



CORPORATION OF HARPERS FERRY, WEST VIRGINIA

ORDINANCE No. 2017-03

An ORDINANCE creating a new zoning overlay district, to be called the Promontory Overlay District; establishing objectives for the zoning overlay district; establishing permitted and conditional uses; establishing standards for conditional uses; establishing design standards; and providing for an effective date.

[Originated in Planning Commission. Referred to Ordinance Review Committee, 14 November 2015. Introduced to Town Council as Ordinance 2015-14, 5 December 2015. Returned to Planning Commission with comments by Town Council, 7 December 2015. Revised version returned to Town Council with comments by Planning Commission, 31 December 2015. Renumbered Ordinance 2016-01 by Ordinance Review Committee. Revised by Town Council, 11 January 2016. Returned to Ordinance Review Committee, 11 January 2016. Amended and revised by Ordinance Review Committee with legal counsel to comply with edits requested by Town Council, 2016-2017. Renumbered Ordinance 2017-03 by Ordinance Review Committee.]

Be it enacted by the Town Council of the Corporation of Harpers Ferry:

That a new article of the Codified Ordinances of Harpers Ferry, designated Article 1313, be created, to read as follows:

ARTICLE 1313
Promontory Overlay District

1313.01 Purpose; Relation to Base Zoning.

1313.04 Promontory Overlay District.

1313.01 Purpose; Relation to Base Zoning.

- (a) The purpose of the Promontory Overlay District is to achieve specific land design goals and regulate the uses of land within certain areas of the Town where special circumstances justify the modification of base zoning district provisions.
- (b) Except as modified by this Article 1313, the provisions of the applicable base zoning district apply to all areas within the Promontory Overlay District. If the provisions conflict, the applicable Promontory Overlay District provisions prevail.
- (c) Whenever an overlay district is established, any petition by a landowner to change the base zoning district should not be construed to be a petition to change the overlay district unless expressly stated in the petition.

1313.04 Promontory Overlay District.

- (a) Creation of the Promontory Overlay District.
 - (1) Recital. The Promontory, at the end of East Ridge Street overlooking the confluence of the Potomac and Shenandoah Rivers, is recognized as a unique land area visible from National

Historic Park land in Maryland and Virginia, large sections of Harpers Ferry historic neighborhoods and the Potomac River Bridge. The Promontory has historically enjoyed a Viewshed encompassing the Blue Ridge Gap, the highlands along the Potomac River, and the Lower Town peninsula, and has been the site of a renowned hotel since 1888. The boundaries of this Overlay District are shown on the official Zoning Map of Harpers Ferry located in Town Hall and form a single boundary enclosing one area of contiguous properties including the rights-of-way owned by the Corporation of Harpers Ferry.

- (2) Parcels within the Overlay. The Zoning Map is hereby amended to create and establish the Promontory Overlay District, including the following Lots or Parcels in District 5 as they existed on the effective date of this ordinance: Map 2, Parcels 34.1, 44, 44.1, 45, 46, 47, 48, 49, 50, 51, 52, 52.1, 53, 54, 54.1; and Map 3, Parcels 1, 2, 3, 4, 52. (Note: Tax Map 3, Parcel 54 is shown on the property deed of 2007 as Map 3, Parcels 52 and 54, which have been combined.) The Promontory Overlay District also includes the full width of the rights-of-way of Ridge Street, Columbia Street and Lancaster Street adjacent to any or all of the parcels described herein, except that portion of Ridge Street west of the full width of its intersection with Columbia Street.
- (3) Operability.
- A. No Structure within the Promontory Overlay District may be constructed, reconstructed, altered, enlarged, diminished, demolished or relocated in any manner described in Section 1313.04 unless an application with plans has been reviewed and approved by the Board of Zoning Appeals in accordance with Section 1313.04, the Historic District Standards and Guidelines (Appendix A of Part 13 – Project and Zoning Code), and all other relevant provisions of the Codified Ordinances of Harpers Ferry.
- B. Before making any decision on such application, the Board of Zoning Appeals will invite and obtain recommendations thereon from the Historic Landmarks Commission. Any recommendation by the Historic Landmarks Commission to the Board of Zoning Appeals will not be binding on either the applicant, the Town or the Board of Zoning Appeals.
- (4) Concept Design review. Before an applicant for any Conditional Use in the Promontory Overlay District may make an application to the Board of Zoning Appeals therefor, the applicant must submit to the Planning Commission a Concept Design for review and input thereon.
- A. The following elements must be addressed in the Concept Design:
1. Concept Design Plan. The Concept Design Plan must provide basic information such as the overall size and scope of the project and the objectives the applicant expects to accomplish.
 2. Model. The applicant must provide a simple physical scale model or a 3D digital model of the Concept Plan for the Promontory Overlay District and an area encompassing 400 feet on all sides.
 3. Historic Resources Plan. The applicant must also submit a Historic Resources Plan. The applicant is encouraged to consult the Historic Landmarks Commission regarding the Historic Resources Plan before its submission of a Concept Design Plan.

