

CHARLOTTESVILLE **HISTORIC CONSERVATION DISTRICTS** DESIGN GUIDELINES and ORDINANCE

Approved by City Council, March 16, 2009
with subsequent amendments 2012 and 2014



HISTORIC CONSERVATION DISTRICTS DESIGN GUIDELINES

NEW CONSTRUCTION AND ADDITIONS

Building Location – setback and orientation

1. Align a new building close to the average building setback line on the same street, if established, or consistent with the surrounding area.
2. Maintain existing consistency in spacing between buildings on the same street.
3. The front elevation should be respectful of the neighborhood characteristics and features of adjacent buildings.

Building Scale – height and massing

1. Keep the footprint, and massing of new buildings consistent with the neighborhood characteristics and compatible with the character of buildings on the same street.
2. Keep the height and width of new buildings within 200% of the prevailing height and width in the surrounding neighborhood.
3. An addition should not visually overpower the existing building.
4. Multi-lot buildings (commercial or multi-family) should be designed and articulated to be compatible with the scale of the majority of adjacent buildings on the same street or block.

Building Form – roofs and porches

1. Roof forms should be respectful of contributing buildings on the same street or surrounding area.
2. If many of the contributing buildings on the same street have porches, then including a porch or similar form in the design of a new residence is strongly recommended.

Building Openings - doors and windows

1. A single entrance door (or both doors, if a two-family dwelling, or main entrance if a multifamily dwelling) facing the street is recommended.
2. Window and door patterns and the ratio of solids (wall area) to voids (window and door area) of new buildings should be compatible with contributing buildings in the surrounding area.
3. Windows should be simple shapes compatible with those on contributing buildings, and should be oriented vertically (taller than they are wide).

Building Materials and Textures

1. The selection of materials and textures for a new building should relate architecturally to the Charlottesville locality, and should be compatible with and complementary to neighboring buildings.
2. Sustainable materials are preferred, including brick, wood, stucco, and cementitious siding and trim, and standing seam metal roofs. Clear glass windows are preferred.

Building Colors

1. The selection and use of colors for a new building should be coordinated and compatible with adjacent buildings, not intrusive.
2. More lively color schemes may be appropriate in certain sub-areas dependent on the context of the sub-areas and the design of the building.

Site

1. Fences or walls in front yards (including fences in the side yards between the street and the front of the house) should not exceed three and one-half feet in height.

DEMOLITIONS

The following factors shall be considered in determining whether or not to permit the demolition, partial demolition, encapsulation, or moving of a contributing structure:

1. The age of the structure or building;
2. Whether it has been listed on the National Register of Historic Places, or the Virginia Landmarks Register;
3. Whether, and to what extent, the building or structure is associated with an historic person, architect or master craftsman, or with an historic event;
4. Whether the building or structure, or any of its features, represent an infrequent or the first or last remaining example within the city of a particular architectural style or feature;
5. The degree to which distinguishing characteristics, qualities, features or materials remain;
6. Whether, and to what extent, a contributing structure is linked, historically or aesthetically, to other buildings or structures within the conservation district; and whether the proposed demolition would affect adversely or positively the character of the district.
7. The overall condition and structural integrity of the building or structure, as indicated by a study prepared by a qualified professional engineer and provided by the applicant (may be waived if primary residence of applicant); or other information provided to the board.
8. Whether, and to what extent, the applicant proposes to preserve portions, features or materials that are significant to the property's historic, architectural or cultural value.
9. The public necessity of the proposed demolition and the public purpose or interest in buildings to be protected.

HISTORIC CONSERVATION DISTRICTS ORDINANCE

ARTICLE II. OVERLAY DISTRICTS

DIVISION 5. HISTORIC CONSERVATION OVERLAY DISTRICTS

Sec. 34-335. Purposes.

The City of Charlottesville seeks, through establishment of its historic conservation overlay ("CV" or "conservation") districts, to protect community health and safety, and to promote the education, prosperity and general welfare of the public through the identification and conservation of buildings, structures, and areas with special historical, cultural, architectural and archaeological significance. To achieve these general purposes, the City of Charlottesville seeks to pursue the following specific purposes:

- (1) To identify and preserve buildings, structures and areas with special historical, cultural, architectural and archaeological significance, or with a collective character and quality, which serve as important visible reminders of the heritage of this city, the Commonwealth of Virginia, or this nation;
- (2) To assure that new structures, additions, and related elements will be in harmony with the scale and character of the existing buildings, structures and areas;
- (3) To document and promote an understanding of the social history of city neighborhoods, and to protect their cultural institutions.

