Leesburg

Appendix F: Sections of the Zoning Ordinance Pertaining to H-1

Sec. 7.5 H-1, Old and Historic Overlay District

7.5.1 Description

The purpose of these H-1 Overlay District regulations is to carry out the *Town Plan* goal of protecting the Old and Historic District and individual historic landmarks, not only for their own value as community resources, but also because of their contribution to the town's unique character; to encourage the protective maintenance of historic structures; to protect, enhance and perpetuate such buildings, structures, and landscape features which represent elements of the town's cultural, social, economic, political and architectural history; to stabilize and improve property values; to foster civic pride in the town's past; to protect and enhance the town's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided; to strengthen the economy of the town; and to promote the use of historic districts and historic resources for the education, pleasure and welfare of the people of the town.

7.5.2 Applicability

These regulations shall apply to the H-1 Overlay District established by the Town Council in 1963 and to all areas or places designated by the Town Council as historic districts or landmarks. The restrictions and requirements of this section shall be in addition to other restrictions and requirements provided in this Zoning Ordinance.

7.5.3 Historic District Created, Established

A historic conservation district is hereby created within the town as an overlay on the Official Zoning Map under authority of Section 15.2-2306 of the Code of Virginia, 1950 as amended, to be known as the H-1, Old and Historic Overlay District which includes the original boundaries shown on a map designated “Gray's New Map of Leesburg” drawn from the special surveys in the year 1878 as hereby amended and described as follows:

> Beginning on the east at the intersection of Loudoun and Market Streets and running northeast parallel to Church Street to the intersection of a line in projection of North Street; thence northwest in a straight line to and along North Street to the intersection of Church Street; thence northeast in a straight line parallel to King Street to the intersection of a line in projection of Union Street; thence in a straight line northwest to and along Union Street to the intersection of a line in extension of Liberty Street; thence southwest in a straight line to the intersection of Liberty and North Streets; thence northwest in a straight line in extension of North Street until intersecting a line in projection of Ayr Street; thence southwest to and along Ayr Street to a point on the east right-of-way of Dry Mill Road; thence right along the curb of said right-of-way having a radius of 225.43 feet to the center of the Town Branch; thence along the Town Branch S 41° 10' 41” E to the projection of Ayr Street, thence southwest along the projection of Ayr Street 100 feet; thence in a straight line in extension of South Street southeast to Town Branch; thence S 36° 10' 42” E along

Town Branch to the Washington and Old Dominion Trail; thence paralleling the trail and Town Branch 594.12 feet along a curve to the right having a radius of 3646.36 feet to the extension of the western right-of-way of Liberty Street; thence N 22° 45' 00" E to the intersection of a projection of South Street; thence in a straight line in extension of South Street southeast to a point 200 feet west of King Street, still on an extension of South Street; thence in a straight line southwest parallel to King Street to a point 500 feet south of the railroad; thence east across King Street in a straight line parallel to South Street for 1700 feet; thence northeast in a straight line parallel to King Street to the intersection of Loudoun and Market Streets, to also include properties at 406 through 418 South King Street and 420, 422, 423, 424 and 426 through 432 South King Street; 216 and 226 Edwards Ferry Road ; 305 through 430 West Market Street; 6 Wilson Avenue, N.W., 10, 14, 18 and 102 Morven Park Road, N.W. and 9 and 21 Ayr Street, N.W. and 302-334 Loudoun Street, S.W. (inclusive of even numbered addresses only), 106 Morven Park Road, N.W., 380 Rock Spring Drive, S.W., 329 Loudoun Street, S.W., the 8.05-acre Allman tract on South King Street, Dodona Manor at 217 Edwards Ferry Road, N.E., and the 16.24-acre Paxton Property (Carlheim) at 420 Wildman Street, N.E.

[Amended 5/25/04 per Ordinance No. 2004-0-05]

7.5.4 Public Meetings Required

The Board of Architectural Review shall meet at least once monthly to consider applications for Historic District Permits. The meeting of the Board of Architectural Review shall be open to the public and a full and impartial hearing shall be granted to the applicant and to any other interested parties.

