

AN ORDINANCE AMENDING ZONING ORDINANCE SECTIONS 2103, 3052, 3062, 3082, 3142, 3182, 3271, 3280, 3281, 3282, 3283, 3287, AND 4543 AND ADDING NEW SECTIONS 3289 AND 3290 PERTAINING TO THE BLACKSBURG HISTORIC OVERLAY DISTRICT

WHEREAS, the Blacksburg Town Council established the Blacksburg Historic Overlay District (the "District") in 1999 with Ordinance 1222 to recognize that certain buildings, structures and sites within the District have important historic, architectural, archaeological, or cultural interest;

WHEREAS, as part of establishing the District, a list of Contributing Structures was adopted (the "Blacksburg Historic District Contributing Structures List");

WHEREAS, policies in the Town's Comprehensive Plan state that the Town will support and promote the Blacksburg Historic District as both a cultural resource and an economic development tool and that the Town will work with property owners to upgrade and renovate buildings in the District, including adaptive reuse options that support the goals of the District;

WHEREAS, professional surveys of the District and its characteristics were completed, with assistance from and in cooperation with the Virginia Department of Historic Resources, as part of the original establishment of the District, and were performed again in 2007¹ and 2016² (the "Surveys") with the goals of updating Town records, creating a consistent and complete inventory of resources, and updating the period of significance for the District, based on historical development patterns in Town;

WHEREAS, the Blacksburg Town Council has reviewed the Surveys and hereby finds that the suggested additions and changes to the Contributing Structures List recommended in the Surveys contribute to the overall historic and architectural significance of the District and its architectural integrity, reflect the District's character, and provide information about the historically significant periods set out in the Surveys;

¹ "Final Report, Survey Findings and Recommendations, Blacksburg Historic District Survey and Survey Update, Blacksburg, Virginia," prepared by TRC, dated May 1, 2007.

² "Survey Report, Findings & Recommendations, Blacksburg Historic District, Blacksburg, Virginia," prepared by Hill Studio, 2016.

WHEREAS, based on the Surveys, the Blacksburg Town Council has directed Town staff to amend the Contributing Structures list to correct address and administrative errors and to add the structures and properties that the Town Council has determined to contribute to the District.

WHEREAS, Blacksburg Town Council has also determined that the addition of large impervious areas, typically used for parking, is detrimental to and not in keeping with the historical development pattern in the Historic District;

WHEREAS, the Council further finds that amendments to the District regulations will help provide clarity to citizens and guidance in decision-making for proposed signage and redevelopment plans and other review types; and

WHEREAS, after this study, review, public notice and citizen participation, and after completion of all steps and procedures required by law, this Council makes the following findings:

(a) the proposed amendments described herein are consistent in all respects with the intent and applicable standards of the Zoning Ordinance; and,

(b) the public necessity, convenience, general welfare and good zoning practice so require.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Blacksburg:

1. That the preceding findings and determinations are ratified and affirmed, and the additions and changes to the Blacksburg Historic District Contributing Structures list as submitted to the Town Council are hereby approved.
2. That Zoning Ordinance Sections 2103, 3052, 3062, 3082, 3142, 3182, 3271, 3280, 3281, 3282, 3283, 3287, and 4543 are amended and reordained and new sections 3289 and 3290 are added, as follows:

Sec. 2103 - Definitions of terms and use types.

~~HISTORIC ARCHITECTURE REVIEW BOARD~~ *HISTORIC OR DESIGN REVIEW BOARD*—
A board appointed by Town Council to effectuate the provisions of this article for the protection and preservation of historic or archaeological sites or structures in the Town.

Sec. 3052 - Site development regulations.

(h) Additional standards apply in the Historic or Design Review Overlay District for parking related uses. See Section 3289.

Sec. 3062 - Site development regulations.

(h) Additional standards apply in the Historic or Design Review Overlay District for parking related uses. See Section 3289.

Sec. 3082 - Site Development Regulations.

(g) Additional standards apply in the Historic or Design Review Overlay District for parking related uses. See Section 3289.

Sec. 3142 - Site development standards.

(k) Additional standards apply in the Historic or Design Review Overlay District for parking related uses. See Section 3289.

Sec. 3182 - Site development standards.

(k) Additional standards apply in the Historic or Design Review Overlay District for parking related uses. See Section 3289.

DIVISION 27. - HISTORIC OR DESIGN REVIEW OVERLAY DISTRICT

SUBDIVISION 1 - [PURPOSE AND DESIGNATION]

Sec. 3271 - Historic or Design Review Board.