(3-16-09(2))

Sec. 34-336. Establishment of, and additions to or deletions from, conservation districts.

(a) City council may, by ordinance, from time to time, designate properties and areas for inclusion or removal within a conservation district. Any such action shall be undertaken following the rules and procedures applicable to the adoption of amendments to the city's zoning ordinance and zoning map.

(b) Prior to the adoption of any such ordinance, the board of architectural review ("BAR") shall define, taking into consideration information that may be provided by neighborhood residents, the architectural character-defining features of the proposed conservation district. Those features would be referenced and reinforced when applying the conservation district design guidelines.

(c) Prior to the adoption of any such ordinance, the city council shall consider the recommendations of the planning commission and the BAR as to the proposed addition, removal or designation. The commission and BAR shall address the following criteria in making their recommendations:

- (1) The age of buildings and structures;
- (2) Whether the buildings, structures and areas are listed on the Virginia Landmarks Register or the National Register of Historic places, or are eligible to be listed on such registers;
- (3) Whether the buildings, structures or areas are of locally important historic, cultural, architectural or archaeological interest;
- (4) Whether the buildings, structures or areas are associated with an historic person or event or with a renowned architect or master craftsman, or have special public value because of notable features relating to the cultural or artistic heritage of the Charlottesville community;
- (5) Whether the buildings, structures or areas are part of a geographically definable area within which there exists a significant concentration or continuity of buildings or structures that are linked by past events or, aesthetically, by plan or physical development, or within which there

exists a number of buildings or structures separated geographically but linked by association or history; and

(6) Whether the buildings, structures or areas, when viewed together, possess a distinctive character and quality or historic significance.

(3-16-09(2))

Sec. 34-337. Conservation districts.

The following areas have been determined by city council to meet the criteria for designation as a conservation district, the limits of which are shown on the city's zoning map:

(1) The Martha Jefferson Historic Conservation District; and

(2) The Rugby Road Historic Conservation District.

Within each district designated above, City Council has determined that only certain buildings are considered "contributing structures." Those contributing structures are identified on a map of each district included within the city's conservation district design guidelines, copies of which are available within the department of neighborhood development services.

(3-16-09(2); 10-18-10(2); 9-2-14)

Sec. 34-338. Relationship to individually protected properties.

(a) Within a conservation district all individually protected properties listed in section 34-273 shall retain that designation, and shall be reviewed under the Code provisions applicable to those properties.

(b) Before an area is designated as a conservation district, each of the structures that may qualify for designation as an individually protected property under section 34-273 within that area shall be identified.

(3-16-09(2))

Sec. 34-339. Contributing structures.

Before an area is designated as a conservation district, each structure shall be determined to be either "contributing" or "non-contributing." Thereafter, at least once every fifteen (15) years, this determination shall be reconfirmed.

(3-16-09(2))

Sec. 34-340. Actions requiring certificate of appropriateness; exemptions; penalties.

(a) Within a conservation district no building, structure or addition shall be constructed, and no contributing structure should be demolished, razed, or moved, in whole or in part, unless and until an application for a certificate of appropriateness (COA) has been approved by the board of architectural review (BAR), or by city council on appeal.

(b) All proposed new construction requires approval of a COA by the BAR.

(c) The following proposed additions to existing buildings or structures require approval of a COA:

(1) Additions located on a corner lot.

(2) Additions located wholly or partially to the side or front of an existing building.

(3) Additions that are equal to or greater than fifty (50) percent of the total gross floor area of the existing building.

(4) Additions located to the rear that exceed the height or width of the existing building or structure.

(d) The proposed demolition, razing or moving of any building or structure requires approval of a COA only when:

- (1) The building is a contributing structure; and,
- (2) The proposed demolition is located in whole or in part to the front or side of the contributing structure, or
- (3) The proposed demolition is equal to or greater than thirty-three (33) percent of the total gross floor area of the existing building.

However, the removal or replacement of windows or doors shall not constitute a demolition under this conservation district ordinance.

