

**TOWN OF LEESBURG  
NOTICE OF PUBLIC HEARING  
TO CONSIDER AMENDMENTS TO  
ZONING ORDINANCE ARTICLES  
2,3,4,7,10 AND 15 TO REPEAL THE  
H-2 HISTORIC CORRIDOR AR-  
CHITECTURAL CONTROL  
OVERLAY DISTRICT AND THE H-2  
CORRIDOR DESIGN GUIDELINES**

Pursuant to Sections 15.2-1427, 15.2-2204, 15.2-2205 and 15.2-2285 of the Code of Virginia, 1950, as amended, the LEESBURG TOWN COUNCIL will hold a public hearing on TUESDAY, OCTOBER 11, 2016, at 7:30 p.m. in the Town Council Chambers, 25 W. Market Street, Leesburg VA 20176, to consider amendments to all sections of the Zoning Ordinance that reference the H-2 Overlay District to repeal and abolish that district so that the Town will no longer require architectural standards along the main travel corridors into downtown. Amendments will eliminate all language referencing the H-2 District and Guidelines and include the following:

*Section 2.3 Board of Architectural Review*

*Section 3.1.8 Summary of Procedures*

*Section 3.11 Architectural Control Certificates of Appropriateness (H-2 Corridor Overlay District to be deleted in its entirety)*

*Section 4.1 Establishment of Zoning Districts*

*Section 7.6 H-2 Historic Corridor Architectural Control Overlay District (H-2 Corridor to be deleted in entirety)*

*Section 7.10.2.D.2 Applicability (H-2 applicability within the Crescent Design District)*

*Section 10.4.5.C.8.a Satellite Dish Antennae*

*Section 10.4.6.C Structures Excluded from Maximum height Limitations*

*Article 15 Sign Regulations*

Copies and additional information regarding these proposed Zoning Ordinance amendments are available at the Department of Planning and Zoning located on the 2nd floor of Leesburg Town Hall, 25 W. Market Street, Leesburg VA 20176 during normal business hours (Monday-Friday, 8:30 a.m. to 5:00 p.m.), or by calling 703-771-2765 and asking for Tom Scofield, Senior Preservation Planner or Susan Berry Hill, Director. This zoning ordinance amendment application is identified as case number TLOA-2016-0007.

At this hearing all persons desiring to express their views concerning these matters will be heard. Persons requiring special accommodations should contact the Clerk of the Town Council at (703) 771-2733, three days in advance of the meeting. For TTY/TDD service, use the Virginia Relay Center by dialing 711.



**Date of Council Meeting: October 11, 2016**

**TOWN OF LEESBURG  
TOWN COUNCIL MEETING**

**Subject:** Zoning Ordinance text amendment, TLOA 2016-0007, Repeal of the H-2 Historic Corridor Architectural Control Overlay District (H-2 Overlay District), and the H-2 Design Guidelines

**Staff Contact:** Tom Scofield, Preservation Planner, Department of Planning and Zoning  
Susan Berry Hill, Director, Department of Planning and Zoning

**Council Action Requested:** Based on Town Resolution 2016-042, a public hearing has been scheduled for Council to consider TLOA 2016-0007, Zoning Ordinance Text Amendment to Repeal the H-2 Overlay District and the H-2 Design Guidelines (Attachment 3, Ordinance).

**Staff Recommendation:** Staff recommends: 1) Denial of TLOA 2016-0007, Zoning Ordinance Text Amendment to Repeal the H-2 Overlay District and Design Guidelines; 2) direction from Town Council to form a short term working group to develop recommendations to improve and/or replace the H-2 Design Guidelines, and report back to Town Council with recommendations within 6 months; and 3) initiation of Zoning Ordinance Text Amendment to reinstitute the signage portion of the H-2 Design Guidelines for the Crescent Design District.

**Commission Recommendation:** In preparation for their deliberations, the Planning Commission consulted the Board of Architectural Review (BAR) in advance for input on the question of whether to repeal the H-2 Overlay District and H-2 Design Guidelines. The BAR addressed this question at work sessions on July 6, 2016 and September 7, 2016. The BAR unanimously agreed that the H-2 Overlay District and Design Guidelines should not be repealed without either first approving an update to the H-2 Design Guidelines or adopting some other form of architectural control. The BAR also recommended that the signage portion of the H-2 Design Guidelines be reinstated for the Crescent Design District.

On September 15, 2016, the Planning Commission held a public hearing on the proposed text amendment. During public comment, one representative of the Board of Architectural Review (BAR) addressed the Planning Commission, and stated that the BAR voted unanimously at the September 7, 2016 meeting to recommend that the H-2 Overlay District and Design Guidelines not be repealed without something to replace it. The representative noted that the BAR would like the opportunity to work with the Planning Commission on devising such a solution.

The Planning Commission approved a three-part motion to recommend:

- 1) Retention of the H-2 Historic Corridor Architectural Control Overlay District and the H-2 Design Guidelines for the interim; and
- 2) Creation of a working group consisting of members of the Planning Commission and the BAR to recommend specific updates to, or replacement of, the H-2

- Design Guidelines; to solicit stakeholder and user input on how to improve or replace the H-2 Design Guidelines; to consider ways to streamline the design review process using the either updated Guidelines or whatever tool is used to replace the Guidelines; to incorporate this work within the context of the East Market Street Small Area Plan process to the greatest extent possible; and to report back to Town Council on its recommendations; and
- 3) To initiate a Zoning Ordinance Text Amendment to reinstitute the signage portion of the H-2 Design Guidelines for the Crescent Design District until such time as a full review of signage guidelines can be accomplished.

The motion was approved by the Planning Commission on a vote of 7-0.

**Fiscal Impact:** There is no direct fiscal impact to the Town that is associated with retaining or repealing the H-2 Overlay District and Design Guidelines.

**Work Plan Impact:** Should the Council opt to repeal the H-2 Overlay District and Design Guidelines, the work impact for staff to update the Zoning Ordinance and address administrative tasks associated with that action would be minimal.

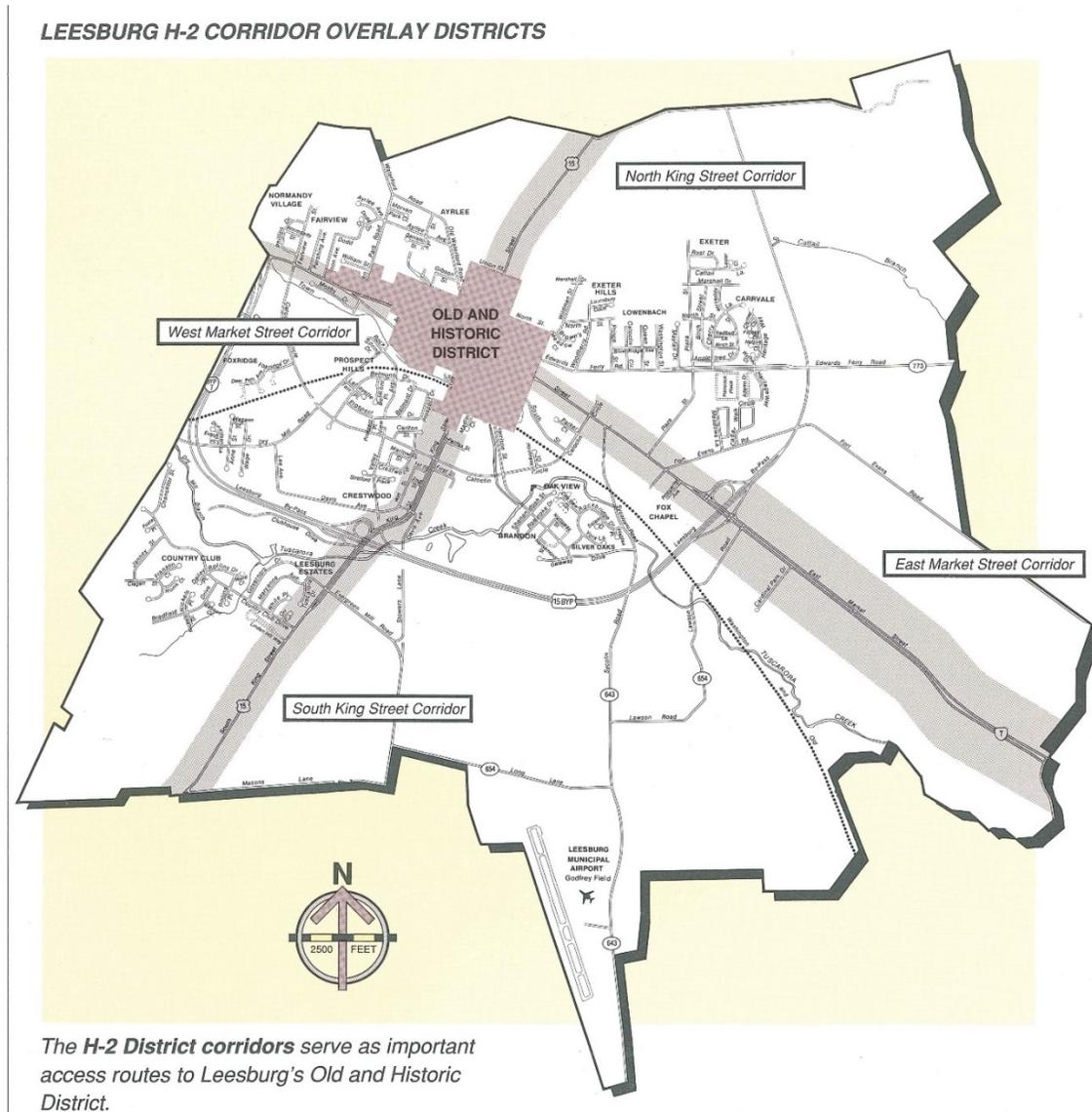
Should Council opt to accept the recommendations of the Planning Commission, BAR and staff, and direct that a short term working group be established to make recommendations for updating or replacing the H-2 Design Guidelines, staff estimates that it would take approximately six months to develop recommendations for the Town Council to consider.

If Town Council opts for the latter, staff recommends that this project start at the beginning of 2017 at such time when many current projects on the Department of Planning and Zoning work plan will have been completed.

**Executive Summary:** On March 8, 2016, the Town Council took action to initiate a Zoning Ordinance text amendment to repeal the H-2 Overlay District and H-2 Design Guidelines by approving Resolution 2016-042. The general reasons for initiating this action related to a sense that the H-2 Overlay District and Design Guidelines have not been effective over the 25-year period that they have been used, and that they are now outdated. The Planning Commission and the Board of Architectural Review have considered repeal of the H-2 Overlay District and Design Guidelines, and do not recommend proceeding with such repeal at this time. They recommend that an update or replacement of the Design Guidelines be developed to address deficiencies.

**Background:** The 1986 Town Plan emphasized that the Town should use “creative urban design practices” to ensure that Leesburg develops with a “variety of well-related uses”, and that such emphasis on design will “give the town its unique identity.” To further these goals, the Town Council took action in 1987 to seek enabling legislation from the General Assembly to have authority to establish an architectural control district for entrances that are “significant routes of tourist access” leading to “designated historic landmarks, building structures and districts”. In 1990, after public input, the Council adopted the H-2 Overlay District and the H-2 Design Guidelines.

Figure 1 below – Original H-2 Corridors



In March, 1990, the Board of Architectural Review was given the responsibility of reviewing Certificates of Appropriateness (COA) in the H-2 Overlay District in addition to their previous role of reviewing COA's for the H-1 Old and Historic Overlay District. Since its adoption, the Town has reviewed seven hundred and sixty two (762) COA applications in the H-2 Overlay District. This constitutes twenty-five percent (25%) of all COA applications reviewed by the BAR and administratively by staff.