(a) The Historic or Design Review Board, or "Board," shall have a membership of at least seven (7) and at most nine (9) members who are residents of the Town. All members shall be appointed by the Town Council, and shall have a demonstrated interest, competence, or knowledge in historic preservation. The membership shall ~~shall~~ *must* include a member of the Planning Commission, a

~~registered licensed~~ architect or architectural historian, and should include, to the extent feasible, an owner of commercial property within the District and two (2) owners of property within the District who also reside within the District. At least two (2) of the members ~~should~~ must have professional training or equivalent experience in any of the following disciplines: architecture, history, architectural history, planning, building or development. The remaining members ~~shall~~ should be persons interested in the District or historic preservation, or additional residents and business owners in the District. The members shall serve staggered terms of four (4) years, and each member shall serve until ~~his or her~~ that member's replacement is appointed. The Town Council may appoint members whose property ownership, residence in the district or training or experience satisfies more than one (1) of the requirements of this section; however, in no case shall there be less than ~~three~~ ~~{3}~~ one (1) property owners on the Board.

- (b) The Board shall review applications for development within an historic overlay district as directed by the ordinance establishing the district. The Board shall also hear appeals from decisions of the zoning administrator to deny a certificate of appropriateness.
- (c) Where the application of design criteria is mandatory, the Board shall issue or deny a certificate of appropriateness based upon the design criteria for the particular Historic or Design Review Overlay District in which the development is proposed to occur.
- (d) Any decision to deny a certificate of appropriateness shall be set forth in writing, stating the reasons therefore.
- (e) The Board may ask the Town Council to initiate a study of a proposed historic overlay district. The Board shall comment on studies and rezoning proposals as requested by the Planning Commission or Town Council.
- (f) The Board shall implement and enforce proffered conditions of conditional or planned zoning districts, if it is so designated in the ordinance creating the district.
- (g) The Board shall undertake such other tasks as the Town Council may direct.

Sec. 3272 - Designation of a Historic or Design Review Overlay District; process; overview.

There shall be a two-step process for designating any area as a Historic or Design Review Overlay District. The first step in the process shall be a study of the proposed district. The second step of the process shall consist of a zoning amendment, which shall be initiated or not pursuant to the provisions of Article I, Division 5 of ~~this Appendix~~ the Zoning Ordinance.

Sec. 3280 - Definitions applicable in Historic or Design Review Overlay Districts.

For the purposes of administering Historic or Design Review Overlay Districts, certain terms are defined as follows:

"Alteration" means any change or rearrangement in the supporting members of an existing building, affecting the exterior of a building or structure, or any enlargement or reduction of a building or structure, whether horizontally or vertically, or the relocating of a building or a structure from one (1) location to another. This term includes any change of, including removal of, any architectural details, or any addition to a part or the entire exterior of any structure. Depending upon the extent or nature of an alteration, it may constitute "demolition" and be subject to the provisions of this Article governing demolition.

"Certificate of Appropriateness" means a permit issued by the Historic or Design Review Board granting an applicant approval for the alteration, change, demolition, relocation, excavation, or new construction of a contributing site, contributing structure, landmark, noncontributing structure, or noncontributing site in an historic district.

"Contributing structure or property" means any building, structure, or site which contributes to the overall historic and architectural significance of the district and architectural integrity with little or no diminishment in value reflecting the character of that time or is capable of yielding important information about the historically significant period. Qualities of the building, structure or site which contribute to the overall historic and architectural significance of the district include, but are not limited to, setback, massing, height, materials, architectural features and/or fenestration. As approved by the Town Council and on file in the Town Clerk's Office, all contributing structures within the district(s) are set forth in the document entitled "Blacksburg Historic District Contributing Structures List" or "*List*" (*maintained by the Department of Planning and Building*) dated July 14, 2020. *Contributing structures include accessory structures whether individually identified in the List or identified as contributing secondary resources in the supporting survey information on file with the Town and with the Virginia Department of Historic Resources.*

"Demolish" or "demolition" means the razing or destruction, whether entirely or in significant part, of a building, structure, site or object. Demolition includes the removal of a building, structure, or object from its site or the removal or destruction of the façade or exterior surface, or exterior changes that destroy the historical significance of the building, structure or object.

"Development" means any manmade change to improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or storage of equipment or materials. The term "development" includes construction, reconstruction, alteration, restoration, and demolition of a structure. It also includes the erection of a new sign.