- B. Review process. The Planning Commission will review the submitted materials and may require a public hearing within 30 days of its submission. Within 60 days of a public hearing, if any, but no later than 90 days after submission of such materials, the Planning Commission must give the applicant a statement whether the proposal, if constructed, would likely conform with the Comprehensive Plan and the objectives of the Promontory Overlay District.
 - C. Not binding. Discussions, statements or opinions of any member of the Planning Commission or the Planning Commission itself, written or otherwise, about the Concept Design Plan or the Historic Resources Plan made during the review or after it is completed are not binding on the Board of Zoning Appeals, the Corporation of Harpers Ferry, or any division or body thereof.
- (5) Conflict with the underlying district. The provisions of Section 1313.04 are to be interpreted and enforced to harmonize with, and not as a substitution for, the provisions of the Zoning Ordinance establishing and creating the underlying districts or classifications for the same Lots and Parcels in the Promontory Overlay District. To the extent there is a direct conflict between the provisions of Section 1313.04 and other provisions of the Zoning Ordinance, then the provisions of Section 1313.04 prevail.
 - (6) Severability. If any provision of Section 1313.04 or the application thereof to any person or circumstance is held invalid, then the invalidity should not affect other provisions or applications of Section 1313.04 that can be given effect without the invalid provision or application. To this end, the provisions of Section 1313.04 are severable.
- (b) Objectives of the Promontory Overlay District. The objectives of the Promontory Overlay District are to:
 - (1) Provide for building, land use, and site design appropriate to the Promontory and its buildings, including preservation of historic resources, woodlands and Viewsheds;
 - (2) Provide for a notable and economically viable hotel and for other tourist accommodations on designated contiguous parcels to preserve and enhance historic resources in the Promontory Overlay District while limiting commercial activities within the underlying Residential District of the Promontory Overlay District to the same or similar commercial activities permitted in the Residential District;
 - (3) Provide for architectural compatibility with the existing historic structures in the Promontory Overlay District and the larger community, thus integrating the overlay properties into the fabric of the surrounding neighborhoods as a transition and a buffer to a hotel on the Promontory;
 - (4) Emphasize appropriate design and context sensitivity in Concept Design Planning and building design that can adapt this historic site to modern standards and ensure preservation of the site for future generations;
 - (5) Preserve existing access to public land within existing paved and unpaved rights-of-way (e.g., paper streets) within the Promontory Overlay District, including access to observation areas;
 - (6) Provide for increased Lower Town customer base, employment opportunities for local residents, new Town residents and increased overall revenue for the Town;