In 2008, the Town Council initiated the H-2 Steering Committee to assess the effectiveness of the H-2 Overlay District and Design Guidelines. The Committee provided a comprehensive set of recommendations to Town Council in June 2009 (See Attachment 2, pages 6-9). The Committee did not recommend repeal of the H-2 Overlay District and Design Guidelines, but instead made recommendations to change the boundaries of the H-2 Overlay District; address a number of regulatory changes to the Zoning Ordinance; and identify aspects of the Guidelines that should be strengthened to make them more effective. There has been no follow up on the majority of the H-2 Steering Committee's recommendations. In part, this may have been due to the fact that the Crescent Design District regulations were being developed in the same timeframe.

In March 2016, Town Council initiated a repeal of the H-2 Overlay District and the H-2 Design Guidelines. Staff framed the analysis as a question of whether or not the H-2 Design Guidelines have served as a useful tool to maintain higher standards for architectural building design and site design. Staff's assessment included a broad range of cases some of which should be categorized as substantial successes, some as moderate successes, and a few projects as not successful despite application of the H-2 Design Guidelines. Staff also drafted a survey that asked the BAR various questions about the H-2 Design Guidelines, and asked the BAR to think of projects that are generally deemed successful due to application of the Design Guidelines. Staff will review some of these projects with the Council in the public hearing presentation. The results of the survey were shared with the Planning Commission at their public hearing on September 15, 2016 along with a slide presentation of various projects that staff and the BAR felt resulted in a successful outcome as a result of applying the Design Guidelines. The Planning Commission considered this input and reached the same conclusion as the BAR and staff – that the Guidelines are a useful tool in the Town's toolbox of land and property development requirements, but that they should be updated and strengthened. All Commissioners agreed that the H-2 Overlay District and Design Guidelines should not be repealed without first having something new in place to guide architectural review. As such, there was no support for repealing the H-2 Overlay District and Design Guidelines at this time.

However, the Planning Commission did recognize that it is important to address any shortcomings of the Design Guidelines, that procedures be streamlined where possible, and to assure that the Town provides guidance to property owners and developers that reflects the desired community aesthetic. Efforts should be made now to update or replace the Design Guidelines.

Both the Planning Commission and BAR recommended that a short term working group be convened to revisit the H-2 Steering Committee recommendations and determine what

amendments to the Zoning Ordinance and changes to the H-2 Design Guidelines should be made. The Planning Commission emphasized that this process does not need to ‘reinvent the wheel’. The H-2 Steering Committee’s work should serve as the basis from which to start including which of the committee’s recommendations should be emphasized and immediately implemented. In the staff’s opinion, the emphasis should be on both building and site design improvements and assuring that when the Design Guidelines are updated or replaced, that the Zoning Ordinance be updated as well to ensure that the ‘vision’ can be enforced through zoning law. Also, there should be an emphasis on building design that fosters compatibility with the character of the Town, particularly to assure that corporate branding is adapted to meet the Town’s local aesthetic. This is one aspect of the Design Guidelines that has been very useful in the past.

The Planning Commission’s discussion also included: whether this issue should be discussed within the context of the East Market Street Small Area Plan Study; whether the signage portion of the H-2 Design Guidelines should be discussed separately; the relationship of the new proffer language adopted by the General Assembly as it relates to design issues; and the effect of a repeal of the H-2 Overlay District and Guidelines on properties that have proffered to the H-2 Guidelines. There was consensus among Commissioners that the problems associated with the H-2 Overlay District and Design Guidelines should be addressed by updating the Design Guidelines to strengthen or replace them but not to repeal the H-2 Overlay District or Design Guidelines.

In order to move forward, the Planning Commission, Board of Architectural Review and staff recommend that a short term working group be established. This group would:

- Review the H-2 Steering Committee recommendations and select those it deems most important to implement.
- Review each road segment of the current H-2 Overlay District. The East Market Street Small Area Plan encompasses the remaining segment of East Market Street that is still in the H-2 Overlay District. The work group should decide how to interface the H-2 Design Guidelines update or replacement with the East Market planning effort. The other three road segments of the H-2 Overlay District would also be considered but not as a part of the East Market planning effort.
- Review implementation options and recommend the best tool and approach to streamline the design review process and improve aesthetics for building and site design. The result may be an update to the existing H-2 Design Guidelines or it may be a different type of design review tool and approach such as the adoption of an architectural pattern book.
- Solicit input from stakeholders and users on the recommended tool and approach.
- Return to the Town Council for a work session, on the recommended updates, or replacement tool and approach.

Staff has emphasized that this would be a ‘short term’ working group because much of the preliminary work has already been completed by the H-2 Steering Committee. Staff estimates that this work group effort may take approximately six months.

Another recommendation forwarded to Town Council by the BAR, Planning Commission and staff is to reinstitute the signage portion of the H-2 Design Guidelines for the area

along East Market Street inside the Bypass that was formerly in the H-2 Overlay District but is now within the Crescent Design District. Historically, about two-thirds of all H-2 Certificate of Appropriateness applications are for signage. These sign guidelines were developed for the H-2 Overlay District in an effort to tailor sign review to the specific design objectives in the entry corridors leading to the H-1 Old and Historic District.

When the Crescent Design District was approved in 2013, this new district replaced the H-2 Overlay District and H-2 Design Guidelines. The signage portion of the H-2 Design Guidelines were replaced with the standard sign regulations contained in Article 15 of the Zoning Ordinance. In retrospect, the Planning Commission, the BAR, and staff are of the opinion that the signage portion of the H-2 Design Guidelines is an effective and important addition to the provisions of Article 15. As such, part of the recommendation package herein urges Town Council to initiate a Zoning Ordinance Text Amendment to reinstitute the signage portion of the H-2 Design Guidelines for that portion of the Crescent Design District which was originally part of the H-2 Overlay District. This change simply acknowledges that the signage portion of the H-2 Design Guidelines should enhance Article 15 for that portion of the Crescent Design District.

**Attachments:**

- 1) Town Council Resolution 2016-042
- 2) September 15, 2016 Planning Commission Staff Report
- 3) Ordinance - Proposed Zoning Ordinance Text Amendment to repeal the H-2 Historic Corridor Architectural Control Overlay District, the H-2 Design Guidelines, and all references to the H-2 Overlay District in the Zoning Ordinance.
- 4) Resolution for alternative action.



**Date of Commission Meeting:** September 15, 2016

**TOWN OF LEESBURG**  
**PLANNING COMMISSION PUBLIC HEARING**

**Subject:** TLOA-2016-0007, Zoning Ordinance Text Amendment to Repeal the H-2 Overlay District and Guidelines

**Staff Contact:** Susan Berry Hill, Director  
Tom Scofield, Preservation Planner

**Applicant:** Not Applicable

**Proposal:** This is a text amendment to various sections of the Zoning Ordinance specifically related to the repeal of the H-2 Historic Corridor Architectural Control Overlay District and the H-2 Corridor Design Guidelines.

**Planning Commission Action Date:** December 23, 2016

**Recommendation:** Staff does not recommend approval of a repeal of the H-2 Overlay District and Design Guidelines. Further staff recommends that a working group be established to: take stakeholder input on how to improve/replace the Guidelines; develop recommendations on how to improve/replace the Guidelines; and report back to Town Council with these recommendations. In addition, staff recommends that the Zoning Ordinance be amended to reinstitute the H-2 Signage Guidelines for the Crescent Design District.

**Acceptance Date:** This amendment was initiated by Town Council on March 8, 2016 (Resolution 2016-042) and work was started in the Department of Planning and Zoning in July, 2016.

**Web Link:** A comprehensive listing of all documents related to this amendment can be found on the Town website: <http://www.leesburgva.gov/how-do-i/browse-documents/-folder-1199>. The H-2 Guidelines can be found at the Town website: <http://www.leesburgva.gov/government/boards-commissions/board-of-architectural-review/corridor-district>.

**Suggested Motions:**

**Motion #1, Part 1 – No Repeal of H-2 Overlay and Guidelines**

I move that the Planning Commission forward a recommendation to the Town Council to retain the H-2 Historic Corridor Architectural Control Overlay District and the H-2 Design Guidelines and to not approve Zoning Ordinance Amendment TLOA 2016-0007, H-2 Repeal Amendments on the basis that the proposed amendments will not further the objectives of the Town Plan and that the proposal would not serve the public necessity, convenience, general welfare and good zoning practice based on the following findings \_\_\_\_\_.

- And -

**Motion #1, Part 2 – Working Group**

I move that the Planning Commission forward a recommendation to Town Council to establish a short term working group to: take stakeholder input on how to improve and/or replace the Guidelines; develop recommendations on how to improve and/or replace the Guidelines; and report back to the Town Council with these recommendations.

- And -

**Motion #1, Part 3 – Signage**

I move that the Planning Commission forward a recommendation to the Town Council to amend the Zoning Ordinance to reinstitute the H-2 Signage Guidelines or the Crescent Design District.

- Or –

**Motion #2 – Approval of Repeal**

I move that Zoning Ordinance Amendment TLOA 2016-0007, H-2 Repeal Amendments be forwarded to the Town Council with a recommendation of approval, on the basis that the amendments further the objectives of the Town Plan and that the proposal will serve the public necessity, convenience, general welfare and good zoning practice.

- Or -

**Alternate Motion:**

I move that \_\_\_\_\_.

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- I. **PROPOSAL:** This Zoning Ordinance amendment was initiated by Town Council on March 8, 2016 to consider the repeal of the H-2 Historic Corridor Architectural Control Overlay District and the H-2 Corridor Design Guidelines. The zoning text amendment was initiated by Council based on an opinion that the H-2 Overlay and Guidelines no longer address the purpose for which they were enacted and add unnecessary regulations to the development review process. The abolition of the H-2 District would remove any architectural design or appearance requirements from all un-proffered areas of the current H-2 District along the main corridors leading into Leesburg.
- II. **APPROVAL CRITERIA:** The proposed amendment is subject to the approval criteria specified in TLZO Sec. 3.2.5:

*In acting on proposed text amendments, the Planning Commission and Town Council shall consider whether the proposal is consistent with the Town Plan and the stated purposes of this Zoning Ordinance (See Sec. 1.5).*

Sec. 1.5 Purpose:

*This Zoning Ordinance is adopted in order to protect the health, safety, and welfare of the residents of Leesburg; to advance the objectives set out in Section 15.2-2200 of the Code of Virginia, 1950, as amended; and to implement the Leesburg Town Plan.*

III. **STAFF ANALYSIS:**

**Background:** On March 8, 2016 Town Council adopted Resolution No. 2016-0042 (Attachment 1) initiating a Zoning Ordinance amendment to repeal the H-2 Overlay District and H-2 Guidelines. The following sections provide background information about the H-2 District.

**History of H-2:** As a primary goal, the Town plan has always prioritized the continued protection of the Old and Historic District due to its value as a historic community resource and its contribution to the Town's unique character. In 1986 the Town Plan stated that the Town should use "creative urban design practices" to ensure that Leesburg develops with a "variety of well-related uses" that further "gives the town its unique identity." In 1987, to further these Town Plan goals, the Town Council sought and received enabling legislation from the General Assembly (Section 15.1-503.2) to have the authority to establish architectural control districts for entrances that are "significant routes of tourist access" leading to "designated historic landmarks, building structures and districts".

A series of public hearings was held between January and August, 1988 to get input about initiating a study to consider arterial highway corridors that provide access to the Old and Historic District. Authorization to prepare design guidelines for these corridors was also directed. In 1989, a consultant was hired to prepare an existing conditions inventory, recommend overlay corridor areas and prepare the design guidelines. In January 1990, the Town Council amended the Zoning Ordinance to add the H-2 Historic Corridor Architectural Control District Overlay (H-2 Corridor District) and to adopt the associated H-2 Guidelines. The purposes included:

- To implement the Town Plan goal of ensuring quality urban design that is compatible with Leesburg's historic architectural and tourist resources.
- To stabilize and improve property values.
- To protect and enhance the towns entrance corridors which form the gateways to the H-1 historic district.
- To enhance the Town's attractiveness to tourism and visitors.
- To promote innovation and creativity without dictating a particular architectural style but provide guidance to assure that the varying forms of architecture respect the character of the Town.

The original boundaries of the H-2 District are described below and shown in Figure 1.