7.5.5 Historic District Permits

Within the H-1 Overlay District, no building or structure (defined for the purposes of this section as anything man-made, including but not limited to outbuildings, fences, walls, lamp posts, light fixtures, signs, signposts, driveways, walkways and paving) shall be altered in any of the following ways unless a Historic District Permit has been issued by the Board of Architectural Review in accordance with the procedures of Sec. 3.10), or by the Preservation Planner in accordance with Sec. 7.5.6. The regulations below apply to both public and private structures and facilities.

A. Change in the exterior appearance of existing buildings or structures;

B. Demolition of any building or structure, in whole or in part;

C. Movement of any building or structure;

D. Any new construction;

E. Reconstruction of existing walls and fences, or construction of new walls and fences; and

F. Signs.

G. Change in the exterior color of a structure.

7.5.6 Administrative Approval of Historic District Permits

A. **Lighting, Fences, Paving and Color.** The Preservation Planner shall have the authority to issue a Historic District Zoning Permit for alterations to existing or installation of new lampposts, light fixtures, fences, driveways, residential walkways or changes in existing exterior color schemes. If the Preservation Planner determines the application may not be in conformance with the Old and Historic District Design

Guidelines, the application shall be forwarded to the Board for consideration at the applicant's request.

B. Signs. The Preservation Planner shall have authority to issue a Historic District Permit for applications that request approval for signs that conform to the criteria as established in the in the Old and Historic District Sign Guidelines in the section titled "Administrative Approval Criteria for Signs in the Old and Historic District". In the event the Preservation Planner determines that the sign does not conform to said guidelines the application shall be forwarded to the Board for consideration at the applicant's request.

[Amended 3/38/06 per Ordinance No. 2006-0-5]

7.5.7 Brick Sidewalk Requirement

For all construction requiring the installation or replacement of public sidewalks, the surface material of the sidewalk must be made of medium to dark red machine-molded (no wire-cut) brick.

7.5.8 Demolition Applications

A. Board's Authority to Review Demolition Permit Applications. No historic landmark, building or structure subject to the provisions of this section shall be demolished until its owner has applied for and received a Historic District Demolition Permit from the Board of Architectural Review pursuant to the procedures of Sec. 3.10, except as otherwise expressly provided in Sec. 7.5.8D.

B. Demolition Defined. Any removal of forty percent (40%) or more of the total exterior wall or roof surface of any building shall require a Historic District Demolition Permit approved in accordance with the requirements of this section. Any removal of less than forty percent (40%) of the exterior wall or roof surface of a building shall be considered an alteration and requires a Historic District Permit in accordance with the provisions of Sec. 7.5.5.

C. Consideration of Post-Demolition Plans. The Board of Architectural Review shall consider, and applicants shall be required to provide, for all principal structures to be demolished, post-demolition plans for any site governed by this article and the appropriateness of such plans to the architectural character of the district.

D. Demolition Delay Period. The owner of a building or structure, the demolition of which is subject to the provisions of this section, shall, as a matter of right, be entitled to demolish such building or structure provided that:

1. The owner has applied to the Board of Architectural Review for such a right.
2. The owner has for a period of time set forth in the time schedule set forth in Sec. 7.5.8D.3, and at a price reasonably related to its fair market value, made a bona fide offer to sell such building or structure, and the land pertaining thereto, to any person, firm, corporation, government or agency thereof, or political subdivision or agency thereof, which gives reasonable assurance that it will preserve and restore the building or structure and the land pertaining thereto.
3. No bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such building or structure, and the land pertaining thereto, prior to the expiration of the applicable time period as set forth in the time schedule below. Any appeal which may be taken to the court from the decision of the Town Council shall not affect the right of the owner to make a bona fide offer to sell. Offers to sell as provided

in subsection 7.5.8D.2 shall be made within one (1) year of the date of a final decision by the Town Council. The time schedule for offers to sell shall be as follows:

Property Valued At	Minimum Offer To Sell Period
Less than $25,000	3 months
$25,000 but less than $40,000	4 months
$40,000- but less than $55,000	5 months
$55,000- but less than $75,000	6 months
$75,000- but less than $90,000	7 months
$90,000 or more	12 months

E. **Board of Architectural Review Activities While Action on Demolition Permit Suspended.** During the demolition delay period set forth above in Sec. 7.5.8D., the Board of Architectural Review may take such steps as it deems necessary to preserve the buildings or structures concerned, in accordance with the purposes of these regulations. Such steps may include, but are not limited to, consultation with civic groups, public agencies and interested citizens, recommendations for acquisition of property by public or private bodies or agencies, and exploration of the possibility of moving one or more structures or other features.

F. **Owner Required to Make Bona Fide Offer to Sell During Delay Period.** Before making a bona fide offer to sell, the owner shall first file a statement with the Town Council. That statement shall identify the property, state the offering price, the date the offer of sale is to begin and name and addresses of listing real estate agents, if any. The statement shall provide assurances that the building or structure shall be preserved and/or restored, as appropriate. No time period set forth in the time schedule contained in Sec. 7.5.8 shall begin to run until the statement has been filed.

7.5.9 Maintenance of Historic Properties

A. **Routine Maintenance Exclusion.** Nothing in this article shall be construed to prevent the routine maintenance or repair of any exterior elements of any building or structure so long as there is no change in design or materials.

B. **Protective Maintenance Requirement.**

1. **Purpose**. Pursuant to Section 15.2-2306 of the Code of Virginia, 1950, as amended, the purpose of this section is to prevent the demolition by neglect of any building or structure by permitting permanent damage by weather or vandalism.

2. **Intent**. The intent of this section is to ensure that the owner of any building or structure subject to the provisions of this section shall keep such building or structure properly maintained and repaired in accordance with this section, the provisions of the state building code and housing code and the provisions of Article I Section 11-38 of the Town Code.

3. **Degree of Maintenance Required**. The degree of maintenance and repair hereby required is that degree sufficient to prevent damage to the structural components and/or the exterior that would cause the collapse of the structure or that would cause the building to become so deteriorated as to prevent its repair and preservation. Acts which the owner may be required to perform pursuant to this paragraph shall include the following: securing the building or structure by boarding up doors and windows; stabilizing walls, roofs and other parts of the building or structure; providing positive drainage from the structure; and termite treatment.

4. **Enforcement**. The Board of Architectural Review shall request a meeting with an owner when a property is in a seriously deteriorated condition and the Board of Architectural Review shall discuss with the owner ways to improve the condition of the building or structure. After this step the Board of Architectural Review may request the Zoning Administrator to investigate further the condition of such building or structure and to make a determination within fourteen (14) days of violations of this Zoning Ordinance. Upon finding that a building is in a seriously deteriorated condition which threatens its preservation, the Zoning Administrator shall notify the owner in writing and shall identify specific repairs and work necessary to comply with the provisions of this section. The owner shall have ninety (90) days from written notification to complete necessary repairs and work identified by the Zoning Administrator. Failure to complete the necessary repairs and work within ninety (90) days shall constitute a violation of this Zoning Ordinance.

7.5.10 Designation of Historic Districts and Landmarks

The H-1 Overlay District may be enlarged and new historic districts and individual landmarks may be established pursuant to Section 15.2-2306 of the Code of Virginia as amended, upon recommendation of the Board of Architectural Review and adoption by the Town Council.

A. **Preliminary Research**. The Board of Architectural Review shall undertake to establish and maintain a list of structures, sites and areas having a special historical, architectural or aesthetic interest or value.

B. **Recommendation of Historic Districts and Landmarks**. The Board of Architectural Review may recommend to the Town Council the initiation of a Zoning Ordinance amendment in accordance with Sections 15.2-2204 and 15.2-2286.6 of the Code of Virginia, 1950, as amended, to designate landmarks and historic districts from the list established under Sec. 7.5.10A for preservation and protection. Upon making such a recommendation, the Board of Architectural Review shall submit a report giving the reasons for its recommendation.