- (7) Encourage sustainable design principles throughout the District for all properties, in accordance with Leadership in Energy and Environmental Design (LEED) certifications, whenever feasible; and
- (8) Preserve, provide and maintain views from the Promontory toward the confluence of the Potomac and Shenandoah Rivers.
- (c) Permitted Uses in the Promontory Overlay District. Except as Section 1313.04(a)(3) provides, if an owner of any Lot, Parcel, Structure, or Historic Structure within the Promontory Overlay District wishes to pursue any use already permitted in the zoning district under the Zoning Ordinance as of the effective date of this ordinance, then such use or uses are Permitted Uses, so long as the use or uses are neither an Enlargement nor a Non-Conforming Use that has been determined to be an Abandonment.
- (d) Conditional Uses within the Promontory Overlay District in which the Hilltop House Hotel is preserved. If an owner of any Lot, Parcel, Structure, or Historic Structure within the Promontory Overlay District wishes to pursue a use within the Promontory Overlay District that would retain and preserve the Hilltop House Hotel in the National Register of Historic Places while also modifying, altering or adding on to any Historic Structure within the Promontory Overlay District or modifying or altering any Exterior Architectural Feature of any Historic Structure within the Promontory Overlay District, then, upon application to the Board of Zoning Appeals, the Conditional Uses in the Promontory Overlay District, subject to the restrictions or conditions in Section 1313.04(f), are:
 - (1) For any Lot, Parcel, Structure, or Historic Structure located in a Commercial district:
 - A. Hotel;
 - B. One or more Restaurants with an aggregate seating capacity of no more than 340 people, serving hotel guests and the general public;
 - C. Recreational Facilities such as an indoor spa, pool, fitness areas and recreational rooms serving hotel guests only;
 - D. Social or business functions serving hotel guests; and
 - E. A gift and sundries shop for hotel guests.
 - (2) For any existing Lot, Parcel, Structure, or Historic Structure in Block E with a frontage on Washington Street and within a Residential District (which includes and is limited to District 5, Map 2, Lots 48, 49, 50, 52, 53 and 54):
 - A. Long-Term Rental;
 - B. Short-Term Rental; and
 - C. Businesses substantially similar to Home-Based Businesses permitted in a Residential District, so long as the businesses are under the day-to-day management of the hotel operator.
 - (3) Conditional uses in the Promontory Overlay District under Section 1313.04(d) are subject to the following additional restrictions or conditions:
 - A. A hotel must have the same building footprint as that of the Hilltop House Hotel as of the effective date of Section 1313.04 of the Zoning Ordinance.
 - B. A Single-Family Dwelling used for Long-term Rental or Short-Term Rental must:
 - 1. Retain those Exterior Architectural Features that conform to the Historic District Standards and Guidelines;

- 2. Include (i) no more than four guest bedrooms; (ii) no more than eight guests at one time; and (iii) no more than three guests in a bedroom;
 - 3. Remain in such a condition that the future use thereof by a person other than the operator of the hotel would not violate this Zoning Ordinance as it exists on the effective date of Section 1313.04 of this Zoning Ordinance; and
 - 4. Maintain one Off-Street Parking space for each occupied guest bedroom in one or more Restricted Accessory Parking Lots.
- C. Notwithstanding subsection 1313.04(d) (3) (B) (2), Single-Family Dwellings in the Promontory Overlay District under the day-to-day management or the hotel operator may not include or offer more than 20 guest bedrooms in the aggregate.
- (4) Conditional Uses in the Promontory Overlay District under Section 1313.04(d) (1) may be subject to reasonable additional restrictions or conditions imposed by the Board of Zoning Appeals so long as they are ancillary to the restrictions or conditions in Section 1313.04(d) (3) .
- (5) Restricted Accessory Parking Lots.
- A. Any Restricted Accessory Parking Lot or Lots for Long-Term Rental and Short-Term Rental use:
 - 1. Must contain no fewer than two Parking Spaces for each Single Family Dwelling;
 - 2. Must be confined to a Restricted Accessory Parking Lot or Lots within 120 feet of the southern edge of the East Ridge Street right-of-way within Map 2, Block E; and
 - 3. May be within the Side Setbacks of these Contiguous Lots in Block E and cross internal Lot Lines.
 - B. Any Restricted Accessory Parking Lot or Lots east of Columbia Street within the Promontory Overlay District must contain a number of Parking Spaces, including Compact Parking Spaces and Handicapped Parking Spaces, equal to a number derived by calculating (i) a minimum ratio of 1.35 Parking Spaces per hotel guest room and (ii) a minimum ratio of 0.25 spaces per restaurant seat, but may not, in the aggregate, exceed 150 Parking Spaces.
 - C. Different parking ratios other than those set forth in Section 1313.04(d) (5) (B) may be used upon application to the Board of Zoning Appeals based upon a study using accepted industry methods or standards.
- (e) Conditional Uses within the Promontory Overlay District in which the Hilltop House Hotel is not preserved. If an owner of any Historic Structure within the Promontory Overlay District wishes to pursue a use within the Promontory Overlay District that would de-list the Hilltop House Hotel from the National Register of Historic Places, then, upon application to the Board of Zoning Appeals, the Conditional Uses in the Promontory Overlay District, subject to the restrictions or conditions in Section 1313.04(f), are:
- (1) For parcels located in a Commercial district:
 - A. Hotel;
 - B. One or more Restaurants with an aggregate seating capacity of no more than 340 people, serving hotel guests and the general public;

