



Sec. 7.5 H-1 Overlay Old and Historic 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 41o 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 36o 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 22o 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., the 16.24-acre Paxton Property (Carlheim) at 420 Wildman Street, N.E., and the 12.65-acre portion of the Rogers Farm Property at 440 Dry Mill Road, S.E., and the 0.84 acre property at 20 Union Street N.W.

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 season 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 15.9



- 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

The Preservation Planner (or designee) may have the authority to grant the following approvals administratively if such applications are in conformance with the adopted Old and Historic District Guidelines. No adjacent property owner notification or public hearing shall be required for applications which are approved administratively. 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 next meeting for which the advertising requirements can be met. Alternatively, the applicant may withdraw any application which the Preservation Planner finds inconsistent with the Guidelines. A report of administrative approvals shall be provided on a monthly basis at either a Board of Architectural Review Business Meeting or Work Session.

- 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
 1. New lampposts or light fixtures
 2. Fences
 3. Driveways
 4. Walkways
 5. In-ground pools in the rear yard
 6. Patios less than 250 square feet when they are located in the rear yard
 7. Retaining, seating, or landscape walls of not more than 24 inches in height provided that they are not attached to a primary structure
 8. Trash enclosures
 9. Pergolas (or similar unenclosed garden structures) in the rear yard
 10. Mechanical screening, such as vents, measuring less than 1 cubic foot that match the surrounding material in color
 11. Changes in existing exterior color schemes
 12. Bollards and other traffic control structures outside of the right-of-way
 13. Small cell installations which are located on existing poles within the right-of-way and are designed in accordance with the adopted franchise agreement
 14. Accessory structures of less than 100 square feet located in the rear yard, less than 15' to the peak of the roof in height, not on a permanent foundation and not to exceed one such structure.

- 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:
 1. Contributing Structures. The term "contributing" shall mean helping, assisting, or adding to the historical integrity, historic architectural qualities, or archaeological qualities of the subject Historic District and/or the said Historic District's historic associations;



- a. Like-kind replacement of roof materials, siding, trim, railings, gutters, or downspouts, porch flooring or stair risers/treads but not porch railings, columns or posts
 - b. Installation or removal of storm windows and doors
 - c. Removal, replacement or installation of shutters
 - d. Installation of HVAC units and associated support structures or other utility-related improvements
 - e. Removal of non-contributing material and the necessary repair/maintenance following such removal
 - f. Minor alterations or installations of architectural details including:
 - i. Handrails but not guardrails or porch railings or balustrades
 - ii. Lattice
 - iii. Decorative trim such as modillions, corbels or similar
 - g. Removal or recovering of awnings.
2. Noncontributing structures. The term “noncontributing” shall mean not helping, not assisting, nor adding to the historical integrity, historic architectural qualities, or archaeological qualities of the subject Historic District and/or the said Historic District’s historic associations.
- a. Like-kind replacement of siding, trim, porch flooring or stair risers/treads, porch posts or railings
 - b. Gutters (including changes in gutter style or material when the new proposal is equally or more consistent with the Guidelines than the current)
 - c. Roofing (including changes in roofing material when the new material is equally consistent or more consistent with the Guidelines than the current sheathing)
 - d. Exterior doors
 - e. Installation or removal of storm windows and doors
 - f. Removal, replacement or installation of shutters
 - g. Installation of HVAC units and associated support structures or other utility-related improvements
 - h. Minor alterations or installations of architectural details including:
 - i. Handrails but not guardrails or porch railings or balustrades
 - ii. Lattice
 - iii. Decorative trim such as modillions, corbels or similar
 - i. Removal or recovering of awnings
 - j. Demolition of non-contributing accessory structures
- 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 minor alterations



after the issuance of a COA provided that the following types of changes are in substantial conformance with the approved COA:

1. Change in the color(s) selected for a project
2. Change in the profile of door and window moldings
3. Change in the type of siding used in a small area
4. Repositioning, or enlargement/reduction in the size of a non-historic doorway or window opening, on an accessory structure or on the rear of a primary structure
5. Change in roof material as long as historic roof materials are not removed
6. Repositioning, or changes in balustrade (guardrail), railings (including handrails), corbels or other decorative porch ornamentation
7. Enlargement/reduction no greater than 10% in the size of a porch or outdoor staircase on an accessory structure or on the rear of a primary structure
8. Other minor alterations determined by the Preservation Planner which do not negatively affect the size, scale, massing, or character of the structure.

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. 7.5.8D.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 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



- b. Its location as a site of a historically significant local, county, state or national event; or
 - c. Its identification with a person or persons or entities who significantly contributed to the historic development of the community, county, state or country; or
 - d. 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
 - e. 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
 - f. Its embodiment of elements of design, detailing, materials or craftsmanship that render it significant to the architectural heritage of the community; or
 - g. 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
 - h. 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.