- South King – From the H-1 District to the southern corporate limits, 500 feet from the centerline of South King Street.
- North King Street – From the H-1 District to the northern corporate limits, 500 feet from the centerline of North King Street.
- West Market Street – From the H-1 District to the western corporate limits, 300 feet from the centerline of West Market Street.
- East Market Street – From the H-1 District to the Route 15 Bypass, 500 feet from the centerline East Market Street and 1000 feet from the centerline east of the Bypass to the corporate limits.

Note that the Crescent Design District (CDD) which was adopted in 2013 extends along East Market Street from the boundary of the H-1 District to the Route 15 Bypass. The CDD has replaced the H-2 Overlay and Guidelines in this area. Other than that change, there have been no other changes to the boundaries of the H-2 Overlay since adoption in 1990. Likewise, there have been no changes to the H-2 Guidelines since adoption.

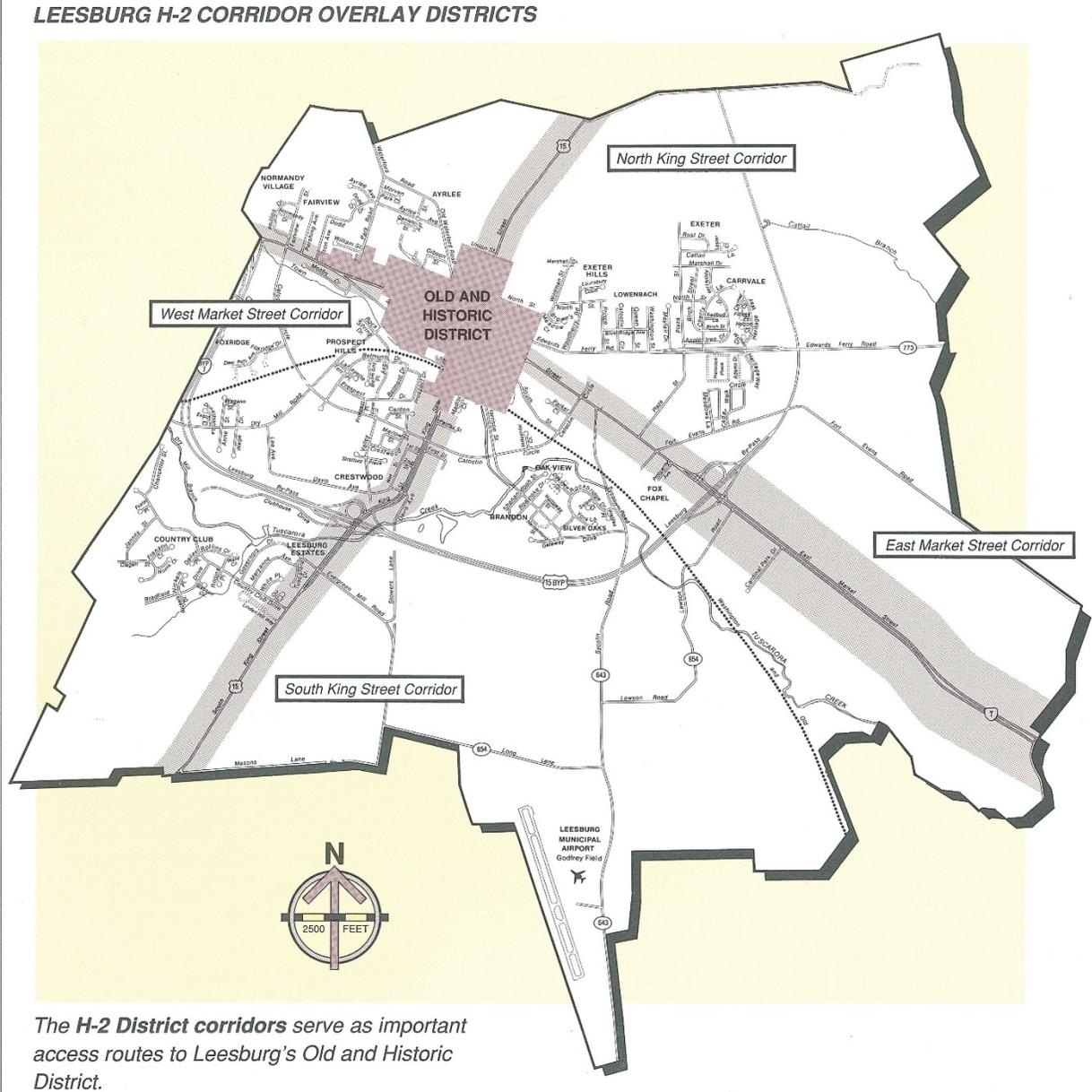


Figure 1- Original Boundaries of the H-2 Corridor

In March 1990, the BAR was assigned the role of reviewing Certificates of Appropriateness (COA) in the H-2 District in addition to their previously assigned role to review COA's in the H-1 District. The Zoning Ordinance stipulates (TLZO Section 2.3.4) the qualifications for BAR members by requiring that they all must have a demonstrated interest in historic preservation and a majority of the membership must have professional training or equivalent experience in history, architectural history, archaeology, or planning. At least one member must be an architect. As such, the BAR was deemed the review body that would have interest and expertise in building design and would be most qualified to review COA's in the H-2 Corridors.

Statistics on H-2 applications: Over the past twenty five years since the adoption of the H-2 Overlay and Guidelines, the Town has received seven hundred sixty two (762) COA applications in the H-2 District. This constitutes twenty-five percent (25%) of all COA applications that have been reviewed by the BAR or by staff administratively. Of the H-2 applications, the vast majority are for signage. They comprise about sixty-three percent (63%) of the total H-2 COA's. The remaining thirty-seven percent (37%) of H-2 COA applications were for façade modifications, building additions, demolitions, site improvements and new construction.

H-2 Steering Committee: In 2008 the Town Council adopted Resolution 2008-160 to assess the effectiveness of the program. The H-2 Steering Committee was established composed of members of the Planning Commission, Board of Architectural Review, Economic Development Commission, a local architect, a resident of the area, and a real estate professional. Through the resolution, the Town Council directed the Committee to:

- Review the boundaries of the H-2 District and recommend changes, if needed;
- Consider options for regulation;
- Determine the extent and scope for revisions to the Guidelines;
- Review options for the review process;
- Consider what Commission would apply the regulations;
- Consider the vested development plans; and
- Develop a draft of the policy guidelines and ordinances.

During 2009 the Steering Committee met and undertook a study of eleven other jurisdictions in Virginia with highway corridor architectural design controls as case studies to get insights into:

- Effective design and regulatory control
- Range of possibilities under state enabling legislation
- Problems with implementation
- Revisions that might be useful for Leesburg

The Committee provided a report to the Town Council in June, 2009 and presented the following recommendations and findings:

- 1) Overlay District Boundaries should be maintained with the following modifications (See Figure 3):
  - a. Three areas should be added to the H-2 Corridor Overlay District ;
    - i) *Edwards Ferry Road* between Plaza Street and the Route 15 Bypass
    - ii) *Catoctin Circle* between S. King St. and Edwards Ferry Rd.
    - iii) *Battlefield* between approximately the Greenway and Edwards Ferry Rd.
  - b. One area should be added to the H-1 Old & Historic District:
    - i) *Edwards Ferry Road* from the H-1 boundaries to Plaza St.
  - c. One area should be converted from H-2 to H-1
    - i) *West Market St.* from the Rt. 7 Bypass to the existing boundaries of the H-1 District

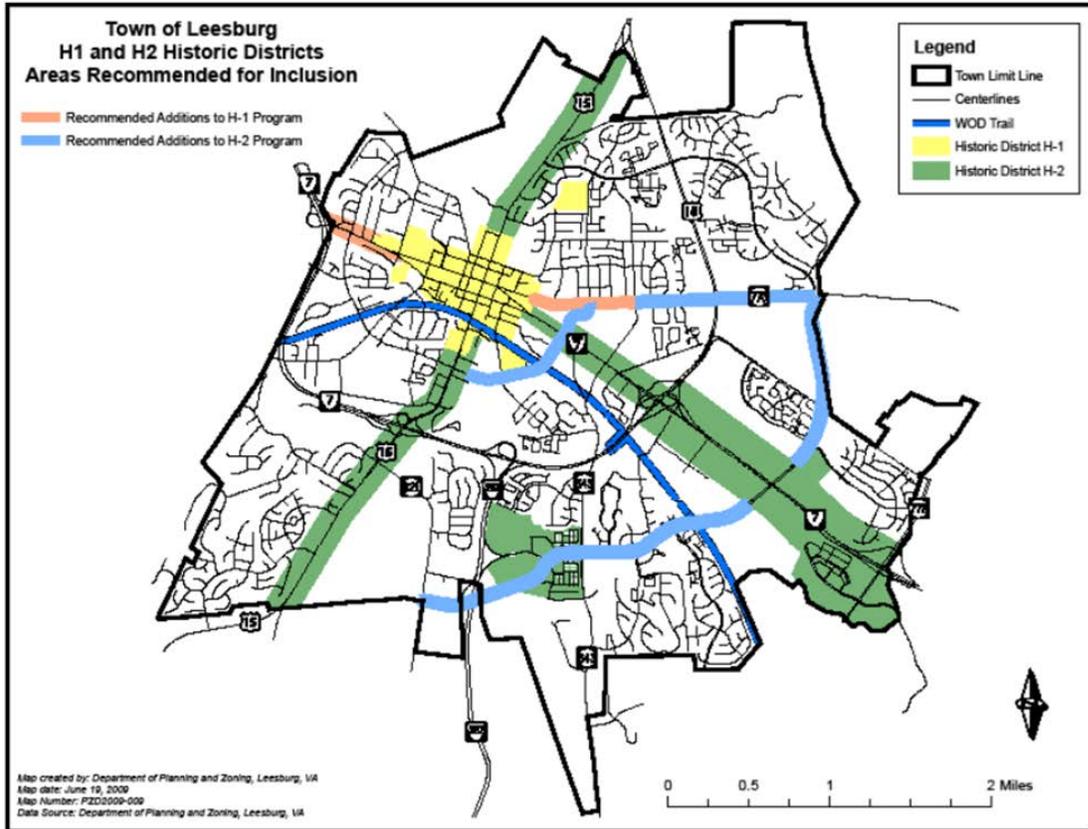


Figure 2 – H-2 Steering Committee Recommendations for Proposed Boundaries of the H-1 and H-2

2) Regulatory Recommendations

- a. *Zoning Ordinance* - Revisions to the Ordinance should include new regulatory design elements that can be stated as standards and are based on the design guidelines.
- b. *Design and Construction standards Manual (DCSM)* - Revisions to standards should be made so they are consistent with the intent of the Guidelines and the Zoning Ordinance.
- c. *Form-based Code* – This tool could be used to supplant the H-2 Overlay and Guidelines in locations where the two overlap if adequate design and architectural information is contained in the code. (Note that the early work on the Crescent Design District, known at that time simply as the form-based code, was being considered for East Market Street inside the Bypass. The Crescent Design District was adopted in 2013 and replaced the H-2 Overlay and Guidelines inside the Bypass.)

### 3) Design Guidelines Recommendations

- a. *Clarify goals* – A specific vision is lacking in the Guidelines and the goals are unclear and should be integrated with Town Plan goals.
- b. *Leesburg identity* – The Guidelines are generic and have little relation to the architecture and community design/layout specific to Leesburg. The goals in the Guidelines should be revised to be tailored to Leesburg’s character.
- c. *Individual Corridor identity* – The Guidelines should recognize the individual character of each segment of the H-2 District and the entire H-2 Corridor area should be united with common landscaping and streetscape types.
- d. *Human scale* – Specific recommendations were made to limit the height of street lights, move buildings closer to the street and locate parking to the rear of buildings. These recommendations would help describe what ‘human scale’ means in Leesburg.
- e. *Building design* – An applicant-friendly review process should assure that there is compatibility of materials and address height, scale and massing.
- f. *Site design* – More attention should be placed on connecting the Guidelines and Zoning to address streetscape, pedestrian access and traffic calming.
- g. *Streetscape design* - Revisions should include changes to setback, sidewalk materials, curb cuts, median treatments, vehicle speeds, and light pole height. The lack of streetscape design in the Guidelines is a major deficiency when compared with other jurisdictions that were studied.
- h. *Strengthen language* – Use precise language. This will help applicants understand the intent of the Guidelines.