- C. Recreational Facilities such as an indoor spa, pool, fitness areas and recreational rooms serving hotel guests only;
 - D. Social or business functions serving hotel guests; and
 - E. Gift and sundries shop for hotel guests.
- (2) For Single-Family Dwellings or parcels located in a Residential district east of Columbia Street under Hotel management:
- A. Offices and Retail Sales Establishments or other similar non-residential uses, including (i) Recreational Facilities such as an indoor spa, pool, fitness areas and recreational rooms serving hotel guests only; (ii) social or business functions serving hotel guests; and (iii) gift and sundries shop for hotel guests, related ordinarily to the ancillary operations of the hotel, so long as:
 - 1. The Exterior Architecture Features as a Single Family Dwelling are maintained and all such uses remain under the day-to-day management of the hotel as evidenced by a formal document assigning management responsibilities to the hotel managers or by hotel ownership of the property; and
 - 2. Each Single Family Dwelling, and the parcel on which each such Single Family Dwelling is located, remain in such a condition that the future use thereof by a person other than the operator of the hotel would not violate this Zoning Ordinance as it exists on the effective date of Section 1313.04 of the Zoning Ordinance.
 - B. Long-Term Rental.
 - C. Short-Term Rental.
 - D. Businesses substantially similar to Home-Based Businesses permitted in a Residential District, so long as the businesses are under the day-to-day management of the hotel operator.
 - E. Restricted Accessory Parking Lot or Lots east of Columbia Street in a Residential District within the Promontory Overlay District may include surface (at-grade) parking, one level of above-grade parking located over a level of surface grade parking; provided, however, that all parking is confined to the northern 120 feet of Map 2, Block E, along the southern edge of the East Ridge Street right-of-way; and further provided that if such parking is located on a Lot on which a Single Family Dwelling is located, each such Single Family Dwelling remains in such a condition that the future use thereof by a person other than the operator of the hotel would not violate the Zoning Ordinance as it exists on the effective date of Section 1313.04 of the Zoning Ordinance.
- (3) For Single-Family Dwellings or parcels located in a Residential district east of Columbia Street not under Hotel management, all Conditional Residential Uses set forth in Section 1313.04(e) (2) (A) and no others.
- (4) Conditional uses in the Promontory Overlay District under Section 1313.04(e) are subject to the following additional restrictions or conditions:
- A. A Single-Family Dwelling used for Long-Term Rental or Short-Term Rental must:

1. Retain those Exterior Architectural Features that conform to the Historic District Standards and Guidelines;
 2. Include (i) no more than four guest bedrooms; (ii) no more than eight guests at one time; and (iii) no more than three guests in a bedroom;
 3. Remain in such a condition that the future use thereof by a person other than the operator of the hotel would not violate this Zoning Ordinance as it exists on the effective date of Section 1313.04 of this Zoning Ordinance; and
 4. Maintain one Off-Street Parking space for each occupied guest bedroom in one or more Restricted Accessory Parking Lots.
- B. Notwithstanding subsection 1313.04(e)(4)(A)(2), Single-Family Dwellings in the Promontory Overlay District under the day-to-day management or the hotel operator may not include or offer more than 20 guest bedrooms in the aggregate.
- (f) Standards for Conditional Uses in the Promontory Overlay District. The following standards apply to the Promontory Overlay District:
- (1) Determination of mitigation. Before issuing any Conditional Use permit, the Board of Zoning Appeals shall determine that the uses pursued and for which a Conditional Use Permit would be issued, including restrictions or conditions thereto, will mitigate adverse effects on Permitted Uses in the Promontory Overlay District and on Lots or Parcels Abutting the Promontory Overlay District.
 - (2) Parking. Restricted Accessory Parking Lot or Lots east of Columbia Street within the Promontory Overlay District must contain a number of Parking Spaces, including Compact Parking Spaces and Handicapped Parking Spaces, equal to a number derived by calculating a minimum ratio of 1.35 Parking Spaces per hotel guest room; provided, however, that a different parking ratio other than that set forth in Section 1313.04(d)(5)(B) may be used upon application to the Board of Zoning Appeals based up a study using accepted industry methods or standards.
 - (3) Hotel height.
 - A. The Maximum Building Height of any Hotel or other Structure shall not exceed 55 feet above the average road grade level of that portion of East Ridge Street between Columbia Street and Lancaster Street as of the effective date of this ordinance.
 - B. Notwithstanding Section 1313.04(f)(3)(A) to the contrary, upon review of an application and at the request of the Town, the Board of Zoning Appeals may reduce the Maximum Building Height of a Hotel or other Structure, or all or a portion thereof, directly in proportion to the capacities of existing fire and water services to serve the proposed Hotel or other Structure, either by itself or in the aggregate with other proposed uses of the owner thereof.
 - C. For purposes of Section 1313.04(f)(3)(A), the Maximum Building Height of a Hotel does not apply to a signature tower or other historic feature on the Hotel; however, notwithstanding the foregoing to the contrary, the Board of Zoning Appeals, case by case, may impose a Maximum Building Height on such signature tower or other feature on the Hotel based on (i) the mass and scale of the Hotel when

- considered in the context of the mass and scale of the signature tower or other feature on the Hotel, and (ii) the Historic District Standards and Guidelines.
- (4) Setback. There shall be a Setback of no less than 115 feet from the easternmost boundary of the Right-of-Way of Columbia Street as it exists on the effective date of this ordinance and the nearest exterior wall of any Structure for occupancy, including, without limitation, a Hotel.
 - (5) Open Space. Accounting for the footprints of all Structures, existing or to be constructed under a Conditional Use Permit within this Overlay District, there must remain no less than 40 percent of Open Space in the Overlay District excluding any public Right-of-Way or land under public ownership.
 - (6) Water conservation measures. All Landscaping should be drought tolerant, or served with a drip system or rainwater collection system until established.
 - (7) Traffic flow and access, pedestrian flow and access. All traffic, including deliveries, buses and guests, to and from the Hotel complex, including any ancillary uses in Residences, must be directed onto Columbia Street. Street design and signing must be undertaken in a manner such that Hotel guest vehicles, any public clientele vehicles and service vehicles are not required nor allowed to traverse East Ridge Street west of Columbia Street. An application to the Board of Zoning Appeals must include the following:
 - A. A study using industry standards and methods acceptable for historic communities is required to be submitted to the Board of Zoning Appeals to determine any effects and best management of Hotel traffic upon the historic street grid of Harpers Ferry and the road system of Bolivar, as well as the entrances and exits for U.S. Route 340. The principal aim of the study must address that peak traffic loads for Hotel operations will not place a significant burden on these communities; and
 - B. An overall pedestrian circulation plan, including general public and visitors, including provisions for any improvements and facilities to safely accommodate pedestrian flow.
 - (8) Hotel Parking. No vehicle standing or idling may be allowed anywhere in the Promontory Overlay District other than to load or unload persons or goods. Use of any additional Off-Street Parking for guests and for workers provided outside of this Overlay District must be identified in the application and is subject to approval by the Board of Zoning Appeals.
 - (9) Signs. All signs must be part of an approved sign plan and must be coordinated in design while individually complying with Article 1316, except that a small number of signs, possibly on public property, may be included in the plan to ensure traffic is routed correctly to the entrance of the hotel via Columbia Street. Consideration should be given to a hotel address corresponding to the intersection of Columbia and Washington Streets as a means to assure navigation systems will route the traffic to that specific location.
 - (10) Water and sewage infrastructure. Any increase in required public water or sewage infrastructure capacity above the historical use levels of the existing Hotel while in operation is to be made available with the cost of the additional infrastructure capacity, including plant capacity and distribution lines, as

