



# Leesburg

APPENDIX F:  
SECTIONS OF THE  
ZONING ORDINANCE  
PERTAINING TO H-1



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

Article 7 | Overlay & Special Purpose District  
Sec. 7.5 | Old & 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 as defined in Sec. 7.5.3 and to all areas or places heretofore 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. The regulations of this section apply to all property, including any improvements and modifications to such property, located within the boundaries of the H-1 Overlay District.

### 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 Overlay, Old and Historic 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.

#### 7.5.4 Public Meetings Required

The Board of Architectural Review shall meet at least once monthly to consider applications for Certificate of Appropriateness. 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 Certificate of Appropriateness

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 Certificate of Appropriateness 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. **Site Improvements.** Including but not limited to removal, enlargement, or reconstruction of: driveways, walkways, and other paving; lampposts and landscape lighting; fences and walls; gazebos and pergolas. Not to include plant materials or installation of movable, non-permanent play equipment.
- B. **Exterior Modification of Existing Buildings and Structures.** Including, but not limited to: the installation of a seasonal weather enclosure; any attachment of a shade structure to a principal building; the removal, replacement, or addition of windows, doors, and chimneys; the alteration of porches and decks; the alteration or addition of commercial storefronts on existing buildings and changes to exterior paint and color. Exterior paint and color shall not include painted murals as reviewed by the Leesburg Commission on Public Art under the Public Art Policy in accordance with the Leesburg Public Art Guidelines. Not to include routine maintenance as defined in Sec. 7.5.9.A Routine Maintenance Exclusion.
- C. **Additions to Existing Buildings and Structures.** Including, but not limited to: the construction of new porches and decks; the expansion of the square footage so that it increases the height or the footprint of the existing structure.
- D. **New Construction.**
- E. **Demolition and Relocation of Existing Buildings and Structures, in whole or in part.**
- F. **Signs.** In accordance with Section 15.14
- G. **Exemptions.** The following structures are exempt from review by the Board of Architectural Review and the requirement for a Certificate of Appropriateness (COA):
  - 1. **Platform Deck:** An at grade platform deck not exceeding twelve (12) inches in height, no less than two (2) feet from the side and rear property lines, not exceeding two hundred (200) square feet in area, without footers for support but supported by the ground only and located in the rear yard only.
  - 2. **Shade Structure, Unattached:** As defined in Article 18, and pursuant to the performance criteria in Section 9.5.4.
  - 3. **Tent:** As defined in Article 18, and pursuant to the performance criteria in Section 9.5.4.
- H. **General Concept Plans.** An applicant for Certificate of Appropriateness may submit a general concept plan to the Board of Architectural Review to seek guidance for the conceptual appearance of a proposed project regarding adopted design guidelines and other requirements under the Board's purview. An application for review of a general concept plan shall show information that communicates; (a) height; (b) massing; (c) fenestration; (d) roof form; (e) primary exterior materials; (f) façade orientation; and (g) building footprint along with placement and position on the associated land parcel. Such application shall include any

proposed demolition, as applicable to the project, but does not need to meet other application requirements outlined in Section 3.10.2, *Required Contents of Applications*.

An application for review of a general concept plan shall not be bound by the 75-day review requirement outlined in 3.10.5 *Review of Plans in a Timely Manner*, and may be continued to future Board meetings to allow the applicant opportunity to address Board comments and concerns.

In response to an application for review of a general concept plan, the Board of Architectural Review may address the conceptual appearance of a proposed project as it relates to conformance with established design guidelines and other requirements by adopting a resolution by majority vote of the members present at the time of review. This resolution may include endorsement of the conceptual appearance of all or a specified portion of the project and guidance to the applicant on necessary changes to the appearance in order to conform to established design guidelines and other requirements. The applicant may revise the general concept plan based upon comments received from the Board and resubmit the application.

A resolution endorsing a general concept plan adopted by the Board shall not constitute final approval. A Certificate of Appropriateness application consistent with the requirements outlined in Section 3.10 and Section 7.5 reviewed and approved by the Board shall be required for final approval of a project.

#### **7.5.6 Administrative Approval of Certificate of Appropriateness**

A report of administrative approvals shall be made to the Board of Architectural Review at the regular business meeting following the date said administrative approvals are granted. If the Preservation Planner determines the application may not be in conformance with the Old and Historic District Guidelines, the application shall be forwarded to the Board for consideration at the applicant's request.