Potential Development in the H-2 Corridors: Leesburg is approximately 80-85% built out and there are a limited number of developable parcels available for future development. However, East Market Street, east of the Bypass, contains the most vacant acreage that is available for development and this segment includes key properties at the northwest and southwest quadrants of East Market Street and Battlefield Boulevard (some of this land extends beyond the boundaries of the H-2 District). In addition, several smaller vacant properties exist in the eastern portion of East Market Street.

There are also vacant properties on the South King Street segment of the H-2 District at the northeast and southeast quadrants of South King and Evergreen Mill Road. A rezoning application is currently under review for the southeast quadrant and the applicant has proffered site-specific design guidelines based on the H-2 Guidelines for the project. The Town Plan designates the northeast quadrant for residential development, for which the H-2 Guidelines would not apply.

While the applicability of the H-2 Overlay and Guidelines is relatively small when considering the limited number of vacant parcels in Leesburg, it has much greater applicability to existing buildings in the H-2 with respect to future renovations, façade updates, additions, signage and redevelopment.

Relationship between Town Plan and the H-2 Guidelines: In the Town Plan, Chapter 4, Heritage Resources and Chapter 5, Community Design address building and site design in very broad strokes. In Chapter 4, the H-2 corridor is referenced as a significant route of tourist access into the Town that leads to the H-1 Historic District. Policy guidance is provided in Objective 2 which encourages protection of the approaches to the Town. It also cautions that if and when the boundaries of the H-2 corridors are expanded, that such expansion be wide enough to encompass portions of the new corridor that will be visible from Market and King Streets to assure that they will be subject to architectural design review.

Chapter 5, Community Design, broadly describes Leesburg as a community that is historically designed on a street grid system, with buildings in close proximity to the street, parking is on-street and the blocks are predictable in size. In today's design parlance this is called Traditional Neighborhood Design. Suburban-style design is the other design template used in Leesburg which relies on longer blocks with curvilinear streets and buildings that are typically set further back from the street with parking in front. The policies in this chapter encourages new development, infill development, or redevelopment to be compatible with the area in which it is located; to be mindful of multi-modal means of transportation, including pedestrian and bicycle modes; and to consider art in community design. While the policies in Chapters 4 and 5 provide general context, they are far less detailed than the current H-2 Guidelines. The Town Plan is intended to provide basic policy direction from which the more detailed H-2 Guidelines expound. If the H-2 Overlay and Guidelines were to be repealed, all references to the H-2 would need to be deleted from the Town Plan. More importantly though, if no other tool were implemented to replace the H-2 Guidelines, the Town Plan would serve as the only design guidance for areas currently in the H-2 District. To provide effective design guidance, the Town Plan would need to be revised to include better design policies that describe Leesburg's character in the gateways leading into the Town and to explain what the Town expects in terms of building and site design.

Effect of Repeal on Projects that Proffered to the H-2: A number of land development projects have been approved over the years that have proffered to the H-2 Guidelines. These projects include: Oaklawn, Village at Leesburg, Lowes and the residual parcel at the southeast corner of East Market Street and Battlefield; Potomac Station, and Carradoc Hall. These projects will not be affected by a repeal of the H-2 Overlay and Guidelines because they will continue to be governed by the proffers that were approved with the project. Likewise, should the Guidelines be updated or replaced, these projects will continue to be administered under the H-2 Guidelines that were in place at the time of the approval of the project.

Board of Architectural Review (BAR) Input: Staff discussed this topic with the BAR at two work sessions on July 6 and September 7. ***The BAR voted 6-0-1 on September 7, 2016 to recommend to the Planning Commission that the H-2 Overlay and Guidelines be retained and not repealed. They further recommended that the Guidelines should be updated or replaced but that a repeal should not leave the Town in a situation where there is no architectural review for these important corridors leading to the H-1 Old and Historic District.*** A summary of further input is provided below:

- *Signage* - The BAR noted that when the Crescent Design District (CDD) was approved, the H-2 Sign Guidelines were replaced by the standard sign regulations found in Article 15 of the Zoning Ordinance. The BAR stressed that the H-2 Sign Guidelines are more specific to the H-2 corridor areas and as such, will yield signage that is more compatible with the Town's character. Staff agreed and responded that a recommendation to reinstitute the H-2 Sign Guidelines for the CDD could be forwarded to the Town Council along with a recommendation(s) on whether to repeal the H-2 Overlay and Design Guidelines.
- *Has the H-2 been successful?* - The BAR discussed projects that were considerably improved due to the H-2 Guidelines and review process. They particularly focused on trademark architecture that is demanded by chain store retail and how the Guidelines help integrate these projects into Leesburg. Wegmans at the Village at Leesburg was cited as having superior design when compared to the store in Sterling. The new Lowes store is much more adapted to the character of Leesburg than Lowes stores in other locations. The BAR noted that the Guidelines help to guide renovations over time so that the project can continue to look unified and consistent with Town character. When developments are located outside of the H-2 District, they seem to lose architectural integrity faster than developments in the H-2 District due to the added design rigor demanded through application of the Guidelines to renovations and additions. The Battlefield Shopping Center is one

example of a project outside of the H-2 District that has taken on an increasingly disparate appearance though adaptations over the years that have been built for new tenants, particularly trademark retailers. However, when it was initially built, the appearance of the shopping center as a whole was much more integrated. If the H-2 District had been extended to this area and the shopping center changes would have been subject to the Guidelines, the overall appearance of the shopping center would probably be more integrated today.

- *Implications of no H-2* - The Guidelines help describe the Town's aesthetic character and help establish a sense of place. Over time, the Town's historic, yet flexible approach to building design has produced an identity or 'brand' that is highly desirable. New developments and other communities want to emulate the traditional sense of place and visual experience that one gets when visiting Leesburg. Without Guidelines to help guide development toward Leesburg's character, Leesburg would likely look like any other place. The Overlay district provides a regulatory process for working with applicants and the Guidelines provide a starting point for discussing projects with applicants that help us maintain that sense of place.

The BAR also noted that because the Guidelines have been in place for twenty-five years, applicants are used to working with the Guidelines. As such, applications in the H-2 can be typically handled in one to two meetings or can be handled administratively by staff.

Council Member Fox asked about the new proffer statute and how the Town's new policy to not accept proffers for residential projects, or mixed use projects with residential components, will effect this issue. For integrated mixed use projects that include a residential component, the Town would not be able to accept proffers dealing with design commitments.

It was also pointed out that a strong community aesthetic and sense of identity will make the Town a desirable location for new business. It is also a source of pride for residents. A community that pays attention to design review will result in higher quality community design which translates into a positive effect on overall property values. With no H-2 District to guide development, the visual quality of our community will diminish and we may see less business and residential investment in the community.

- *Four Segments of H-2 Corridor* - The BAR did not parse the segments of the H-2 District. The recommendation to retain the H-2 Overlay was for the entire district as it currently exists.

- *If not repealed, should the H-2 be updated and/or replaced?* There was unanimous agreement that the H-2 Guidelines should probably be replaced with either a new approach to guidelines or with some other tool like form-based zoning. It was noted that the current Guidelines do not reflect contemporary urban design theory with respect to site design and they are inadequate with respect to guidance about street scape planning which is something that could unite the overall District.

### Staff Analysis

Staff discussed some of the same questions that the BAR considered and the input is summarized as follows:

- *Has the H-2 been successful?* – Staff agrees with the findings of the H-2 Steering Committee, particularly that the site design sections of the Guidelines have not yielded a community design that is consistent with the traditional character of the Town. The Guidelines were not particularly effective in helping with site design of various shopping centers on East Market Street to achieve a more traditional design that is consistent with the historic downtown. The South King Street shopping center is an example of better building and site design that was accomplished through application of the Guidelines.
- *Good Examples of projects under the H-2* - Staff identified a sampling of projects that we felt were improved by the H-2 Guidelines. These include:



Lowes Home Improvement Center, 1000 Lowes Boulevard (2016)



Toyota of Leesburg, 3 Cardinal Park Drive SE (2014)



McDonald's, 335 East Market Street (2010)



Wegman's, 101 Crosstrail Boulevard (2008)



South King Street Center, 818 South King Street (2007)



Tollhouse Office Building, 307 East Market Street (2005)



PNC Bank, 606 South King Street (1999)

*Implications of no H-2* - If the H-2 Guidelines were repealed, Staff does not believe that the Town Plan offers enough design guidance for legislative applications. Guidelines serve to minimize subjectivity and promote more objectivity in design review. Application of the generic Town Plan policy language as the only design guidance would undoubtedly be very subjective. Regarding administrative review of site plans, the Town Plan is not consulted, so there would be no design review for any administrative applications.

Corporate architecture is another strong reason for having some form of design control. The H-2 Guidelines have helped refine corporate architecture to blend with Leesburg's character on projects such as Toyota and McDonalds. These are case studies that point to the fact that ultimately the Guidelines help Leesburg

differentiate itself from “Anyplace, USA”. In both these examples the developers commented that the end product was superior to their initial submission which were the standard corporate architectural plans. Leesburg is a highly desirable community in which to locate and corporate developers who want to be in Leesburg will adapt ‘off the shelf’ architecture to meet community standards. However, those standards have to be articulated and embodied in some form of local guideline or regulation, otherwise there is no incentive for developers and corporations to adapt, change or modify their plans.

- *Four segments of the H-2 District* - The importance of the H-2 Overlay and Guidelines varies by segment. The North King Street and West Market Street segments of the H-2 District are predominantly residential, and as such the H-2 Guidelines do not apply to these residential areas. That said, several church properties are situated in these segments which are subject to the Guidelines should alterations, additions, or signage be proposed. It may be less risky to repeal the H-2 Overlay and Guidelines for these areas given the predominance of residential uses. However, the South King and East Market segments have more non-residential properties and developable land and in staff’s opinion it is strongly advisable to have architectural review in these areas.
- *If not repealed, should the H-2 be updated and/or replaced?* - Staff feels that the site design portions of the Guidelines are weak and do not offer the kind of help that is needed when reviewing land development applications. Aspects that are particularly lacking include natural site amenities and utilities. Site access, parking lots, and pedestrian circulation are other aspects of the Guidelines that need improvement. Staff has mixed opinions at this point in time regarding whether the Guidelines should be completely replaced with another tool such as form-based zoning or pattern books, or whether selective updates would be an improvement. With respect to building design, one area that is particularly deficient in the Guidelines is the section on compatibility of buildings, or architectural relationship between buildings. Other aspects that should also be improved include siting and relationship of the building to the roadway and design expression.

**Staff Recommendation:**

Successful communities pay attention to where development goes, how it is arranged and what it looks like. Over twenty-five years ago Council deemed community design important. There was an acknowledgement that the community’s visual image contributes to the community’s reputation and desirability as place to locate a business, to live and visit. The entrance corridors to downtown Leesburg were deemed worthy of heightened design review, so much so that extensive steps were taken to seek state enabling legislation to allow

creation of a new type of historic district for Leesburg's gateways leading to the adoption of the H-2 Overlay District, and the H-2 Design Guidelines. Staff believes that the need for design review identified by that Council so many years ago continues today and that attention to quality design is as important today as it was then. Clear, articulate design standards will communicate the aesthetic that the community deems desirable. Design review based on those standards, can produce higher quality development. Further, a design review process that is based on clear and articulate design standards is less subjective and it helps applicants understand what the community wants.