required, borne by the applicant, including credit for the Capital Capacity Fee, in accordance with Article 905 of the Codified Ordinances of Harpers Ferry.

(g) Supplementary Design Standards for the Promontory Overlay District.

- (1) Scope. The following Site and Architectural Design standards apply to all new nonresidential Structures, including without limitation a Hotel and Structures accessory to a Hotel or the redevelopment of any existing Hotel and Structures accessory to a Hotel within the Promontory Overlay District. These standards emphasize appropriate design and context sensitivity in Concept Design Planning and building design, with a goal towards adapting this historic site to ensure preservation of the site for future generations. The Supplementary Design Standards are in addition to the Historic District Standards and Guidelines in Appendix A of this Part 13 Project and Zoning Code, which also apply to all construction, reconstruction, alteration, enlargement, demolition and relocation of Structures within the Promontory Overlay District.
- (2) Architecture and Building Design Features. The architectural design, materials and colors of any new Hotel and Structures accessory to a Hotel and other Buildings or Structures, including additions and alterations thereto, must be compatible with the overall appearance, history and cultural heritage of contributing structures in the Historic District.
 - A. Architecture. Hotel Buildings may be either traditional in their architectural character or be a contemporary expression of traditional styles and forms, respecting the scale, proportion, character and materials of Contributing Resources in the Historic District.
 - B. Roofing. Desired roofing materials include slate (either natural or man-made), shingle (either wood or architectural asphalt) and metal formed to resemble standing seams. Roof color must be within the range of colors found on Contributing Resources in the Historic District. While pitched roofs and similar traditional styles are preferred, flat roofs with articulated parapets and cornices are allowed.
 - C. Screening. Screening must be employed for large work area doors and open bays. Screening may include but is not limited to hedges, fencing and walls consistent with the Historic District Standards and Guidelines.
 - D. Hotel Building Façades. Treatments to reduce the massing effects of large Hotel structures include but are not limited to the following:
 1. Repeating window patterns at established intervals;
 2. Providing balconies, arcades, porches or bay windows at established intervals;
 3. Changing the roofline with dormers, stepped roofs, fasciae, articulated parapets, cornices, gables or other roof elements;
 4. Use of architectural detailing at the ground level; or
 5. Use of Façade Modulation to create intervals that reflect and respect historic structures.
 - E. Multistory Buildings: Base and top treatments. The base and top treatments of Structures greater than two stories in height must have a clearly recognizable base, middle and

top. A clearly recognizable base may consist of but is not limited to:

1. Thicker walls, ledges or sills;
2. Integrally textured materials such as natural stone or other masonry;
3. Integrally colored and patterned materials such as smooth finished stone or tile; or
4. Lighter or darker colored materials, mullions or panels. A clearly recognizable top may consist of but is not limited to:
 - i. Three-dimensional cornice treatments, other than just colored stripes or bands, with integrally textured materials such as natural stone or other masonry or differently colored materials;
 - ii. Sloping roof with overhangs and brackets; or
 - iii. Stepped parapets.

