings, whether or not the same or architecturally harmonious materials, color, texture and treatment are used on all portions of all exterior walls.
- (d) Whether or not the combination of architectural elements proposed for a structure, building or improvement, in terms of design, line, mass, dimension, color, material, texture, lighting, landscaping, roof line and height conform to accepted architectural principles for permanent buildings reflecting the character of Leesburg as contrasted with engineering standards designed to satisfy safety requirements only.

- (e) Whether or not the proposed structure, building or improvement, in terms of design, material, texture, color, lighting, landscaping, dimension, line, mass, roof line and height, 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, or would otherwise constitute a reasonable foreseeable detriment to the attractiveness and stability of the Town's historic arterial corridors.

Section 10-B-6. NO ARCHITECTURAL STYLE TO BE REQUIRED

The Board, and on appeal, Town Council shall not adopt or impose any specific architectural style in the administration of this Article.

SECTION II. All prior ordinances in conflict herewith are repealed.

SECTION III. This ordinance shall become effective March 1, 1990.

PASSED this 23rd day of January, 1990.

/s/
Robert E. Sevila, Mayor
Town of Leesburg

ATTEST:

/s/
Clerk of Council