This said, the H-2 Guidelines have not been updated since their adoption in 1990. While the historic character of the Downtown has not changed appreciably, new development has occurred in the downtown and the respective H-1 guidelines were updated in 2009. However, the H-2 Corridors along South King Street and East Market Street face ongoing development pressures and as such, the character of the Town has evolved. Staff agrees with the H-2 Steering Committee that improvements to the Town's H-2 Guidelines should be made that recognize these changes and which address basic deficiencies within the Guidelines. Staff recommends that a working group be established composed of members of the Planning Commission, BAR, Council, and staff to take the recommendations from the H-2 Steering Committee and identify the scope of changes that are recommended. The working group would also identify the appropriate tool (guidelines, regulation, pattern book, etc.). These recommendations would be provided to Council with a request to initiate work on the particular tool(s).

Lastly, staff recommends that the Zoning Ordinance be amended to reinstate the H-2 Sign Guidelines for the Crescent Design District.

Options that the Planning Commission may wish to consider are listed below.

- 1) Total Repeal: The Planning Commission could recommend repeal of the H-2 Overlay and Guidelines. The section below lists the sections of the Zoning Ordinance which would be repealed.
- 2) Partial Repeal: The Planning Commission could recommend repeal of certain segments of the H-2 Corridor, but not all segments.
- 3) No Repeal: The Planning Commission could recommend that no repeal of the H-2 Corridor be done at this time.
- 4) Delay Decision: The Planning Commission could recommend that no decision be made at this time.

Current Zoning Ordinance Sections Pertaining to H-2: The relevant sections of the Zoning Ordinance are shown below. These sections are struck in recognition of the Town Council direction to repeal the H-2 Overlay and Guidelines.

## SECTIONS AMENDED BY THIS ORDINANCE REVISION

### Key to Text Used in this Report:

- Text in ~~red strikethrough~~ is existing text proposed to be eliminated.

## 1) Section 2.3 Board of Architectural Review

### 2.3.7 Powers and Duties

The powers and duties of the Board of Architectural Review shall be as follows:

#### Decision Making Authority

**A.** Exterior Alterations. Review and decide upon exterior alterations to all structures (including buildings, bridges, signs, fences, walls, and monuments) or sites within the boundaries established by this Zoning Ordinance.

**B.** Demolition. Review and decide upon any proposed demolition within the boundaries of the H-1 ~~and H-2~~ Overlay District.

## 2) Section 3.11 Architectural Control Certificates of Appropriateness (H-2 Corridor Overly District)

### ~~3.11.1 Applicability~~

~~Unless otherwise expressly exempted, no structure, building, or sign located on land shall be erected, reconstructed, altered or restored on property subject to the H-2 Overlay District standards of Sec. 7.6 until the plans for such shall have been approved by the Board of Architectural Review in accordance with the Architectural Control Certificate of Appropriateness procedures of **Error! Reference source not found.**~~

### ~~3.11.2 Exemptions~~

~~The provisions of this section shall not apply to any of the following:~~

- ~~A. Regular maintenance of structures, buildings, or signs (as opposed to the reconstruction, alteration or restoration).~~

~~B. Single-family detached dwellings;~~

~~C. Attached dwellings (including townhouses and duplexes); and~~

~~D. Construction within approved Planned Development Districts.~~

### **3.11.3 Demolition Permit Review and Approval Criteria**

~~A. 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 in the Certified Local Government Grant Building Surveys;~~
- ~~2. The criteria listed in the H-2 Design Guidelines; and~~
- ~~3. The ability of the owner to put the subject property to reasonable beneficial use.~~

### **3.11.4 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.~~

### **3.11.5 Required Contents of Applications**

~~**A. General.** Except as hereinafter provided, when filing an application for a Certificate of Appropriateness, applicants must submit information for consideration by the Board of Architectural Review, including ten (10) copies of the following:~~

- ~~1. All architectural elevations drawn to scale;~~
- ~~2. Site plans;~~
- ~~3. Complete exterior 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 12; and~~
- ~~8. Proposed signage, as required by Article 15.~~

~~**B. Sign Permits.** When filing application for a Certificate of Appropriateness 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.~~

~~**C. Waivers of Certain Requirements.** Upon written request from the applicant, the Preservation Planner may waive any of the above requirements deemed not to be~~

~~necessary for review of the application. However, these waivers may be over-ruled by the Board of Architectural Review if additional information is determined to be required at the Board of Architectural Review's meeting to consider the application.~~

### **3.11.6 Form of Application**

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

### **3.11.7 Public Hearing Notice**

~~Written and Placard notice of public hearings before the Board of Architectural Review shall be provided in accordance with the requirements of Sec. **Error! Reference source not found.** and Sec. **Error! Reference source not found.** Newspaper notice is not required.~~

### **3.11.8 Review of Plans in a Timely Manner**

~~The Board of Architectural Review shall vote and announce its decision on any matter properly before it at the conclusion of the public meeting on the matter. The Board of Architectural Review shall render a final decision upon any matter properly before it within seventy-five (75) days or less after the first public hearing on the matter. Any application not acted upon within this 75 day period shall be deemed approved unless the parties mutually agree to extend the action time beyond this 75 day period to a certain date certain.~~

### **3.11.9 Board Actions on Applications**

~~In response to applications for Certificates of Appropriateness, the Board of Architectural Review shall be authorized to approve the application, deny the application, or approve the application in modified form.~~

### **3.11.10 Forms of Decision**

~~All decisions of the Board of Architectural Review granting or denying a Certificate of Appropriateness shall be in writing, a copy of which shall be sent to the applicant and a copy filed with the town office.~~

### **3.11.11 Explanation of Disapproval**

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

### **3.11.12 Accurate Drawings of Approved Plans Required**

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

### **~~3.11.13 Conformance with Certificate Required~~**

~~All work performed pursuant to issuance of a Certificate of Appropriateness 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.~~

### **~~3.11.14 Administrative Approval of Certificates~~**

~~**A. Change of Plans after Issuance of Certificate.** Any change in the approved plans subsequent to the issuance of a Certificate of Appropriateness shall be submitted to the Preservation Planner prior to construction of the modified feature. The Preservation Planner may administratively approve the following modifications: (a) change in the color of brick selected for a project; (b) change in the profile of door and window moldings; (c) change in the type of siding used in a small area which does not exceed ten percent (10%) of the total area of a building; and (d) change in the style of a door or window. A report of administrative approvals shall be made to the Board of Architectural Review at its next meeting.~~

~~**B. Signs.** The Preservation Planner shall have the authority to administratively review and approve requests for Certificates of Appropriateness for all signs in the H-2 Corridor Overlay District if the Preservation Planner determines that the requested sign(s) meet the standards set forth in Article 15 of the Zoning Ordinance, the H-2 Corridor Overlay District Design Guidelines and the H-2 Corridor Sign Guidelines.~~

### **~~3.11.15 Appeals~~**

~~**A. Appeals to the Board of Architectural Review.** The Board of Architectural Review shall not hear the subject matter of any application which has been denied except in cases where an applicant submits an application so amended that it substantially addresses the Board of Architectural Review's reasons for denial of the original application.~~

~~**B. Appeals to the Town Council.** Appeals to the Town Council from any final decision of the Board of Architectural Review may be made by any resident, property or business owner, or applicant by filing a petition with the Clerk of Council, setting forth the basis of the appeal, within thirty (30) days after the final decision of the Board of Architectural Review is rendered. Upon receipt of the appeal, the Clerk of the Council shall promptly schedule a public hearing as soon as reasonably practicable and comply with all applicable notice requirements. The Board of Architectural Review shall file certified or sworn copies of the record of its action, which includes the minutes and documents it considered when rendering its decision and the Clerk shall forthwith transmit to the Town Council all the papers constituting the record upon which the action was taken. If the applicant wishes the Town Council to consider the transcript of the hearing as part of the record, the applicant shall pay all costs of the transcription of the hearing. Pursuant to Code of Virginia Sec. 15.2-2306, the filing of the petition shall stay the decision of the Board of Architectural Review pending the outcome of the appeal to the Town Council, except that the filing of such petition shall not stay the~~

~~decision of the Board of Architectural Review if such decision denies the right to raze, demolish or move any structure or building subject to the provisions of this section. In any appeal, the Town Council shall review the Board of Architectural Review record, consider the written appeal and the criteria set forth in the H-2 Corridor Design Guidelines and to that end shall have all the powers of the Board of Architectural Review. The Town Council may reverse, or affirm, wholly or partly, or may modify, any order, requirement, decision or determination appealed from and make such order, and requirement, decision or determination as ought to be made. The Council review shall be limited to the issues raised on appeal. The failure of the Town Council to affirm, modify, or reverse the decision of the Board of Architectural Review within 75 days from the date of the petition is filed shall be deemed to constitute an affirmation of the Board of Architectural Review's decision, unless all parties to the appeal agree in writing to extend such time period.~~

~~**C. 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 thirty (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.~~

### ~~3.11.16 Lapse of Approval~~

~~A Certificate of Appropriateness (COA) shall lapse and become void unless:~~

- ~~A. Construction has commenced within twenty-four (24) months from the date the COA was issued; or~~
- ~~B. Prior to the sunset of twenty-four month period in (A.) above, the applicant has obtained a six-month extension from the Zoning Administrator by clearly demonstrating to the Zoning Administrator diligent pursuit of other necessary land development approvals. The Zoning Administrator shall include notification of the request for an administrative extension to adjacent property owners. There is no limit to the number of six-month extensions that an applicant may obtain.~~

## 3) Section 4.1.2 Establishment of Zoning Districts

### 4.1.2 Overlay and Special Purpose Districts

- A. M-C, Medical-Hospital Center (Special Purpose) District

- B. GC, Government Center (Special Purpose) District
- C. MA, Municipal Airport (Special Purpose) District
- D. H-1 Overlay, Old and Historic District
- ~~E. H-2, Historic Corridor Architectural Control Overlay District~~
- F. A-1, Airport Overlay District
- G. NACO, Noise Abatement Corridor Overlay District
- H. Creek Valley Buffer District (adopted 5/13/03)
- I. Flood Protection District (adopted 5/13/03)

#### 4) Section 7.6 H-2, Historic Corridor Architectural Control Overlay District

##### ~~7.6.1 Description~~

~~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 H-1 Overlay 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.~~

##### ~~7.6.2 District Created~~

~~The H-2, Historic Corridor Architectural Control District is hereby established as an overlay on the Official Zoning Map under authority of Section 15.2-2306 of the Code of Virginia, 1950, as amended, to be known as the H-2 Overlay 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; 300 linear feet from the right-of-way center line along Route 7, west from the western boundary of the H-1 Overlay District 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 excluding parcels 231-17-2346; 231-17-0408; 231-17-6450; 231-17-9342; and all properties within 500 feet of the center line along the east side of S. King Street from Fairfax Street, SE to the Route 7/15 by-pass~~

### **7.6.3 Applicability**

~~Unless otherwise expressly exempted, the regulations of this section shall apply to all lots and parcels and to all structures upon such lots or parcels within the boundaries of the H-2 Overlay District as defined in Sec. 7.6.2. If any part of a structure to be erected, altered or restored is located on a lot or parcel that is within these boundaries the entire structure shall be governed by this section, unless (1) the entire structure itself is located outside the H-2 Overlay District boundaries and (2) the structure will not be visible from any public right-of-way. Applicants may also proffer compliance with the H-2 Overlay District standards. The regulations of this section apply to all property, including any improvements and modifications to such property, within the boundaries of the H-2 Overlay District.~~

### **7.6.4 Certificates of Approval**

~~**A. Applicability.** Unless otherwise expressly exempted, no structure, building, or sign located on land shall be erected, reconstructed, altered or restored on property subject to the H-2 Overlay District standards of this section until the plans for such shall have been approved by the Board of Architectural Review in accordance with the Architectural Control Certificate of Approval procedures of Sec. 3.11.~~

~~**B. Exemptions.** The provisions of this section shall not apply to any of the following:~~

- ~~1. The regular maintenance of structures, buildings, or signs (as opposed to the reconstruction, alteration or restoration);~~
- ~~2. single-family detached dwellings;~~
- ~~3. attached dwellings (including townhouses and duplexes); or~~
- ~~4. construction within approved Planned Development Districts.~~