F. Architectural detail: Entrances, awnings. The following guidelines apply to the architectural detail of Hotel structures:

1. Customer entrances. Primary customer entrances must be clearly defined and highly visible, but in no case may such new features encroach upon public property unless approved by Town Council following a Public Hearing on the matter. Examples of such entrance features include but are not limited to:
 - i. Awnings or porticos;
 - ii. Overhangs, recesses/projections;
 - iii. Arcades;
 - iv. Raised corniced parapets over the door;
 - v. Distinctive roof forms;
 - vi. Arches, outdoor patios;
 - vii. Display windows;
 - viii. Integral planters or wing walls that incorporate landscaped areas and / or places for sitting.
2. Awnings.
 - i. Awning colors must be compatible with the overall color scheme of the façade from which any awning projects. Solid colors or subtle striped patterns are preferred.
 - ii. Awnings for rectangular openings must be simple shed shapes. Semicircular shaped awnings must be used for arches.

G. Building materials and colors. All construction, reconstruction, alteration and enlargement projects must use high-quality materials and colors that are compatible with and reflect the character of Contributing Resources in the Historic District.

1. Building materials.
 - i. Materials must be used that have similar texture, dimension and appearance as are appropriate to the Town's historic character. Exterior materials must be natural in appearance, with preference given to wood or wood-appearance siding, natural stone, stucco and brick of a shape, color and texture similar to that found elsewhere in Harpers Ferry.

- ii. All buildings must be constructed or clad with materials that are durable and of a quality that will retain their appearance over time.
 - iii. Unprotected or unpreserved natural wood or wood paneling may not be used as a principal exterior wall material, but durable synthetic materials with the appearance of wood may be considered, as permitted by the Historic District Standards and Guidelines (Part 13 - Project and Zoning Code, Appendix A).
 - iv. Exterior building materials may not include the following:
 - Vinyl siding;
 - Concrete block;
 - Corrugated metal siding;
 - Precast concrete systems; or
 - Architectural stone veneers massed on any elevation.
 - v. In selecting exterior building materials, consideration must be given to the appropriateness of the materials to the scale of building proposed.
 - vi. Gutters must have a profile or configuration consistent with the building design.
2. Building color.
- i. Color schemes shall tie building elements together and shall be used to enhance the architectural form of a building.
 - ii. All building projections, including but not limited to flues and vents, must match or complement in color the predominant color of the surface from which they project.
 - iii. Intense, bright or fluorescent colors are prohibited.
- H. Hotel Site Amenities. Site amenities should contribute to the character of the Historic District. Any Hotel construction, reconstruction, alteration and enlargement must incorporate three or more of the following separate site amenities:
- 1. Patio or plaza with seating area;
 - 2. Mini-parks, squares, or greens;
 - 3. Transportation amenities, including bus stops and bike racks, where appropriate;
 - 4. Fountain or water feature;
 - 5. Promenade;
 - 6. Public art (e.g., sculpture, statue);
 - 7. A taller Exterior Architectural Feature (e.g., a tower, spire or interesting roof form); and
 - 8. Other unique or distinctive Exterior Architectural Feature.
- I. Mechanical / utility equipment screening. Mechanical and utility equipment detracts from the character of an area. Steps should be taken to mitigate the negative visual and acoustic impacts of mechanical and utility equipment systems on surrounding development. Height restrictions in the Standards for Conditional Uses in the Promontory Overlay District given in 1313.04(f)(3) also apply to mechanical and utility equipment screening. Such screening

is limited to a height that obscures visibility of the equipment from a public way or public viewpoint in Harpers Ferry.

1. All mechanical equipment and utilities must be either screened from view or located so that such items are not visible from public rights-of-way or adjoining residential areas. Large trash receptacles, dumpsters, utility meters, and above ground tanks, etc., must be similarly screened.
2. Mechanical / utility screening must be an integral part of the building structure.
3. Rooftop mechanical equipment (including elevator equipment, HVAC equipment, etc.) must be concealed in penthouse structures designed as an integral part of the building or screened with parapet.