- A. Building and Site Enhancements.** The Preservation Planner shall have the authority to issue a Certificate of Appropriateness for alterations to existing or installation of new lampposts, light fixtures, fences, driveways, residential walkways or changes in existing exterior color schemes, bollards and other traffic control structures outside of the public right-of-way.
- B. Signs.** The Preservation Planner shall have authority to issue a Certificate of Appropriateness for applications that request approval for signs that conform to the criteria as established in the Old and Historic District Sign Guidelines in the section titled "Administrative Approval Criteria for Signs in the Old and Historic District".
- C. Modifications to Existing Structures.** The Preservation Planner shall have the authority to issue a Certificate of Appropriateness for the following modifications to existing structures that are contributing and noncontributing resources: (a) the like-kind replacement of roof materials; (b) the installation of storm windows and doors; (c) the replacement or installation of new shutters; (d) installation of HVAC units and associated support structures; and (e) utility-related improvements. In addition, the Preservation Planner shall have the authority to issue a Certificate of Appropriateness for the change in appearance of gutters, downspouts, attic vents and exterior doors on noncontributing resources only.
- D. Change of Plans after Issuance of Permit.** Any change in the approved plans subsequent to the issuance of a Certificate of Appropriateness shall be promptly submitted to the Preservation Planner prior to construction of the modified feature. The Preservation Planner may administratively approve the following modifications: (a) change in the color of brick selected for a project; (b) change in the profile of door and window moldings; (c) change in the type of siding used in a small area, which does not exceed ten percent (10%) of the total area of a building; (d) change in the style of a door or window; (e) change in roof material as long as historic roof materials are not removed; (f) repositioning, or enlargement/reduction no greater

than 10% in the size of a non-historic doorway or window opening, on a secondary resource or on the rear of a primary resource; and (g) repositioning, changes in balustrade (guardrail), or enlargement/reduction no greater than 10% in the size of a porch or outdoor staircase on a secondary resource or on the rear of a primary resource.

### 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 Certificate of Appropriateness for Demolition.** 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 Certificate of Appropriateness 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 Certificate of Appropriateness 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. 7.5.8.D.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. 7.5.8.D., 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 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 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 to designate landmarks and historic districts from the list established under Sec. 7.5.10.A for preservation and protection.
  1. Criteria for Selection. When applying for nomination as a Local Historic District or Local Historic Landmark, the applicant shall supply documents or other evidence showing that the property(s) or structure(s) under consideration meets one or more of the following criteria defining Local Historic Districts or Local Historic Landmarks:-
    - a. Its character, interest or value as part of the historic development, heritage, or cultural characteristics of the community, county, state or country; or
    - a. Its location as a site of a historically significant local, county, state or national event; or
    - b. Its identification with a person or persons or entities who significantly contributed to the historic development of the community, county, state or country; or
    - c. Its embodiment of distinguishing characteristics of a historic architectural style valuable for the study of a period, type, method of construction, or use of materials; or
    - d. Its identification as the work of a master builder, designer, architect or landscape architect whose individual work has influenced the historic development of the community, county, state or country; or
    - e. Its embodiment of elements of design, detailing, materials or craftsmanship that render it significant to the architectural heritage of the community; or
    - f. Its character as a particularly fine or unique example of an historic utilitarian structure, including, but not limited to, farmhouses, gas stations or other commercial structures, with a high level of integrity or architectural significance; or
    - g. It is listed in the National Register of Historic Places and/or the Virginia Landmarks Program.
  2. 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 historic, civic or professional society or 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.
  3. 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 Certificate of Appropriateness. 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 Section 15.2-2306 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:

**Composition.** Nine (9) members including seven (7) voting members and two (2) non-voting members. One non-voting member shall be a Town Council member appointed by the Town Council and one non-voting member shall be a Planning Commission member appointed by the Planning Commission.

**Terms.** Appointment of voting members to serve on the Board of Architectural Review shall be as follows: In the year of an election, each newly elected or re-elected Council member, including the Mayor, may nominate one person to serve on the Board of Architectural Review. The Town Council shall vote to approve or disapprove the selection. The term of each Board member shall correspond to the official tenure of office of the Council member who nominated them. The term of the Town Council member and Planning Commission member shall correspond to their official tenure of office.

**Reappointments.** Members may be reappointed to serve consecutive terms.

**Partial and Expired Terms.** Members appointed as a result of resignation or removal of a member shall serve for the remaining term of the member they are replacing. 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:

#### Decision Making Authority

- 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. Comprehensive Sign Plans. Review and make recommendations to the Town Council regarding comprehensive sign plans within the boundaries established by this Zoning Ordinance and in accordance with Sec. 15.13 (Comprehensive Sign Plans).