1. **Criteria for Selection**. A structure, group of structures, site or district may be recommended for designation as a landmark or landmark district if it:

   a. Has significant character, interest or value, as part of the town's development or heritage; or

   b. Portrays the environment in an era of history characterized by a distinctive architectural style; or

   c. Is the work of a designer whose individual work has significantly influenced the development of Leesburg; or

   d. Contains elements of design, detail, materials or craftsmanship which represent a significant innovation; or

   e. By being part of or related to a square, park or other distinctive area, should be developed or preserved according to a plan based on a historic, cultural or architectural motif; or

   f. Owing to its unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood, community or town.

2. **Boundaries**. In the Board of Architectural Review's recommendation to the Town Council, historic districts or individual landmarks must be precisely described by legal boundaries.

3. **Application for Designation**. Designations may be initiated by resolution of the Town Council upon recommendation of the Board of Architectural Review or on the application of the owner(s) of the property to be designated or their authorized agents, or on the application of any organization with a recognized interest in historic preservation. When the application has not been made by the owner, the owner shall be given written notice of the designation under consideration.
4. **Moratorium on Alteration or Demolition While Designation Pending**. No applications for a zoning permit to construct, alter or demolish any structure or other feature on a landmark site or in a historic district, filed subsequent to the day that an application has been filed or a resolution adopted to initiate designation of the said landmark site or historic district, shall be approved by the Zoning Administrator while proceedings are pending on such designation; provided, however, that after ninety (90) days have elapsed from the date of initiation of said designation, if final action on such designation has not been completed, the permit application may be approved.

7.5.11 Violations

The enforcement of the provisions of this section shall be the responsibility of the Zoning Administrator or the Zoning Administrator's designee. The Zoning Administrator shall take the necessary legal steps to stop work that is being performed without a Historic District Permit. Any violation of these regulations is a civil violation as provided in Sec. 17.2.2.

Sec. 2.3 Board of Architectural Review

2.3.1 Purpose

The purpose of the Board of Architectural Review shall be to administer the provisions of this Zoning Ordinance relating to Historic Districts and to advise the Town Council in its efforts to preserve and protect historic structures and sites within the town.

2.3.2 Authority and Establishment

The Board of Architectural Review heretofore established pursuant to the Section15.2-2306 of the Code of Virginia, 1950, as amended, and as authorized in Section 7A-2 of the Town Charter shall continue as the Board of Architectural Review for the purposes of this Zoning Ordinance.

2.3.3 Members, Compositions and Terms

The Board of Architectural Review shall consist of the following:

A. Nine (9) members appointed by the Town Council. One non-voting board member shall be appointed from the Town Council and one non-voting member shall be appointed from the Planning Commission.

B. The term of office for members shall be three (3) years, except that the term of the Town Council member and Planning Commission member shall correspond to their official tenure of office.

C. Members may be reappointed to serve consecutive terms.

D. A member whose term has expired shall continue to serve until a successor is appointed.

2.3.4 Required Qualifications

Qualified and acceptable candidates shall demonstrate an interest in historic preservation, and a majority of Board of Architectural Review members shall have professional training or equivalent experience in history, architectural history, archaeology, or planning. At least one member of the Board of Architectural Review shall be an architect. All persons appointed to the Board of Architectural Review shall be bona fide residents of the Town of Leesburg and shall have a demonstrated interest in and knowledge of the history of the community.

2.3.5 Election of Officers

The Board of Architectural Review shall elect its Chairman and Vice-Chairman from its membership, and the Director of Planning, Zoning and Development or the Director's designee, shall be its recording secretary.

2.3.6 Procedure for Meeting

The Chairman shall conduct the meeting of the Board of Architectural Review. In the absence of the Chairman, the Vice-chairman shall preside. The recording secretary shall keep minutes of the meetings and a permanent record of all resolutions, motions, transactions and determinations. All members of the Board of Architectural Review shall be entitled to vote except the non-voting members appointed from the Planning Commission and the Town Council. Decisions of the Board of Architectural Review shall be determined by a majority vote of those members present and voting. A quorum of four voting members present is required before the Board of Architectural Review may take any official action.