(e) The following shall be exempt from the requirement of a certificate of appropriateness:

- (1) Interior features, details, alterations and improvements;
- (2) Ordinary maintenance or repair of exterior elements or features;
- (3) Construction, reconstruction or other improvements to a building or structure made pursuant to an order of correction issued by the city's building code official, upon a determination by the city's building code official that a building or structure is an "unsafe structure," as that term is defined by the state's building code and regulations. In the event any such order or determination is issued with respect to a building or structure subject to BAR review pursuant to this division, the director of neighborhood development services shall notify the BAR of any alterations or repairs ordered by the building code official; and

(4) The demolition, razing or removing, in whole or in part, of any contributing structure allowed pursuant to an order of the city's building code official, upon a determination by the city's building code official that a building or structure is in such dangerous, hazardous or unsafe condition that it could reasonably be expected to cause death or serious injury before review under the provisions of this division. Upon such a determination, the building code official shall deliver a copy of the order to the director of neighborhood development services and to the chairperson of the BAR.

(f) Failure to obtain a COA as required by this section for the demolition, razing or moving of any contributing structure shall be subject to the civil penalty described within section 34-86(b) (i.e., not to exceed twice the fair market value of the building or structure).

(3-16-09(2); 12-17-12(1))

Sec. 34-341. Criteria for approval.

(a) In considering a particular application the BAR shall approve the application unless it finds:

- (1) That the proposal does not meet specific standards set forth within this division or applicable provisions of the conservation district design guidelines; and
- (2) The proposal is incompatible with the historic, cultural or architectural character of the conservation district in which the property is located.

(b) Review of the proposed new construction or addition to a building or structure shall be limited to factors specified in section 34-342. The BAR, or council on appeal, may require conditions of approval as are necessary or desirable to ensure that any new construction or addition would be compatible with the scale and character of the conservation district. Prior to attaching conditions to an approval, due consideration shall be given to the cost of compliance with the proposed conditions.

(c) Review of the proposed demolition, razing or moving of any contributing structure shall be limited to the factors specified in section 34-343.

(3-16-09(2))

Sec. 34-342. Standards for review of new construction and additions.

The following features and factors shall be considered in determining the appropriateness of proposed new construction and additions to buildings or structures:

- (1) Whether the form, height, scale, mass and placement of the proposed construction are visually and architecturally compatible with the site and the applicable conservation district;
 - (2) The harmony of the proposed changes in terms of overall proportion and the size and placement of entrances and windows;
 - (3) The impact of the proposed change on the essential architectural form and integrity of the existing building;
 - (4) The effect, with respect to architectural considerations, of the proposed change on the conservation district neighborhood;
 - (5) Any applicable provisions of the city's conservation district design guidelines.
- (3-16-09(2))

Sec. 34-343. Standards for review of demolition, razing or moving of a contributing structure.

The following factors shall be considered in determining whether or not to permit the demolition, razing or moving, in whole or in part, of a contributing structure:

- (1) The historic, architectural or cultural significance, if any, of the specific building or structure, including, without limitation:
 - a. The age of the building or structure;
 - b. Whether it has been listed on the National Register of Historic Places, or listed on the Virginia Landmarks Register;
 - c. Whether, and to what extent, the building or structure is associated with an historic person, architect or master craftsman, or with an historic event;
 - d. Whether the building or structure, or any of its features, represent an infrequent or the first or last remaining example within the city of a particular architectural style or feature;
 - e. The degree to which distinguishing characteristics, qualities, features or materials remain;
 - (2) Whether, and to what extent, a contributing structure is linked, historically or aesthetically, to other buildings or structures within the conservation district, and whether the proposed demolition would affect adversely or positively the historic or aesthetic character of the district;
 - (3) The overall condition and structural integrity of the building or structure, as indicated by studies prepared by a qualified professional engineer and provided by the applicant, or other information provided to the BAR;
 - (4) Whether, and to what extent, the applicant proposes to preserve portions, features or materials that are significant to the property's historic, architectural or cultural value; and
 - (5) Any applicable provisions of the city's conservation district design guidelines.
- (3-16-09(2); 7-16-12)

Sec. 34-344. Validity of certificates of appropriateness.

The same requirements and procedures specified in section 34-280 shall apply.

(3-16-09(2))

Sec. 34-345. Application procedures.

- (a) Applications shall be submitted to the director by a property owner, contract purchaser, or lessee of the property, or by the authorized agent of any such person. Each application shall be

accompanied by the required application fee, as set forth within the most recent zoning fee schedule approved by city council.