#### Advisory Duties

- A. List. Establish and maintain a list of structures, sites and areas having a special historical, architectural or aesthetic interest or value.
- B. 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.
- C. Buffer-yard Modifications. Review modifications of buffer-yards in the H-1 Overlay District, in accordance with Sec. 12.8.5 (Modification of Screening and Buffer-yard Requirements).

#### Annual Report

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

### 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 Overlay: Old and Historic Overlay District)

### 3.10.1 Applicability

A Certificate of Appropriateness 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. Site Improvements.** Including but not limited to removal, enlargement, or reconstruction of: driveways, walkways, and other paving; lampposts and landscape lighting; fences and walls; gazebos and pergolas. Not to include plant materials or installation of movable, non-permanent play equipment.
- B. Exterior Modification of Existing Buildings and Structures.** Including, but not limited to: the installation of a seasonal weather enclosure; any attachment of a shade structure to a principal building; the removal, replacement, or addition of windows, doors, and chimneys; the alteration of porches and decks; the alteration or addition of commercial storefronts on existing buildings and changes to exterior paint and color. Exterior paint and color shall not include painted murals as reviewed by the Leesburg Commission on Public Art under the Public Art policy in accordance with the Leesburg Public Art Guidelines. Not to include routine maintenance as defined in Sec. 7.5.9.A Routine Maintenance Exclusion.
- C. Additions to Existing Buildings and Structures.** Including, but not limited to: the construction of new porches and decks; the expansion of the square footage so that it increases the height or the footprint of the existing structure.
- D. New Construction.**
- E. Demolition and Relocation of Existing Buildings and Structures, in whole or in part.**
- F. Signs, in accordance with Section 15.14.**
- G. Exemptions.** The following structures are exempt from review by the Board of Architectural Review and the requirement for a Certificate of Appropriateness (COA):
  1. Platform Deck: An at grade platform deck not exceeding twelve (12) inches in height, no less than two (2) feet from the side and rear property lines, not exceeding two hundred (200) square feet in area, without footers for support but supported by the ground only and located in the rear yard only.
  2. Shade Structure, Unattached: As defined in Article 18, and pursuant to the performance criteria in Section 9.5.4.
  3. Tent: As defined in Article 18, and pursuant to the performance criteria in Section 9.5.4.



\*Appeals of BAR's decisions are heard by the Town Council. Appeals must be filed within 30 days.

### 3.10.2 Required Contents of Applications

- A. General.** When making application for a Certificate of Appropriateness, applicants must submit information for consideration by the Board of Architectural Review, including the following:
1. All affected architectural elevations, floor plans and roof plan drawn to scale showing existing conditions, proposed alterations, and proposed new construction;
  2. Site plans drawn to scale with land parcel boundaries showing footprints of existing buildings, footprints of proposed new construction, and required setbacks;
  3. Complete materials list including product specification sheets and/or material or samples of materials as deemed necessary;
  4. Photographs of the affected building elevations and any deteriorated conditions. For proposed new construction, photographs or drawings relating the proposed project to the surrounding streetscape;
  5. Proposed colors including color chips from the paint manufacturer;
  6. Exterior light fixtures and/or lighting plan when required by Article 12.
  7. A landscape plan, when required by Article 12.
  8. A narrative providing justification for the request; and
  9. For the replacement of windows in contributing historic resources, an assessment of each window proposed for replacement including a statement of condition, photographs, and the following detailed information:
    - a. Dimensions of the window opening and the size of the proposed replacement window;
    - b. Depth of reveal of the existing and proposed window;
    - c. Proportions of the window frame and sash for the existing and proposed window;
    - d. Configuration of window panes in the existing and proposed window;
    - e. Muntin profiles for the existing and proposed window;
    - f. Material of the proposed window;
    - g. Paint color
    - h. Characteristics of the glass in the proposed window; and
    - i. Assorted window details such as arched tops, hoods, or other decorative elements.
- B. Sign Permits.** When making application for a Certificate of Appropriateness, 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 the Town's historic districts.

### **3.10.3 Application Filing Deadline and Fee**

Applications for Certificate of Appropriateness 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. The Board of Architectural Review shall render a final decision upon any matter properly before it within seventy-five (75) days or less after the first public hearing on the matter. Any application not acted upon within this 75-day period shall be deemed approved unless the parties mutually agree to extend the action time beyond this 75-day period to a date certain.