2.3.7 Powers and Duties

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

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

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

C. **New Construction.** Review and decide upon all proposed new construction within the boundaries established by this Zoning Ordinance.

D. **Relocation.** Review and decide upon any proposed relocation of a structure (including buildings, bridges, signs, fences, walls, and monuments) within the boundaries established by this Zoning Ordinance.

E. **List.** Establish and maintain a list of structures, sites and areas having a special historical, architectural or aesthetic interest or value.

F. **Recommend Designations.** Make recommendations to the Town Council regarding the designation of individual sites for inclusion in the H-1 Overlay District, or establishment of a new district or landmark site.

G. **Comprehensive Sign Plans.** Review and make recommendations to the Town Council regarding comprehensive sign plans in accordance with Sec. 15.14 (Comprehensive Signage Plans).

H. **H-1 and H-2 District Signs.** Review and decide upon signs located in the H-1 and H-2 Overlay Districts in accordance with Sec. 15.11 (Signs in the H-1 Overlay District) and Sec. 15.12 (Signs in the H-2 Overlay District).

I. **Annual Report.** Submit an annual report of its activities and decisions to the Town Council.

J. **Buffer-yard Modifications.** Review and decide upon modifications of buffer-yards in the H-1 Overlay District, in accordance with Sec. 12.8.5 (Modification of Screening and Buffer-yard Requirements).

2.3.8 Rules of Procedure

In matters covering the procedure for meetings not covered by this article (e.g., schedules for regular periodic meetings), the Board of Architectural Review may establish its own rules, provided they are not contrary to the spirit of this section.

2.3.9 Record of Meetings

A record shall be kept of pertinent information presented at all public meetings and of all decisions by the Board of Architectural Review.

2.3.10 Authority to Request Information

In accordance with the powers, duties, and responsibilities imposed on the Board of Architectural Review by this Zoning Ordinance, the Board of Architectural Review shall have the power and authority to request and receive any appropriate information, cooperation, assistance, or studies from any town departments, board, agencies, or commissions.

Sec. 3.10 Historic District Permits (H-1 Historic Overlay District)

3.10.1 Applicability

A Historic District Permit shall be required prior to the alteration of any building or structure (defined for the purposes of this section as anything man-made, including but not limited to outbuildings, fences, walls, lamp posts, light fixtures, signs, signposts, driveways, walkways and paving) located in the H-1 Overlay District and specifically including any of the following activities:

A. Change in the exterior appearance of existing buildings or structures;

B. Demolition of any building or structure, in whole or in part;

C. Movement of any building or structure;

D. Any new construction;

E. Reconstruction of existing walls and fences, or construction of new walls and fences;

F. Signs.

G. Change in the exterior color scheme of structures.

3.10.2 Required Contents of Applications

A. **General.** When making application for a Historic District Permit, applicants must submit information for consideration by the Board of Architectural Review, including the following:

1. All architectural elevations drawn to scale;
2. Site plans;
3. Complete materials list;
4. Photographs or drawings relating the proposed project to the surrounding streetscape;
5. Proposed colors;
6. Lighting; and
7. Landscaping, when required by Article 12 .

B. **Sign Permits.** When making application for an Historic District Sign Permit, applicants must submit the following information:

1. A scale drawing of the proposed sign;
2. Proposed materials for the sign and its support and the lighting method to be used;
3. The proposed sign message;
4. The style and size of lettering; and
5. A sketch or photograph showing the proposed location of the sign on the building or site.

C. **Waiver of Certain Requirements.** Upon written request from the applicant, the Preservation Planner may tentatively waive any of the above requirements deemed not to be necessary for review of the application. These waivers may be over-ruled by the Board of Architectural Review if additional information is determined to be required at the Board of Architectural Review's meeting to consider the application. The Preservation Planner is the staff liaison to the Board of Architectural review and is responsible for the processing and review of applications within theTown's historic districts.