"Reconstruction" means the act or process of reproducing by new construction the form and detail of a vanished site, structure, landmark, or a part thereof, as it once appeared.

"Restoration" means the act or process of returning a building, structure, site or landmark to its former condition and/or appearance, such as a house museum to the time period of a famous resident.

SUBDIVISION 2 - [ESTABLISHMENT AND DESIGN CRITERIA]

Sec. 3281 - Establishment of Blacksburg Historic Overlay District.

- (a) The Blacksburg Historic Overlay District, or "District," originally established by Ordinance 1222 in 1999, is hereby re-enacted. The boundaries of the District are shown on the "Blacksburg Historic District Boundary & Contributing Structures Map" dated November 29, 2010, and *subsequently* amended October 13, 2015 *and July 14, 2020*, as approved by the Town Council.

The District was established for the purpose of promoting the general welfare, education, and recreational benefit of the public through the recognition of this area of the Town as having historic, architectural, and cultural significance. Regulations of the District are intended to protect, restore, and preserve the architectural integrity of existing structures, to create an atmosphere for compatible growth for the future and to ensure that new structures and uses will be in keeping with the character of the District.

- (b) In re-enacting the District, the Town Council expressly re-affirms its earlier findings that it includes buildings or structures or other features with important historic, architectural, archaeological or cultural interest, including but not limited to the original Town plat, established in 1798, known as the "Sixteen Squares," which is a defining feature of the Town; the Croy-Dawson House of 1839; "Five Chimneys," built in 1840; the Andy Camper House, circa 1850; the Price House, built in 1853; the Thomas-Conner House, built in 1878; and the additional historic contributing buildings identified on the "Blacksburg Historic District Boundary & Contributing Structures Map" and the document entitled "Blacksburg Historic District Contributing Structures List," as *last* amended on ~~October 13, 2015~~ *July 14, 2020* and approved by the Town Council.

Sec. 3282 - Design criteria.

- (a) Town Council adopts the design criteria contained in the pamphlets entitled "Blacksburg Historic District Design Guidelines, Overview, Exterior Alterations, New Construction, and Relocation and Demolition" prepared by Landmark Preservation Associates and Dunay + Albright Architects, as amended, dated November 5, 1999, *and "Blacksburg Historic District Sign Guidelines," prepared by Hill Studio dated June 2016* as guidelines for development within this District. No building or structure, including signs, shall be erected, reconstructed, altered, or restored within this District until reviewed for conformance with these design criteria by the zoning administrator or the Board as appropriate.

This review shall be an advisory review, except as set forth in the following paragraph.

- (b) Notwithstanding the advisory nature of the guidelines as applied to the foregoing types of development, no contributing structure within this District shall be razed, demolished, or relocated until the razing, demolition, or relocating thereof is approved by the Board, or, on appeal, by the Town Council after consultation with the Board. Furthermore, no new building or structure shall be constructed or erected on the site of a razed, demolished or relocated contributing structure until a redevelopment plan for the site is approved and a certificate of appropriateness issued by the Board, or on appeal by the Town Council.

Sec. 3283 - Applicability of design guidelines.

All non-exempt types of development described below require completion of the historic review application and cannot proceed until approval is granted.

- (a) For ~~all~~ *contributing and non-contributing* structures in the District, the following types of development shall be exempt from the design guidelines:
 - (1) Repainting, except painting of masonry that has been unpainted;
 - (2) Interior alterations that have no visible effect upon the exterior of the structure;
 - (3) Minor repairs that maintain the integrity of existing walls, roofs, ~~windows~~, doors, fences, and other property features where no change in design or material is proposed;
 - (4) Planting grass, trees, and shrubs;
 - (5) *Windows are not exempt and are addressed in subsection (b).*
- (b) For ~~all~~ *contributing and non-contributing* structures in the District, the following types of development shall require an advisory administrative staff review for conformance to the design guidelines:
 - (1) Any construction or alterations not visible from a public ~~street~~ *right-of-way*;
 - (2) Construction or replacement of fences in rear or side yards; *however, fences in the front yard are subject to subsection (d)*;
 - (3) Development of decks in rear yards; *however, decks in the front or side yard are subject to subsection (d)*;
 - (4) Replacement of side or rear stairs, stoops or porches; *however, stairs, stoops, or porches in the front yard are subject to subsection (d)*;