### **3.10.6 Board Action on Applications; Review and Approval Criteria**

In response to applications for Certificates of Appropriateness, 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. The design guidelines upon which approval or denial is to be based are the Old and Historic Design Guidelines, adopted by the Town Council January 27, 2009 and as amended from time to time, and which include the Secretary of the Interior's Standards for Rehabilitation as referenced as Appendix A. These guidelines will be used to evaluate all projects in accordance with Section 3.10.1 Applicability. Except that approval or denial of sign applications in the Old and Historic District are to be based on the Old and Historic District Sign Guidelines dated January 4, 2006 and as amended from time to time.

### **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 seventy five (75) days from the date of the first public hearing.

### **3.10.8 Form of Decision**

All decisions of the Board of Architectural Review granting or refusing a Certificate of Appropriateness 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 Certificate of Appropriateness, 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 Certificate of Appropriateness 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 Certificate of Appropriateness (COA) shall lapse and become void unless:

- A.** Construction is commenced within twenty-four (24) months from the date the COA was issued.
- B.** Prior to the sunset of twenty-four month period in (A.) above, the applicant has obtained a six-month extension from the Zoning Administrator by clearly demonstrating to the Zoning Administrator diligent pursuit of other necessary land development approvals. The Zoning Administrator shall include notification of the request for an administrative extension to adjacent property owners. There is no limit to the number of six-month extensions that an applicant may obtain.

### **3.10.13 Change of Plans after Issuance of Permit**

Any change in the work plan subsequent to the issuance of a Certificate of Appropriateness shall require submittal of a new application and issuance of a new permit except that modifications to approved projects may be administratively approved by the Preservation Planner in accordance with Section 7.5.6.D of the Zoning Ordinance.

### **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 resident, property or business owner, or applicant by filing a petition with the Clerk of Council, setting forth the basis of the appeal, within thirty (30) days after the final decision of the Board of Architectural Review is rendered. Upon receipt of the appeal, the Clerk of the Council shall promptly schedule a public hearing as soon as reasonably practicable and comply with all applicable notice requirements. The Board of Architectural Review shall file certified or sworn copies of the record of its action, which includes the minutes and documents it considered when rendering its decision and the Clerk shall forthwith transmit to the Town Council all the papers constituting the record upon which the action was taken. If the applicant wishes the Town Council to consider the transcript of the hearing as part of the record, the applicant shall pay all costs of the transcription of the hearing. Pursuant to Code of Virginia Sec. 15.2-2306, 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. In any appeal, the Town Council shall review the Board of Architectural Review record, consider the written appeal and the criteria set forth in the Old and Historic District Guidelines and to that end shall have all the powers of the Board of Architectural Review. The Town Council may reverse or affirm, wholly or partly, or may modify, any order, requirement, decision or determination appealed from and make such order, requirement, decision or determination as ought to be made. The Council review shall be limited to the issues raised on appeal. The failure of the Town Council to affirm,

modify, or reverse the decision of the Board of Architectural Review within 75 days from the date of the petition is filed shall be deemed to constitute an affirmation of the Board of Architectural Review's decision, unless all parties to the appeal agree in writing to extend such time period.

- 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 of discretion or it may affirm the decision of the Town Council.

## Sec. 15.9 Signs in the H-1 Overlay District

Article 15 | Sign Regulations  
Sec. 15.9 | Signs in the H-1 Overlay District

### 15.9.1 Historic District Zoning Permit Required

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

### 15.9.2 Exemptions

See Sec. 15.4 Exemptions for items that do not require review by either the Board of Architectural Review or the Preservation Planner.

### 15.9.3 Sign Modifications

When one (1) or more proposed signs in the H-1 Old and Historic Overlay District do not conform to the requirements of Article 15, the application will include justification that the requested modification serves the purpose and intent as established in Sec. 15.1.1 Purpose and Intent. Any such modifications may be based upon documented historical evidence from Leesburg provided by the applicant. In accordance with Section 7.5.5 Certificate of Appropriateness the Board of Architectural Review may authorize a sign modification 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 proposed sign is more consistent with the architectural and historic character of the building to which it relates and the historic character of the H-1 Old and Historic Overlay District Sign Guidelines overall.

### 15.9.4 Additional Review Criteria

Any sign erected within the H-1 Overlay District shall also satisfy all applicable criteria established in Sec. 7.5, H-1 Old and Historic Overlay District, as well as the Old and Historic District Sign Guidelines.

### 15.11.5 Administrative Review Authority

The Preservation Planner shall have authority to issue a Certificate of Appropriateness for applications that request approval for signs that conform to the criteria as established 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 of Architectural Review for consideration, at the applicant's request, at the next regularly scheduled BAR meeting for which all public hearing notice requirements can be met. An appeal of any BAR decision shall be in accordance with the provisions of Sec. 3.10.14 Appeals.