(b) The director shall require the applicant to submit sufficient information for the preliminary review to make a determination whether further review and a certificate of appropriateness is required. If the director determines that review and approval by the BAR is required, then the applicant shall submit a complete application that includes the following information:

- (1) A written description of proposed exterior changes;
- (2) A general sketch plan of the property including: the location of existing structures; property and setback lines; and any proposed new construction, additions or deletions, parking areas, and fences;
- (3) The total gross floor area of the existing building and of any proposed additions;
- (4) Elevation drawings depicting existing conditions and proposed exterior changes;
- (5) Photographs of the subject property in context of the buildings on contiguous properties;
- (6) In the case of a demolition request where structural integrity is at issue, the applicant shall provide a structural evaluation and cost estimates (unless the building is the applicant's primary residence) for rehabilitation, prepared by a professional engineer.

(3-16-09(2); 7-16-12)

Sec. 34-346. Approval or denial of applications by BAR.

(a) The BAR shall afford each applicant, and any other interested party, an opportunity to be heard, prior to rendering its decision on any application. The director of neighborhood development services shall send written notice of the time, date, place and subject of a meeting to the applicant, or his agent, and to each property owner, or his agent, abutting or immediately across a street or road from the property that is the subject of the application, and to all properties having frontage along the same city street block. Notice sent by first class mail to the last known address of such owner or agent, as shown on the city's current real estate assessment books, postmarked not less than fourteen (14) days before the meeting, shall be deemed adequate. Additionally, a sign shall be posted at the property which is the subject of the application, at least ten (10) days prior to the BAR's meeting, and identifying the time, date, place and nature of the application which has been scheduled for a hearing.

(b) Failure of the BAR to act on an application determined to be subject to BAR review within sixty (60) days after receipt thereof shall be deemed approval.

(c) Upon BAR approval of an application, the director shall issue the approved certificate. Upon denial of an application (approval of an application with conditions over the objections of the applicant shall be deemed a denial), the applicant shall be provided written notice of the decision, including a statement of the reasons for the denial or for the conditions to which the applicant objects.

(3-16-09(2); 12-17-12(1))

Sec. 34-347. Appeals.

(a) A decision of the BAR may be appealed to city council by the applicant, or any other aggrieved person, by filing a written notice of appeal within ten (10) days from the date of decision. An appellant shall set forth, in writing, the grounds for an appeal, including the procedure(s) or standard(s) alleged to have been violated or misapplied by the BAR, and/or any additional information, factors or opinions he or she deems relevant to the application. The

applicant, or his agent, and any aggrieved person, shall be given an opportunity to be heard on the appeal.

(b) In any appeal the city council shall consult with the BAR and consider the written appeal, the criteria set forth within section 34-276 or 34-278, as applicable, and any other information, factors, or opinions it deems relevant to the application.

(c) A final decision of the city council may be appealed by the owner of the subject property to the Circuit Court for the City of Charlottesville, by filing with the court a petition setting forth the alleged illegality of the action taken. Such petition must be filed with the Circuit Court within thirty (30) days after council's final decision. The filing of the petition shall stay the council's decision pending the outcome of the appeal; except that the filing of the petition shall not stay a decision of city council denying permission to demolish a building or structure.

(d) Any appeal which may be taken to the Circuit Court from a decision of the city council to deny a permit for the demolition of a building or structure shall not affect the right of the property owner to make the bona fide offer to sell as described in section 34-286(d) and section 34-286(e).

(3-16-09(2))

Sec. 34-348. Responsibilities of BAR.

With respect to conservation districts, the city's BAR shall oversee the administration of this division. In addition to any other responsibilities assigned to the BAR within this division, or in section 34-288, the BAR shall:

(1) Recommend surveys of potential conservation districts, and recommend properties for inclusion in, or deletion from, conservation districts.

(2) Develop and recommend to the city council for council's approval design guidelines for the city's conservation districts ("conservation district design guidelines"), consistent with the purposes and standards set forth within this division. Conservation district design guidelines shall have the status of interpretive regulations. The BAR shall undertake a comprehensive review and shall update the conservation district guidelines at least once every five (5) years.

(3-16-09(2))

ARTICLE X. DEFINITIONS

Sec. 34-1200. Definitions.

.... *Contributing structure*, as used within Article II, Division 2 (Historical Preservation and Architectural Design Control Overlay Districts) and Division 5 (Historic Conservation Overlay Districts), and when referring to a building or structure located within a major design control district identified within section 34-272 or within a conservation district identified within section 34-337 thereof, means a building or structure that, by location, design, setting, materials, workmanship, feeling or association adds to the district's sense of time and place and historical development.