

VIRGINIA ACTS OF ASSEMBLY -- 2007 SESSION

CHAPTER 733

An Act to amend Chapter 433 of the Acts of Assembly of 1962, which provided a charter for the Town of Leesburg, by adding sections numbered 3-1.1, 3-1.2, 7-A.3, 7-A.4, and 7-A.5, relating to housing, codes of technical regulations and architectural control districts.

[S 1246]

Approved March 21, 2007

Be it enacted by the General Assembly of Virginia:

1. That Chapter 433 of the Acts of Assembly of 1962 is amended by adding sections numbered 3-1.1, 3-1.2, 7-A.3, 7-A.4, and 7-A.5 as follows:

§ 3-1.1. Powers relating to housing and community development.

In furtherance of the purpose of providing affordable housing for all residents of the Commonwealth, the town may by amendment to the zoning ordinance provide for an affordable housing dwelling unit program in conjunction with Loudoun County pursuant to § 15.2-2304 of the Code of Virginia.

§ 3-1.2. Powers relating to code of technical regulations.

The council may adopt any standard code of technical regulations, such as building, electrical, and sanitary codes, by reference thereto in an adopting ordinance, if such codes are consistent with the Uniform Statewide Building Code. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally.

§ 7-A.3. Powers relating to architectural control districts; authority of town council to designate.

In order to protect and promote the general welfare, and to prevent deterioration of the appearance of the town that would tend to create hazards to public health, safety, and morals and destroy opportunity of the development of business and industry, the town council may, by ordinance, and after notice and public hearing pursuant to § 15.2-2204, designate architectural control districts. Within such architectural control districts, no structure shall be erected, reconstructed, altered, or restored without compliance with the adopted design standards.

§ 7-A.4. Design standards.

(a) The design standards of the architectural control district shall be adopted by the town council. The design standards shall address the following issues of importance to the architectural control districts:

(1) Whether or not the proposed architectural design is suitable for Leesburg's town character in terms of external architectural features, including signs subject to public view, general design and arrangement, texture, color, line, mass, dimension, material, and lighting.

(2) Whether or not the proposed structure, building, or improvement is compatible with existing well-designed structures in the vicinity and in the Town as a whole.

(3) Whether or not, and to what extent, the proposed structure, building or improvement would promote the general welfare and protect the public health, safety, and morals by tending to maintain or augment the Town's tax base as a whole, maintaining and creating employment opportunity, and preserving historical sites and structures.

(4) 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 exposed to public view.

(5) Whether or not the combination of architectural elements proposed for a structure, building, or improvement, in terms of design, line, massing, scale, proportion, dimension, color, material, texture, lighting, landscaping, roofline, and height conform to accepted architectural principles for permanent buildings as contrasted with engineering standards designed to satisfy safety requirements only; and exhibit external characteristics of demonstrated architectural and aesthetic durability and quality.

(6) Whether or not, in terms of design, material, texture, color, lighting, landscaping, dimension, line, massing, scale, proportion, roofline, and height, the proposed structure, building, or improvement that is designed to serve primarily as an advertisement or commercial display, exhibits exterior characteristics likely to deteriorate rapidly, would be of temporary or short-term architectural or aesthetic acceptability, would be plainly offensive to human sensibilities or would otherwise constitute a reasonable foreseeable detriment to the community.

(b) The design standards may be adopted either as a form based code the compliance of which is determined in an administrative process, or as design guidelines the compliance of which is determined by an architectural control commission or board.

§ 7-A.5. Alteration of boundaries of districts.

The town council, by ordinance, and after notice and public hearing pursuant to § 15.2-2204, may

enlarge, contract, or alter the boundaries of the architectural control district at such time as the council deems such action to be in the public interest by promoting the general welfare of the community.

2. That any ordinance passed under the provisions of § 7-A.3 of this act shall not apply to existing single family residential dwellings unless the property changes ownership after the effective date of such ordinance or the property owner requests that his property be otherwise included with the architectural control district.