~~**C. 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.~~

### **7.6.5 Demolition Applications**

~~No historic landmark, building or structure subject to the provisions of this section shall be demolished until its owner has applied for and received an Architectural Control Certificate of Demolition from the Board of Architectural Review pursuant to the procedures of Section 3.11.3, except as otherwise expressly provided in Sec. **Error! Reference source not found.**F.~~

### **7.6.6 Public Meetings Required**

~~The Board of Architectural Review shall meet at least once monthly to consider applications for Certificates of Appropriateness. The meetings of the Board of Architectural Review shall be open to the public and a full and impartial hearing shall be granted to the applicant.~~

### **7.6.7 Design Criteria**

~~The Board of Architectural Review shall find that the application meets all of the following standards and criteria stated below in approving applications filed under this section. 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 of Architectural Review in evaluating Certificates of Appropriateness.~~

- ~~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 of Architectural Review 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.~~

#### ~~7.6.8 No Architectural Style to be Required~~

~~The Board of Architectural Review (and on appeal, Town Council) shall not adopt or impose any specific architectural style in the administration of this section.~~

#### ~~7.6.9 General Concept Plan~~

~~Prior to the submission of an application for Certificate of Approval, an applicant may submit a general concept plan to the Board of Architectural Review to seek guidance for the conceptual appearance of a proposed project regarding adopted design guidelines and other requirements under the Board's purview. An application for review of a general concept plan shall show information that generally communicates: (a) height; (b) massing; (c) fenestration; (d) roof form; (e) primary exterior materials; (f) façade orientation; (g) building footprint along with placement and position on the associated land parcel; and (h) any proposed demolitions.~~

~~An application for review of a general concept plan shall not be bound by the 75-day review requirement outlined in 3.11.8, Review of Plans in a Timely Manner, and may be continued by mutual agreement of the applicant and Board to a future meeting to allow the applicant opportunity to address Board comments and concerns.~~

~~In Response to an application for review of a general concept plan, the Board of Architectural Review may address the conceptual appearance of a proposed project as it relates to conformance with established design guidelines and other requirements by adopting a~~

~~resolution by majority vote of the members present at the time of the review. This resolution may address the conceptual appearance of all or a specified portion of the project and provide guidance to the applicant on necessary changes to the conceptual appearance in order to conform to established design guidelines and other requirements. The applicant may revise the general concept plan based upon comments received from the Board and resubmit the application for further review.~~

~~A resolution addressing the conceptual appearance of a proposed project adopted by the Board of Architectural Review shall not constitute approval. A Certificate of Approval application consistent with the requirements outlined in Section 3.11 and Section 7.6 reviewed and approved by the Board shall be required for final approval of a project.~~

## 5) Section 15.12, 15.13.3.B&C, 15.13.5 Sign Regulations

### ~~15.12.1 Certificate of Appropriateness Required~~

~~New signs or changes in text, color or composition to an existing permanent sign within the H-2 Overlay District require the approval of a Certificate of Appropriateness by either the Preservation Planner in accordance with Sec. 3.11.14 Administrative Approval of Certificates or the Board of Architectural Review in accordance with Sec. 7.6.4 Certificates of Approval, and the issuance of a sign permit by the Zoning Administrator.~~

### ~~15.12.2 Exemptions~~

~~See Sec. 15.4 Exemptions for items that do not require review by either the Board of Architectural Review or the Preservation Planner.~~

### ~~15.12.3 Additional Review Criteria~~

~~Any sign erected within the H-2 Overlay District shall also satisfy all applicable criteria established in Sec. 7.6.7 Design Guidelines as well as the H-2 Corridor Sign Guidelines.~~

### ~~15.12.4 Administrative Review Authority~~

~~The Preservation Planner shall have authority to issue a Certificate of Appropriateness for applications that request approval for signs that conform to the criteria as established in the H-2 Corridor Sign Guidelines and the H-2 Corridor Overlay District Design Guidelines. All signs in the H-2 Overlay District shall be subject to administrative review and action by the Preservation Planner in accordance with Section 3.11.14 Administrative Approval of Certificates. In the event the Preservation Planner determines that the sign does not conform to said guidelines the application shall be forwarded to the Board of Architectural Review for consideration, at the applicant's request, at the next regularly scheduled BAR meeting for which all public hearing~~

~~notice requirements can be met. An appeal of any BAR decision shall be in accordance with the provisions of Sec. 3.10.14 Appeals.~~

### 15.13.3 Review Authority

All comprehensive sign plans shall be reviewed by an administrative panel composed of the Zoning Administrator, Deputy Zoning Administrator, and Preservation Planner as designated by the Director of Planning & Zoning.

- A. **Within the H-1 Overlay District.** All comprehensive sign plans subject to administrative review within the H-1 Overlay District shall, upon evaluation, be forwarded to the Board of Architectural Review with a recommendation from the panel. BAR review of the comprehensive sign plan shall be completed in accordance with the provisions of Section 3.10 Certificate of Appropriateness: H-1 of this Zoning Ordinance. An appeal of any BAR decision shall be in accordance with Sec. 3.10.14 Appeals.
- B. ~~**Within the H-2 Overlay District.** All comprehensive sign plans subject to administrative review within the H-2 Overlay District shall, upon evaluation, be approved or approved with conditions by the administrative panel. In the event that the administrative panel determines that the comprehensive sign plan does not meet the standards for appropriateness, the application shall, at the applicant's request, be forwarded to the Board of Architectural Review for consideration at the next regularly scheduled BAR meeting for which all public hearing notice requirements can be met. An appeal of any BAR decision shall be in accordance with the provisions of Sec. 3.11.15 Appeals.~~
- C. **Outside the H-1 and H-2 Overlay Districts.** All comprehensive sign plans subject to administrative review outside of the (H) Overlay Districts shall, upon evaluation, be approved, approved with conditions, or denied by the administrative panel. An appeal of any administrative decision shall be forwarded to the Town Council for consideration and action.

### 15.13.5 Standard for Review

In evaluating the appropriateness of any comprehensive sign plan application, the administrative panel shall use the applicable set of sign guidelines for the H-1 ~~or H-2~~ Overlay District as well as the following standards:

- A. **Consistency/Variety.** The degree of consistency or variety among the signs proposed for installation in a comprehensive sign plan should be related to the degree of consistency or variety among or within the building(s) to which the signs relate.
- B. **Compatibility with the buildings.** The design (including, but not limited to, size, materials, colors, and illumination) of the proposed signs in a comprehensive sign plan should be compatible with the design features of the building(s) to which the signs relate.
- C. **Compatibility with other signs.** All signs for a multi-tenant building or development should be compatible but not necessarily identical to one another.
- D. **Location.** The signs should be located in areas that are generally appropriate for installation of signs, including sign bands over storefronts, or hanging from a porch or walkway canopy.
- E. **Number.** The number of signs requested for any tenant in a multi-tenant building or development should be reasonably related to the area available for such signs as well as the degree of visibility of the tenant from within the development as well as from the public right-of-way.

#### ATTACHMENT:

- Town Council Resolution 2016-042

PRESENTED: October 11, 2016

ORDINANCE NO. \_\_\_\_\_

ADOPTED: October 11, 2016

AN ORDINANCE: AMENDING ARTICLES 2, 3, 4, 7, 10, AND 15 OF THE LEESBURG ZONING ORDINANCE TO REPEAL THE H-2 OVERLAY DISTRICT AND GUIDELINES

The Council of the Town of Leesburg in Virginia hereby ordains:

**SECTION I.** That the following sections of the Zoning Ordinance of the Town of Leesburg, Virginia, 2003, as amended, be and the same are hereby amended to read as follows:

## **Sec. 2.3 Board of Architectural Review**

### **2.3.7 Powers and Duties**

The powers and duties of the Board of Architectural Review shall be as follows:

#### **Decision Making Authority**

1. Exterior Alterations. Review and decide upon exterior alterations to all structures (including buildings, bridges, signs, fences, walls, and monuments) or sites within the boundaries established by this Zoning Ordinance.
2. Demolition. Review and decide upon any proposed demolition within the boundaries of the H-1 and H-2 Overlay Districts.

## **Sec. 3.1 General**

### **3.1.8 Summary of Procedures**

The following table provides a summary of the procedures in this article. In the event of conflict between this summary table and the detailed procedures in this article, the detailed procedures shall govern.

Procedure	Section No.	Review and Decision-Making Authority					Notices (Written, Placard, Newspaper)
		Staff	PC	BZA	BAR	Council	
Zoning Ord. Text Amendments	3.2	R	<R>	—	—	<DM>	N
Zoning Map Amendments	3.3	R	<R>	—	—	<DM>	W, P, N
Special Exceptions	3.4	R	<R>	—	—	<DM>	W, P, N
Demolition Permits (BAR)	3.6	R			<DM>	<A>	W,P
Temporary Use Permits	3.5	DM	—	<A>	—	—	—
Zoning Permits	3.7	DM	—	<A>	—	—	—
Wall Check Plats	3.8	DM	—	<A>	—	—	—
Occupancy Permits	3.9	DM	—	<A>	—	—	—

**AN ORDINANCE: AMENDING ARTICLES 2, 3, 4, 7, 10, AND 15 OF THE LEESBURG ZONING ORDINANCE TO REPEAL THE H-2 OVERLAY DISTRICT AND GUIDELINES**

Procedure	Section No.	Review and Decision-Making Authority					Notices (Written, Placard, Newspaper)
		Staff	PC	BZA	BAR	Council	
Certificate of Appropriateness	3.10	R	—	—	<DM>	A	W, P
Architect. Control Cert. of Approval	3.11	R	—	—	<DM>	A	W, P
Commission Permits (Public Projects)	3.12	R	<DM>	—	—	<A>	W,P,N
Variances	3.13	R	—	<DM>	—	—	W, P, N
Administrative Decisions	3.14	DM	—	<A>	—	—	W, P, N*
Proffer Appeals	3.15	DM	—	—	—	<A>	N

PC = Plan. Comm.; BZA = Bd. of Zoning Appeals; BAR = Bd. of Architectural Review; Council = Town Council

R = Review Body (Responsible for Review and Recommendation)

DM = Decision-Making Body (Responsible for Final Decision to Approve or Deny)

A = Authority to hear and decide appeals of Decision-Making Body's action

<> = Public Hearing Required

\*W,P,N notice only on appeal to BZA

**Sec. 3.11 Architectural Control Certificates of Appropriateness (H-2 Corridor Overlay District)**

**3.11.1 Applicability**

~~Unless otherwise expressly exempted, no structure, building, or sign located on land shall be erected, reconstructed, altered or restored on property subject to the H-2 Overlay District standards of Sec. 7.6 until the plans for such shall have been approved by the Board of Architectural Review in accordance with the Architectural Control Certificate of Appropriateness procedures of 0.~~

**3.11.2 Exemptions**

~~The provisions of this section shall not apply to any of the following:~~

- ~~A. Regular maintenance of structures, buildings, or signs (as opposed to the reconstruction, alteration or restoration).~~
- ~~B. Single-family detached dwellings;~~
- ~~C. Attached dwellings (including townhouses and duplexes); and~~
- ~~D. Construction within approved Planned Development Districts.~~

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**3.11.3 Demolition Permit Review and Approval Criteria**

~~A. 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 in the Certified Local Government Grant Building Surveys;~~
- ~~2. The criteria listed in the H-2 Design Guidelines; and~~
- ~~3. The ability of the owner to put the subject property to reasonable beneficial use.~~

**3.11.4 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.~~

**3.11.5 Required Contents of Applications**

~~A. **General.** Except as hereinafter provided, when filing an application for a Certificate of Appropriateness, applicants must submit information for consideration by the Board of Architectural Review, including ten (10) copies of the following:~~

- ~~1. All architectural elevations drawn to scale;~~
- ~~2. Site plans;~~
- ~~3. Complete exterior 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 12; and~~
- ~~8. Proposed signage, as required by Article 15.~~