- (5) *Repair or replacement of windows where no change in design or material is proposed; however, changes in materials or sizing, or redesign of windows visible from the street are subject to subsection (d);*
- (6) *Replacement of ~~windows~~, doors and shutters where different material is proposed; ~~however enlargement requires Board review;~~*
- ~~(6)~~(7) *Removal of trees or landscaping plants.*
- (c) *For non-contributing structures in the District, the ~~The~~ following types of developments ~~for non-contributing structures within the District~~ shall require an advisory administrative staff review for conformance to the design guidelines:*
 - (1) *Demolition of ~~noncontributing~~ accessory structures;*
 - (2) *Exterior alterations of ~~noncontributing~~ structures, ~~except~~. *Proposed ~~proposed~~ additions are subject to an advisory review by the Board subsection (d);**
 - (3) *New signage or changes to existing signage. Signage changes for contributing structures are subject to subsection (d).*
- (d) *For contributing and non-contributing structures in the District, any ~~Any~~ other type of development, change, or alteration not covered by subsections (a), (b), or (c) ~~above of any structure within the District~~ shall require the advisory review of the Board. *Examples include additions to non-contributing structures, replacement of siding or roofing for contributing structures, and signage changes for contributing structures. Site elements that are not attached to the structure, including but not limited to, walls, utilities, telecommunication facilities, driveways, and parking areas shall require the advisory review of the Board.**
- (e) *For non-contributing structures in the District, the ~~The~~ razing, demolition or relocation of a ~~noncontributing~~ structure ~~within the District~~ shall be subject to an advisory review by the Board.*
- (f) *For contributing structures in the District, the ~~The~~ razing, demolition or relocation of a ~~contributing~~ structure *including accessory structures* shall be subject to the mandatory review and approval of the Board. A mandatory review and approval of a plan shall be required by the Board for the redevelopment of a site that contains a contributing structure or previously contained a contributing structure that was razed, demolished or relocated.*

Sec. 3287 - Redevelopment plan criteria.

- (a) *Within three (3) months prior to the submission of a redevelopment plan, the property owner or the owner's agent shall schedule a pre-application meeting with the director of Planning and Building. The property owner or the owner's agent shall attend the pre-application meeting, which shall consist of a discussion of the proposed redevelopment and the requirements of this ordinance. The chair of the Board may assign two (2) members of the Board to attend the pre-application meeting.*

(b) The following is the redevelopment plan submittal criteria for sites where a contributing structure has been razed, demolished, or relocated. The Board reserves the right to request applicants return with additional specifications *and any other relevant materials reasonably necessary for its review.* In consideration of a redevelopment plan, ~~the following are required for submittal and in addition to any required site plans, architectural plans or building permits, the Board may require any or all of the following information and any other relevant materials as may be deemed necessary for its review at the pre-application meeting or at a formal review of the redevelopment plan at a Board meeting:~~

(1) Statement of proposed use, *site design concept showing structure(s) and supporting infrastructure, and conceptual building design(s).*

(2) Description of how the proposed project meets the design elements outlined in the Blacksburg Historic District Design Guidelines, "New Construction," specifically:

(a) Building type and design considerations;

(b) Strengthening street and continuous landscape;

(c) Balancing pedestrian areas and parking; and

(d) Material and craftsmanship.

(3) Proposed building materials, including their composition, texture, finish, quality, *color*, and appearance, which may include product brochures, specifications, and samples. *Design and material details of doors and windows, ornamentation, including any product specifications;*

(4) Designs for exterior signage, lighting and graphics, to include description of materials, colors, placement and means of physical support, lettering style and size.

~~(5) The following supplemental information may be submitted, but is not required:~~

~~(5)(a) Statement of estimated construction time;~~

~~(6)(b) Description of how the proposed project is consistent with the Comprehensive Plan and the Zoning District in which it is located. meets the goals, objectives and action strategies outlined in the Town's Comprehensive Plan, Blacksburg2046;~~

~~(c) Design and material details of doors and windows, ornamentation, including any product specifications;~~

~~(7)(d) A written statement concerning construction methods to be employed and information on construction staging and sequencing.~~

(c) Any material change to a binding redevelopment plan requires approval by the Board.

~~(e)~~(d) No redevelopment plan shall be deemed complete until the zoning administrator has determined that the use of the proposed building or structure is permitted under the current zoning for such property *or the property owner indicates with the historic review application intent to apply and request an appropriate zoning designation.*

~~(d)~~(e) A certificate of appropriateness shall become null and void if no significant improvement or alteration is made in accordance with the approved redevelopment plan within two (2) years from the date of approval. On written request from an applicant, the Board may grant a single extension for a period of up to two (2) years, if, based upon submissions from the applicant, the Board finds that conditions on the site and in the area of the proposed project are essentially the same as when approval originally was granted.