J. Fencing and walls. Fencing and walls shall be provided that complement the design of the overall development and surrounding properties, and is harmonious with the Harpers Ferry Historic District.

1. Walls and fences must be constructed of high-quality materials, such as brick, natural stone, protected or treated wood, and / or ornamental metal compatible with those materials used in the Hotel. Chain link fencing is prohibited.
2. Fences must not interfere with visual integration of District residences with Adjacent neighborhoods.

(3) Landscaping.

A. Landscaping Plan. For all Hotel construction, reconstruction, alteration and enlargement in the Promontory Overlay District, a Landscaping Plan will be required and must be submitted to the Tree Committee by the owner of such property or structure, or by the owner's authorized agent, for review, and the Tree Committee must make a non-binding recommendation to the Board of Zoning Appeals within 45 days of receipt of such a plan. The plan must include adequate landscaped screening for mitigating and buffering impacts of Columbia Street traffic on Abutting and nearby residential properties to the west. The plan must preserve large existing trees or replace them with mature trees and be consistent with section 1104.06(a) of the Codified Ordinances of Harpers Ferry and the Harpers Ferry Tree Plan and Standards.

B. Parking Area. When leafed out at full maturity, landscaping must:

1. Provide shade for any uncovered parking area as approved by the Board of Zoning Appeals; and
2. Break up the expanse of any uncovered parking area as viewed from adjoining properties or from higher vantage points within Harpers Ferry, as approved by the Board of Zoning Appeals.

(4) Lighting. These lighting requirements supplement and are in addition to the general Outdoor Lighting Standards (Part 13 - Project and Zoning Code, Appendix C).

A. Compatibility with surrounding area. The lighting plan must consist of recognizable, distinctive designs and fixtures that are compatible with or complement surrounding neighborhoods.

- B. Lighting for security. Security lighting must be fully shielded and use a decorative fixture.
 - C. Lighting for pedestrian areas. Pedestrian-level bollard lighting, ground-mounted lighting or other low glare controlled fixtures mounted on landscape walls shall be used to light pedestrian walkways.
 - D. Decorative, historic-style light fixtures are required within the District.
 - E. Light fixtures may be no higher than other similar fixtures in the Historic District. Surrounding land uses will be considered when determining appropriate pole height.
 - F. Parking lot light fixtures shall be located within landscape areas or parking lot islands.
 - G. Lighting mounted on concrete bases is discouraged. If concrete bases are necessary to protect the light fixture, bases must be decorative and not unfinished concrete.
 - H. Concrete bases may not be more than two feet in height. Concrete bases may be painted to match the finish of the fixture. Square light pole bases must be mounted on square concrete forms.
 - I. Awning or Canopy lighting. Acceptable fixtures and methods of illumination include:
 - 1. Recessed fixtures incorporating a lens cover that is either recessed or flush with the bottom surface (ceiling) of the awning or canopy.
 - 2. Indirect lighting where light is beamed upward and then reflected down from the underside of the awning or canopy. Such fixtures must be shielded such that direct illumination is focused exclusively on the underside of the awning or canopy.
- (5) Parking area design.
- A. Uncovered Parking must be screened and landscaped.
 - B. Parking lots may not substantially obstruct public Viewsheds.
 - C. Parking lots or areas must be landscaped with trees and shrubs and, when possible, mature trees should be preserved and incorporated into landscape setbacks or islands.
 - D. Pedestrian pathways or sidewalks incorporated into parking lots or areas must be clearly marked and visible.
- (6) Access and circulation.
- A. Traffic and pedestrian connectors must mitigate impact to the adjacent residential neighborhoods.
 - B. Pedestrian walkways must ensure access to and between any Adjacent public park, public viewshed or other public right-of-way.

BE IT FURTHER ENACTED that this Ordinance shall come into effect the First day of June, 2017.

Passed FIRST READING the 8th day of May, 2017.

Passed SECOND and FINAL READING the _____ day of _____, 2017.

Gregory F. Vaughn, Mayor

Kevin Carden, Recorder