~~B. **Sign Permits.** When filing application for a Certificate of Appropriateness 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.~~

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~~**C. Waivers of Certain Requirements.** Upon written request from the applicant, the Preservation Planner may waive any of the above requirements deemed not to be necessary for review of the application. However, these waivers may be over-ruled by the Board of Architectural Review if additional information is determined to be required at the Board of Architectural Review's meeting to consider the application.~~

~~**3.11.6 Form of Application**~~

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

~~**3.11.7 Public Hearing Notice**~~

~~Written and Placard notice of public hearings before the Board of Architectural Review shall be provided in accordance with the requirements of Sec. **Error! Reference source not found.** and Sec. **Error! Reference source not found.** Newspaper notice is not required.~~

~~**3.11.8 Review of Plans in a Timely Manner**~~

~~The Board of Architectural Review shall vote and announce its decision on any matter properly before it at the conclusion of the public meeting on the matter. The Board of Architectural Review shall render a final decision upon any matter properly before it within seventy-five (75) days or less after the first public hearing on the matter. Any application not acted upon within this 75 day period shall be deemed approved unless the parties mutually agree to extend the action time beyond this 75 day period to a certain date certain.~~

~~**3.11.9 Board Actions on Applications**~~

~~In response to applications for Certificates of Appropriateness, the Board of Architectural Review shall be authorized to approve the application, deny the application, or approve the application in modified form.~~

~~**3.11.10 Forms of Decision**~~

~~All decisions of the Board of Architectural Review granting or denying a Certificate of Appropriateness shall be in writing, a copy of which shall be sent to the applicant and a copy filed with the town office.~~

~~**3.11.11 Explanation of Disapproval**~~

~~In the case of denial of a Certificate of Appropriateness request, the Board of Architectural Review shall state the reasons for such denial in writing and transmit the written statement to the applicant. In the statement, the Board of Architectural~~

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~~Review may make suggestions that would assist the applicant in the resubmitting of an application.~~

**~~3.11.12 Accurate Drawings of Approved Plans Required~~**

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

**~~3.11.13 Conformance with Certificate Required~~**

~~All work performed pursuant to issuance of a Certificate of Appropriateness 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.~~

**~~3.11.13 Administrative Approval of Certificates~~**

~~**A. Change of Plans after Issuance of Certificate.** Any change in the approved plans subsequent to the issuance of a Certificate of Appropriateness shall be submitted to the Preservation Planner prior to construction of the modified feature. The Preservation Planner may administratively approve the following modifications: (a) change in the color of brick selected for a project; (b) change in the profile of door and window moldings; (c) change in the type of siding used in a small area which does not exceed ten percent (10%) of the total area of a building; and (d) change in the style of a door or window. A report of administrative approvals shall be made to the Board of Architectural Review at its next meeting.~~

~~**B. Signs.** The Preservation Planner shall have the authority to administratively review and approve requests for Certificates of Appropriateness for all signs in the H-2 Corridor Overlay District if the Preservation Planner determines that the requested sign(s) meet the standards set forth in Article 15 of the Zoning Ordinance, the H-2 Corridor Overlay District Design Guidelines and the H-2 Corridor Sign Guidelines.~~

**~~3.11.15 Appeals~~**

~~**A. Appeals to the Board of Architectural Review.** The Board of Architectural Review shall not hear the subject matter of any application which has been denied except in cases where an applicant submits an application so amended that it substantially addresses the Board of Architectural Review's reasons for denial of the original application.~~

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**~~B. Appeals to the Town Council.~~** Appeals to the Town Council from any final decision of the Board of Architectural Review may be made by any resident, property or business owner, or applicant by filing a petition with the Clerk of Council, setting forth the basis of the appeal, within thirty (30) days after the final decision of the Board of Architectural Review is rendered. Upon receipt of the appeal, the Clerk of the Council shall promptly schedule a public hearing as soon as reasonably practicable and comply with all applicable notice requirements. The Board of Architectural Review shall file certified or sworn copies of the record of its action, which includes the minutes and documents it considered when rendering its decision and the Clerk shall forthwith transmit to the Town Council all the papers constituting the record upon which the action was taken. If the applicant wishes the Town Council to consider the transcript of the hearing as part of the record, the applicant shall pay all costs of the transcription of the hearing. Pursuant to Code of Virginia Sec. 15.2-2306, the filing of the petition shall stay the decision of the Board of Architectural Review pending the outcome of the appeal to the Town Council, except that the filing of such petition shall not stay the decision of the Board of Architectural Review if such decision denies the right to raze, demolish or move any structure or building subject to the provisions of this section. In any appeal, the Town Council shall review the Board of Architectural Review record, consider the written appeal and the criteria set forth in the H-2 Corridor Design Guidelines and to that end shall have all the powers of the Board of Architectural Review. The Town Council may reverse, or affirm, wholly or partly, or may modify, any order, requirement, decision or determination appealed from and make such order, requirement, decision or determination as ought to be made. The Council review shall be limited to the issues raised on appeal. The failure of the Town Council to affirm, modify, or reverse the decision of the Board of Architectural Review within 75 days from the date of the petition is filed shall be deemed to constitute an affirmation of the Board of Architectural Review's decision, unless all parties to the appeal agree in writing to extend such time period.

**~~C. 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 thirty (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

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~~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.~~

**3.11.16 Lapse of Approval**

~~A Certificate of Appropriateness (COA) shall lapse and become void unless:~~

- ~~A. Construction has commenced within twenty-four (24) months from the date the COA was issued; or~~
- ~~B. Prior to the sunset of twenty-four month period in (A.) above, the applicant has obtained a six-month extension from the Zoning Administrator by clearly demonstrating to the Zoning Administrator diligent pursuit of other necessary land development approvals. The Zoning Administrator shall include notification of the request for an administrative extension to adjacent property owners. There is no limit to the number of six-month extensions that an applicant may obtain.~~

**Sec. 4.1 Establishment of Zoning Districts**

**4.1.2 Overlay and Special Purpose Districts**

- A. M-C, Medical-Hospital Center (Special Purpose) District
- B. GC, Government Center (Special Purpose) District
- C. MA, Municipal Airport (Special Purpose) District
- D. H-1 Overlay, Old and Historic District
- ~~E. H-2, Historic Corridor Architectural Control Overlay District~~
- E. A-1, Airport Overlay District
- F. NACO, Noise Abatement Corridor Overlay District
- G. Creek Valley Buffer District (adopted 5/13/03)
- H. Flood Protection District (adopted 5/13/03)

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**Sec. 7.6 H-2, Historic Corridor Architectural Control Overlay District**

**7.6.1 Description**

~~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 H-1 Overlay 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.~~

**7.6.2 District Created**

~~The H-2, Historic Corridor Architectural Control District is hereby established as an overlay on the Official Zoning Map under authority of Section 15.2-2306 of the Code of Virginia, 1950, as amended, to be known as the H-2 Overlay 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; 300 linear feet from the right-of-way center line along Route 7, west from the western boundary of the H-1 Overlay District 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 excluding parcels 231-17-2346; 231-17-0408; 231-17-6450; 231-17-9342; and all properties within 500 feet of the center line along the east side of S. King Street from Fairfax Street, SE to the Route 7/15 by-pass~~

**7.6.3 Applicability**

~~Unless otherwise expressly exempted, the regulations of this section shall apply to all lots and parcels and to all structures upon such lots or parcels within the boundaries of the H-2 Overlay District as defined in Sec. 7.6.2. If any part of a structure to be erected, altered or restored is located on a lot or parcel that is within these boundaries the entire structure shall be governed by this section, unless (1) the entire structure itself is located outside the H-2 Overlay District boundaries and (2) the structure will not be visible from any public right-of-way. Applicants may also proffer compliance with the H-2 Overlay District standards. The regulations of this section apply to all property, including any improvements and modifications to such property, within the boundaries of the H-2 Overlay District.~~

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**7.6.4 Certificates of Approval**

- ~~**A. Applicability.** Unless otherwise expressly exempted, no structure, building, or sign located on land shall be erected, reconstructed, altered or restored on property subject to the H-2 Overlay District standards of this section until the plans for such shall have been approved by the Board of Architectural Review in accordance with the Architectural Control Certificate of Approval procedures of Sec. 3.11.~~
- ~~**B. Exemptions.** The provisions of this section shall not apply to any of the following:~~
- ~~1. The regular maintenance of structures, buildings, or signs (as opposed to the reconstruction, alteration or restoration);~~
  - ~~2. single-family detached dwellings;~~
  - ~~3. attached dwellings (including townhouses and duplexes); or~~
  - ~~4. construction within approved Planned Development Districts.~~
- ~~**C. 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.~~

**7.6.5 Demolition Applications**

~~No historic landmark, building or structure subject to the provisions of this section shall be demolished until its owner has applied for and received an Architectural Control Certificate of Demolition from the Board of Architectural Review pursuant to the procedures of Section 3.11.3, except as otherwise expressly provided in Sec. Error! Reference source not found..F.~~

**7.6.6 Public Meetings Required**

~~The Board of Architectural Review shall meet at least once monthly to consider applications for Certificates of Appropriateness. The meetings of the Board of Architectural Review shall be open to the public and a full and impartial hearing shall be granted to the applicant.~~

**7.6.7 Design Criteria**

~~The Board of Architectural Review shall find that the application meets all of the following standards and criteria stated below in approving applications filed under this section. 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 of Architectural Review in evaluating Certificates of Appropriateness.~~

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- ~~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 of Architectural Review 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.~~

**7.6.8 No Architectural Style to be Required**

~~The Board of Architectural Review (and on appeal, Town Council) shall not adopt or impose any specific architectural style in the administration of this section.~~

**7.6.9 General Concept Plan**

~~Prior to the submission of an application for Certificate of Approval, an applicant may submit a general concept plan to the Board of Architectural Review to seek guidance for the conceptual appearance of a proposed project regarding adopted design guidelines and other requirements under the Board's purview. An application for review of a general concept plan shall show information that generally communicates: (a) height; (b) massing; (c) fenestration; (d) roof form; (e) primary~~

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~~exterior materials; (f) façade orientation; (g) building footprint along with placement and position on the associated land parcel; and (h) any proposed demolitions.~~

~~An application for review of a general concept plan shall not be bound by the 75-day review requirement outlined in 3.11.8, Review of Plans in a Timely Manner, and may be continued by mutual agreement of the applicant and Board to a future meeting to allow the applicant opportunity to address Board comments and concerns.~~

~~In Response to an application for review of a general concept plan, the Board of Architectural Review may address the conceptual appearance of a proposed project as it relates to conformance with established design guidelines and other requirements by adopting a resolution by majority vote of the members present at the time of the review. This resolution may address the conceptual appearance of all or a specified portion of the project and provide guidance to the applicant on necessary changes to the conceptual appearance in order to conform to established design guidelines and other requirements. The applicant may revise the general concept plan based upon comments received from the Board and resubmit the application for further review.~~

~~A resolution addressing the conceptual appearance of a proposed project adopted by the Board of Architectural Review shall not constitute approval. A Certificate of Approval application consistent with the requirements outlined in Section 3.11 and Section 7.6 reviewed and approved by the Board shall be required for final approval of a project.~~

## **Sec. 7.10 Crescent Design (CD) District**

### **7.10.2 Applicability**

- A. District Established.** The form-based Crescent Design District is hereby established on the Official Zoning Map under authority of Section 15.2-2306 of the Code of Virginia, 1950, as amended, to be known as the Crescent Design (CD) District. The CD District is hereby designated as an architectural control district, as authorized in the Town Charter amendment dated January 29, 2007.
- B. Provisions not addressed.** All provisions of the Zoning Ordinance not specifically addressed by the provisions of the CD District shall be applicable.
- C. Conflict with Zoning Ordinance Regulations.** The provisions of the CD District, when in conflict with other articles of the Zoning Ordinance, shall take precedence.