~~(e)~~(f) Prior to the issuance of a certificate of occupancy permit by the building official, the applicant shall obtain a certificate of compliance from the zoning administrator indicating the compliance of the final building or structure with the terms and conditions of the approved redevelopment plan. The zoning administrator shall base the certificate of compliance on the certificate of appropriateness from the Board. The zoning administrator shall notify the chair of the Board when any certificate of compliance has been requested and provide the Board with copies of all correspondence related to the approval or denial of a certificate of compliance. The zoning administrator shall issue all certificates of compliance, whether the Board approved the redevelopment plan or whether the governing body approved it upon appeal. An applicant may appeal the denial of a certificate of compliance to the Board. The owner may appeal the decision of the Board on the certificate of compliance to Town Council in the manner provided by Zoning Ordinance section 3285.

Sec. 3289 – Vehicular parking regulations in the Historic or Design Review Overlay District

Parking can have a significant impact on the character of an historic district. Much of Blacksburg’s historic district was constructed before the dominance of the automobile. The development pattern reflects this with buildings set closer to the street, the majority of off-street parking existing to the side and rear of the buildings typically accessed by an alley or narrow driveway, and limited on-street parking. The following criteria exist to ensure parking expansions or installation of new parking areas do not negatively affect the fabric and character of the Historic District.

All parking related uses, including but not limited to driveways, parking areas, structured parking, parking facilities, on- and off-site parking, within the District shall be required to adhere to the following standards and constructed only upon the issuance of a zoning permit and other permits as may be required:

- (1) For parking serving non-residential uses, any new surface parking lots, structured parking, or addition of parking spaces, whether classified as a*

parking facility, off-site parking, or on-site parking, requires a conditional use permit pursuant to the criteria in Section 3290.

(2) For parking serving residential uses, the addition of off-site parking spaces require a conditional use permit pursuant to the criteria in Section 3290.

(3) For parking serving residential uses, the addition of on-site parking spaces must meet the following standards:

(a) Driveways shall be limited to a single lane (maximum 12' in width) where visible from the street and shall only widen behind the primary structure or when screened with landscaping or other approved materials.

(b) Parking shall be located fully behind the primary structure.

(c) For corner lots, parking areas shall be located behind the primary structure and set back as far as possible from the side street, but no less than 10 feet in commercial zoning districts and no less than 20 feet in residential zoning districts.

(4) Any parking that cannot meet the above standards requires a conditional use permit pursuant to the criteria in Section 3290.

Sec. 3290 – Criteria for Conditional Use permit for parking related uses.

Parking may be requested through the Conditional Use permit process within the Historic or Design Review Overlay District as referenced above. Evaluation criteria to determine the appropriateness of the parking related use requested include, but are not limited to, the following:

(1) Location and visibility of proposed parking;

(2) Proposed driveway width;

(3) Size of proposed parking area;

(4) Impact on the relationship of the building to the street;

(5) Landscaping, buffering, and screening to mitigate visual impacts;

(6) Unusual shape or topography of a lot;

(7) Location of existing structures;

(8) Preservation of mature trees;

(9) Consistency with existing development pattern in the Historic District;

(10) Impact on adjacent properties;

- (11) Availability of public parking; and
- (12) Consideration of parking in keeping with the Historic District and the Guidelines including:
 - (a) Use of materials such as brick, concrete, or other textured surfaces.
 - (b) Employing two parallel narrow strips of concrete or other material with grass in between, known as a ribbon driveway.
 - (c) Use of permeable parking surfaces.

Sec. 4543 - Parking facility.

(d) Additional standards in the Historic or Design Review Overlay District: Parking facilities shall only be permitted by conditional use permit.

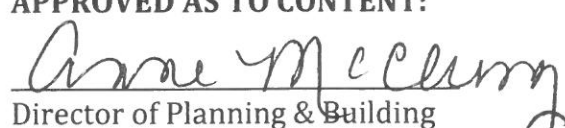
3. That this ordinance shall be in effect upon its adoption.

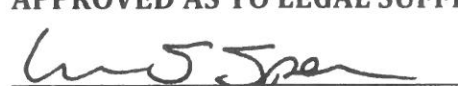

 Mayor

ATTEST:

 Town Clerk

Introduction: February 11, 2020
 Public Hearing & Action: July 14, 2020

APPROVED AS TO CONTENT:

 Director of Planning & Building

APPROVED AS TO LEGAL SUFFICIENCY:

 Town Attorney