3.10.3 Application Filing Deadline and Fee

Applications for Historic District Permits must be made on forms provided by the Zoning Administrator and must be accompanied by a filing fee in accordance with the latest Schedule of Fees adopted by the Town Council. Complete applications must be submitted at least seventeen (17) days before the scheduled monthly meeting at which the applicant is requesting consideration.

3.10.4 Public Hearing Notice

Written and Placard notice of public hearings before the Board of Architectural Review shall be provided in accordance with the requirements of Sec. 3.1.9A and Sec. 3.1.9B. Newspaper notice is not required.

3.10.5 Review of Plans in a Timely Manner

The Board of Architectural Review shall vote and announce its decision on any matter properly before it at the conclusion of the public meeting on the matter, unless the time is extended by mutual agreement between the Board of Architectural Review and the applicant, or unless the Board of Architectural Review postpones the matter to its next public meeting due to lack of representation on the part of the applicant.

3.10.6 Board Action on Applications; Review and Approval Criteria

In response to applications for Historic District Permits, the Board of Architectural Review shall be authorized to approve the application, deny the application or approve the application in modified form. See Sec. 7.5.6 for the Preservation Planner's administrative review authority.

A. General Review and Approval Criteria

1. **General Criteria**. In considering the appropriateness of any application, the Board of Architectural Review shall consider the architectural significance and appearance, historic significance, and appropriateness of the proposed use of the property.
2. **Criteria for Existing Buildings and Structures.** In deciding upon applications to alter buildings or structures subject to the provisions of this section, the Board of Architectural Review shall consider the Certified Local Government Grant Building Survey designations as well as the criteria listed in the H-1 Overlay District Design Guidelines and shall consider criteria set forth in the Secretary of the Interior's Standards for Rehabilitation Revised 1990, as amended. The Standards for Rehabilitation are as follows:

a. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

c. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

d. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

e. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

h. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

i. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

j. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

k. In addition to the standards listed above, the application of artificial siding, including aluminum and vinyl sidings, on existing buildings shall not be permitted for any structure designated as historic by the Certified Local Government Grant Building Survey , or for any individual historic landmark due to its inappropriateness, its potential to damage wood frame buildings and its destruction of the unique character of wood materials and craftsmanship.

3. **Criteria for New Construction.** In deciding upon applications for new construction, the Board of Architectural Review shall take into account the extent to which the building or structure would be appropriate or incongruous to the H-1 Overlay District as well as its immediate surroundings; and the Board of Architectural Review shall consider major design elements, including site planning; massing, proportion and scale; roof, windows and doorways; and all exterior architectural elements, including materials, colors, trim and other details. More specific criteria for appropriate new construction can be found in the H-1 Overlay Design Guidelines. The Board of Architectural Review shall amend the H-1 Overlay Design Guidelines for new construction as it deems appropriate.

4. **Demolition Permit Review and Approval Criteria.** In reviewing demolition applications, the Board of Architectural Review shall consider the following:

a. The designation of the particular structure as historic or non-historic in the Certified Local Government Grant Building Surveys.

b. The criteria listed in the H-1 Overlay District Design Guidelines including the extent to which loss of the buildings or structures would affect the historic and architectural character of surrounding properties and of the entire H-1 Overlay District; and

c. The ability of the owner to put the subject property to reasonable beneficial use.

3.10.7 Board Authority to Seek Outside Advice

The Board of Architectural Review may seek technical advice from outside its members on any application. If the Board of Architectural Review seeks outside advice, the Board of Architectural Review shall provide a copy of the consultant's report to the applicant and shall render a decision on the application within ninety (90) days from the date that the complete application was filed.

3.10.8 Form of Decision

All decisions of the Board of Architectural Review granting or refusing a Historic District Permit shall be in writing, a copy of which shall be sent to the applicant and a copy filed with the town office.

3.10.9 Explanation of Disapproval

In the case of denial of a Historic District Permit, the Board of Architectural Review shall state the reasons for such denial in writing and transmit the written statement to the applicant. In the statement, the Board of Architectural Review may make suggestions that would help the applicant in the resubmission of an application.