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**D. Architectural Overlay District Applicability**

1. **H-1 District Applicability.** The H-1, Overlay, Old and Historic District regulations, guidelines and approval requirements shall apply in the CD District to those properties designated H-1.
2. ~~**H-2 District Applicability.** The H-2, Historic Corridor Architectural Control Overlay District regulations, guidelines and approval requirements shall not apply in the CD District except as described in Sec. 7.10.2.1 below.~~

**Sec. 10.4 Measurements, Computations and Exceptions**

**10.4.5. Minimum Yard Requirements**

**C. Extensions into Required Yards.** The following uses and structures shall be permitted to be located within required yards, subject to the limitations established herein. No structure may be erected over a public right-of-way or easement, except as permitted in the Town Code.

**8. Satellite Dish Antennae.**

- a. **Residential Districts.** Satellite dish antennae with a diameter of up to one meter shall be allowed within all residential zoning districts. There are no restrictions on where such antenna may be located on residential lots, provided that (1) they shall not create a safety hazard and (2) the Board of Architectural Review shall be authorized to regulate the location and appearance of such antenna within H-1 and ~~H-2 Overlay Districts~~. Satellite dish antenna with a diameter of more than one meter in diameter shall be prohibited within all Residential Districts.

**10.4.6 Maximum Height**

**C. Structures Excluded from Maximum Height Limitations.** The maximum height limitations established within this Zoning Ordinance shall not apply to the following structures:

4. Elevator towers, air-conditioning units and all rooftop HVAC and mechanical equipment shall be hidden from the view of public rights-of-way and adjoining properties. This shall be accomplished for pitched roofs by placing the equipment on the back half of the building or concealing the equipment within the roof structure. This shall be accomplished for flat roofs by limiting the area of the screened area or penthouse containing the equipment to no more than 25% of the area of the floor below and setting the penthouse or screened area from the

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front and back facades of the building such that the top of the penthouse or screen is below a 45 degree line drawn from the bottom of the parapet. In addition, the penthouse or screen wall shall be compatible with the design of the building and for properties located in the H-1 or H-2 overlay districts, comply with the applicable design guidelines as determined appropriate by the Board of Architectural Review.

## **Sec. 15.12 Signs in the H-2 Overlay District**

### **15.12.1 Certificate of Appropriateness Required**

~~New signs or changes in text, color or composition to an existing permanent sign within the H-2 Overlay District require the approval of a Certificate of Appropriateness by either the Preservation Planner in accordance with Sec. 3.11.14 Administrative Approval of Certificates or the Board of Architectural Review in accordance with Sec. 7.6.4 Certificates of Approval, and the issuance of a sign permit by the Zoning Administrator.~~

### **15.12.2 Exemptions**

~~See Sec. 15.4 Exemptions for items that do not require review by either the Board of Architectural Review or the Preservation Planner.~~

### **15.12.3 Additional Review Criteria**

~~Any sign erected within the H-2 Overlay District shall also satisfy all applicable criteria established in Sec. 7.6.7 Design Guidelines as well as the H-2 Corridor Sign Guidelines.~~

### **15.12.4 Administrative Review Authority**

~~The Preservation Planner shall have authority to issue a Certificate of Appropriateness for applications that request approval for signs that conform to the criteria as established in the H-2 Corridor Sign Guidelines and the H-2 Corridor Overlay District Design Guidelines. All signs in the H-2 Overlay District shall be subject to administrative review and action by the Preservation Planner in accordance with Section 3.11.14 Administrative Approval of Certificates. In the event the Preservation Planner determines that the sign does not conform to said guidelines the application shall be forwarded to the Board of Architectural Review for consideration, at the applicant's request, at the next regularly scheduled BAR meeting for which all public hearing notice requirements can be met. An appeal of any BAR decision shall be in accordance with the provisions of Sec. 3.10.14 Appeals.~~

AN ORDINANCE: AMENDING ARTICLES 2, 3, 4, 7, 10, AND 15 OF THE LEESBURG ZONING ORDINANCE TO REPEAL THE H-2 OVERLAY DISTRICT AND GUIDELINES

## 15.13 Comprehensive Sign Plans

### 15.13.3 Review Authority

All comprehensive sign plans shall be reviewed by an administrative panel composed of the Zoning Administrator, Deputy Zoning Administrator, and Preservation Planner as designated by the Director of Planning & Zoning.

- A. Within the H-1 Overlay District.** All comprehensive sign plans subject to administrative review within the H-1 Overlay District shall, upon evaluation, be forwarded to the Board of Architectural Review with a recommendation from the panel. BAR review of the comprehensive sign plan shall be completed in accordance with the provisions of Section 3.10 Certificate of Appropriateness: H-1 of this Zoning Ordinance. An appeal of any BAR decision shall be in accordance with Sec. 3.10.14 Appeals.
- B. Within the H-2 Overlay District.** ~~All comprehensive sign plans subject to administrative review within the H-2 Overlay District shall, upon evaluation, be approved or approved with conditions by the administrative panel. In the event that the administrative panel determines that the comprehensive sign plan does not meet the standards for appropriateness, the application shall, at the applicant's request, be forwarded to the Board of Architectural Review for consideration at the next regularly scheduled BAR meeting for which all public hearing notice requirements can be met. An appeal of any BAR decision shall be in accordance with the provisions of Sec. 3.11.15 Appeals.~~
- C. Outside the H-1 and H-2 Overlay Districts.** All comprehensive sign plans subject to administrative review outside of the (H) Overlay Districts shall, upon evaluation, be approved, approved with conditions, or denied by the administrative panel. An appeal of any administrative decision shall be forwarded to the Town Council for consideration and action.

### 15.13.5 Standard for Review

In evaluating the appropriateness of any comprehensive sign plan application, the administrative panel shall use the applicable set of sign guidelines for the H-1 ~~or H-2~~ Overlay District as well as the following standards:

- A. Consistency/Variety.** The degree of consistency or variety among the signs proposed for installation in a comprehensive sign plan should be related to the degree of consistency or variety among or within the building(s) to which the signs relate.

AN ORDINANCE: AMENDING ARTICLES 2, 3, 4, 7, 10, AND 15 OF THE LEESBURG  
ZONING ORDINANCE TO REPEAL THE H-2 OVERLAY DISTRICT  
AND GUIDELINES

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

**SECTION III.** Severability. If a court of competent jurisdiction declares any provision of this ordinance invalid, the decision shall not affect the validity of the ordinance as a whole or any remaining provisions of the Leesburg Town Code.

**SECTION IV.** This ordinance shall be effective upon its adoption.

PASSED this 11<sup>th</sup> day of October 2016.

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David S. Butler, Mayor  
Town of Leesburg

ATTEST:

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Clerk of Council

PRESENTED October 11, 2016

RESOLUTION NO.: \_\_\_\_\_

ADOPTED \_\_\_\_\_

A RESOLUTION: INITIATING A WORK GROUP TO FORMULATE RECOMMENDATIONS ON HOW TO UPDATE OR REPLACE THE H-2 GUIDELINES. THE RESOLUTION ALSO INITIATES AN AMENDMENT TO THE LEESBURG ZONING ORDINANCE TO REINSTITUTE THE H-2 SIGN GUIDELINES FOR THAT AREA WITHIN THE CRESCENT DESIGN DISTRICT THAT WAS PREVIOUSLY IN THE H-2 HISTORIC CORRIDOR ARCHITECTURAL CONTROL OVERLAY DISTRICT.

WHEREAS, the Town Council initiated an amendment to the Town of Leesburg Zoning Ordinance to repeal the H-2 Historic Corridor Architectural Control Overlay District (H-2 Overlay District) and the H-2 Guidelines through Resolution 2016 -042; and

WHEREAS, the Town Plan recognizes the importance of community design throughout town and in the entrance corridors leading to the H-1 Old and Historic District and specifically states in Heritage Resources Objective 2: “Protect approaches to the historic district through comprehensive zoning and design policy to foster appropriate changes with the entrance corridors”; and

WHEREAS, the H-2 Design Guidelines were developed to implement this Town Plan policy to provide more detailed building and site design guidance; and

WHEREAS, the Board of Architectural Review discussed the proposed repeal on July 6 and September 7, 2016 and unanimously supported retention of the H-2 Overlay District and the H-2 Design Guidelines for the time being but that the H-2 Guidelines should be updated or replaced; and

RESOLUTION: INITIATING A WORK GROUP TO FORMULATE RECOMMENDATIONS ON HOW TO UPDATE OR REPLACE THE H-2 GUIDELINES. THE RESOLUTION ALSO INITIATES AMENDMENTS TO THE LEESBURG ZONING ORDINANCE TO REINSTITUTE THE H-2 SIGN GUIDELINES FOR THAT AREA WITHIN THE CRESCENT DESIGN DISTRICT THAT WAS PREVIOUSLY IN THE H-2 HISTORIC CORRIDOR ARCHITECTURAL CONTROL OVERLAY DISTRICT.

WHEREAS, the Board of Architectural Review also recommended that the H-2 Sign Guidelines be reinstated for the portion of the Crescent Design District that was previously in the H-2 Overlay District; and

WHEREAS, the Planning Commission held a public hearing on September 15, 2016 to discuss the proposal to repeal the H-2 Overlay District and H-2 Guidelines; and

WHEREAS, the Planning Commission discussed the proposal and voted 7-0 to retain the H-2 Overlay District and Guidelines for the time being; to institute a short term working group to discuss updating or replacing the Guidelines based on the earlier findings and recommendations made by the H-2 Steering Committee in 2009; to consider updates or replacement of the Guidelines in the context of the East Market Street Small Area Plan process; to take stakeholder input on recommendations to update or replace the Guidelines; and report recommendations of the work group to the Town Council; and

WHEREAS, the staff is supportive of the Planning Commission's proposed approach; and

WHEREAS, the public necessity, convenience, general welfare and good planning practice are supported by the proposed approach.

THEREFORE, RESOLVED by the Council of the Town of Leesburg in Virginia as follows:

RESOLUTION: INITIATING A WORK GROUP TO FORMULATE RECOMMENDATIONS ON HOW TO UPDATE OR REPLACE THE H-2 GUIDELINES. THE RESOLUTION ALSO INITIATES AMENDMENTS TO THE LEESBURG ZONING ORDINANCE TO REINSTITUTE THE H-2 SIGN GUIDELINES FOR THAT AREA WITHIN THE CRESCENT DESIGN DISTRICT THAT WAS PREVIOUSLY IN THE H-2 HISTORIC CORRIDOR ARCHITECTURAL CONTROL OVERLAY DISTRICT.

SECTION I. A short term working group shall be formed consisting of members of the Board of Architectural Review and the Planning Commission to: develop recommendations for how to improve or replace the H-2 guidelines; consider the Guidelines in the context of the East Market Street Small Area Plan; take stakeholder input on ways to improve the Guidelines; consider ways to streamline the design review process using updated Guidelines or under a substitute approach; and to report back to the Town Council with recommendations from the working group on or before June 30, 2017.

SECTION II. An initiation of a Zoning Ordinance text amendment to reinstitute the H-2 Sign Guidelines for that area within the Crescent Design District that was previously part of the H-2 Historic Corridor Architectural Control Overlay District.

SECTION III. The Planning Commission shall hold a public hearing to consider this amendment to the Zoning Ordinance and report its recommendation to the Town Council pursuant the Chapter 22, Title 15.2-2204 of the 1950 Code of Virginia, as amended

PASSED this \_\_\_ day of \_\_, 2016.

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David S. Butler, Mayor  
Town of Leesburg

ATTEST:

RESOLUTION: INITIATING A WORK GROUP TO FORMULATE RECOMMENDATIONS ON HOW TO UPDATE OR REPLACE THE H-2 GUIDELINES. THE RESOLUTION ALSO INITIATES AMENDMENTS TO THE LEESBURG ZONING ORDINANCE TO REINSTITUTE THE H-2 SIGN GUIDELINES FOR THAT AREA WITHIN THE CRESCENT DESIGN DISTRICT THAT WAS PREVIOUSLY IN THE H-2 HISTORIC CORRIDOR ARCHITECTURAL CONTROL OVERLAY DISTRICT.

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Clerk of Council