3.10.10 Zoning Permits; Accurate Drawings of Approved Plans Required

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

3.10.11 Conformance with Permit Required

All work performed pursuant to issuance of a Historic District Permit shall conform to the approved plans and specifications and to any modifications required by the permit. In the event work is performed not in conformance with the permit, the Zoning Administrator shall notify the responsible person or firm in writing of the violation and shall take the necessary legal steps to ensure that the work is performed in conformance with the permit.

3.10.12 Lapse of Approval

A Historic District Permit shall lapse and become void unless construction is commenced within twelve (12) months from the date the permit was issued.

3.10.13 Change of Plans after Issuance of Permit

Any change in the work plan subsequent to the issuance of a Historic District Permit shall require submittal of a new application and issuance of a new permit.

3.10.14 Appeals

A. **Reconsideration by the Board of Architectural Review.** The Board of Architectural Review shall not reconsider any application that has been denied except in cases where an applicant submits an application that has been amended to substantially address the Board of Architectural Review's reasons for denial of the original application.

B. **Appeals to Town Council**. Appeals to the Town Council from any final decision of the Board of Architectural Review may be made by any person by filing a petition with the Clerk of Council, setting forth the basis for the appeal, within thirty (30) days after the final decision is rendered. The filing of the petition shall stay the decision of the Board of Architectural Review pending the outcome of the appeal to the Town Council, except that the filing of such petition shall not stay the decision of the Board of Architectural Review if such decision denies the right to raze, demolish or move any structure or building subject to the provisions of this section. The Town Council may reverse or modify the decision of the Board of Architectural Review in whole or in part, if it finds upon review that the decision of the Board of Architectural Review is contrary to the law or that its decision is arbitrary and constitutes an abuse of discretion, or it may affirm the decision of the Board of Architectural Review.

C. **Appeals to the Circuit Court of Loudoun County.** Appeals to the Circuit Court of Loudoun County from any decision of the Town Council may be made by any person by filing a petition at law, setting forth the alleged illegality of the action of the Town Council within thirty (30) days from the final decision rendered by the Town Council. The filing of the said petition shall stay the decision of the Town Council pending the outcome of the appeal to the Court, except that the filing of such petition shall not stay

the decision of the Town Council if such decision denies the right to raze or demolish a historic landmark, building or structure. The court may reverse or modify the decision of the Town Council in whole or in part, if it finds upon review that the decision of the Town Council is contrary to law or that its decision is arbitrary and constitutes an abuse or discretion or it may affirm the decision of the Town Council.

Sec. 15.11 Signs in the H-1 Overlay District

15.11.1 Historic District Zoning Permit Required

New signs or changes in text, color or composition to an existing permanent sign within the H-1 Historic District require the approval of a Historic District Zoning Permit by either the Board of Architectural Review in accordance with Sec. 7.5.5. Historic District Permits, or the Preservation Planner in accordance with Sec. 7.5.6 Administrative Approval of Historic District Permits and the issuance of a sign permit by the Zoning Administrator.

[Amended 3/28/06 per Ordinance No. 2006-0-5]

15.11.2 Sign Modifications

The Board of Architectural Review may authorize an alternative signage plan that does not strictly adhere to the area, number, height and location criteria within the H-1 Overlay District if it is determined that the design is more consistent with the architectural character of the building to which it relates and other surrounding properties.

15.11.3 Additional Review Criteria

Any sign erected within the H-1 Overlay District shall also satisfy all applicable criteria established in Sec. 7.5.

15.11.4 Area, Height, Number and Location of Signs

The area, height, number and location standards for all signs erected in the H-1 Overlay District shall be determined by the Board of Architectural Review in accordance with the Old and Historic District Design Guidelines during the Historic District Sign Permit review process. In making determinations that differ from the design standards contained in Sec. 15.7, Sec. 15.8, and Sec. 15.9, the Board shall be guided by the Old and Historic District Design Guidelines.

[Amended 3/28/06 per Ordinance No. 2006-0-5]