

610.00 HISTORIC OVERLAY DISTRICT

610.01 **Intent.** The Town of Gordonsville seeks, through the establishment of a historic overlay district, to protect individually significant properties, to protect community health and safety, to promote the education, prosperity and general welfare of the public through the identification, preservation and enhancement of buildings, structures, settings, neighborhoods, places and features with special historical, cultural and architectural significance. To achieve these general purposes, the Town of Gordonsville seeks to pursue the following specific purposes:

- (a) To preserve and protect buildings, structures and properties which serve as important visible reminders of the historic, cultural, and architectural or archaeological heritage of the town, the Commonwealth of Virginia, or the nation;
- (b) To assure that, within the town's historic district, new structures, additions and related elements will be in harmony with their setting and environs;
- (c) To promote local historic preservation efforts through the identification and protection of historic resources throughout the town;
- (d) To maintain and improve property values by encouraging the upkeep, rehabilitation and restoration of older structures in a safe and healthful manner, and by encouraging desirable forms of development that will lead to the continuance, conservation and improvement of the town's historic, cultural and architectural resources and institutions within their settings;
- (e) To promote tourism and enhance business and industry, and to promote an enhanced quality of life within the town, through protection of historic, cultural and archaeological resources

610.02 **Establishment of Historic Overlay District.** The area identified on the Town zoning map has been determined by Town Council to be of unique architectural and/or historic value, and is hereby designated the H-1 Overlay District, under authority of Section 15.2-2306 of the Code of Virginia, 1950 as amended. All historic landmarks, buildings, or structures within this overlay district are deemed by Town Council to be contributing structures. The historic overlay district shall be in addition to and shall overlay all other zoning districts where it is applied so that any parcel of land lying within the historic overlay district shall also lie within one or more zoning districts established by this article. The effect shall be to create new districts sharing the characteristics and limitations of the underlying districts, together with the characteristics and limitations of the overlying historic overlay district.

610.03 **Additions to and deletions of properties.**

- (a) Town Council may, by ordinance, from time to time, designate additional properties and areas for inclusion within the historic overlay district; remove properties from the historic overlay designate individual buildings, structures or landmarks as protected properties; or remove individual buildings, structure or landmarks from the historic overlay district. Any such action shall be undertaken following the rules and procedures applicable to the adoption of amendments to the Town's zoning ordinance and zoning map.

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- (b) Prior to the adoption of any such ordinance, the Town Council shall consider the recommendations of the planning commission and the Board of Architectural Review as to the proposed addition, removal or designation. The Planning Commission and Board of Architectural Review shall address the following criteria in making their recommendations:
- (1) The historic, architectural or cultural significance, if any, of a building, structure or site and whether it has been listed on the National Register of Historic Places or the Virginia Landmarks Register;
 - (2) The association of the building, structure or site with an historic person or event or with a renowned architect or master craftsman;
 - (3) The overall aesthetic quality of the building, structure or site and whether it is or would be an integral part of an existing historic overlay district;
 - (4) The age and condition of a building or structure;
 - (5) Whether a building or structure is of old or distinctive design, texture and material;
 - (6) The degree to which the distinguishing character, qualities or materials of a building, structure or site have been retained; and
 - (7) Whether a building or structure, or any of its features, represents an infrequent or the first or last remaining example of a particular detail or type of architecture in the town;

610.04 **Moratorium on alteration or demolition while designation pending.** No applications for a historic district permit or demolition 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 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.

610.05 **Historic District permits.**

- (a) No historic landmark, building or structure (defined for the purposes of this section to include but not be limited to outbuildings, fences, walls, permanent signs, and signposts) shall be erected, constructed, reconstructed, altered, or restored unless and until a historic district permit has been issued by the Board of Architectural Review.

- (b) Review of the proposed construction, reconstruction, alteration or restoration of a building or structure shall meet the standards set forth in section 610.07 of this ordinance. The Board of Architectural Review, or Town Council on appeal, may make such requirements for, and conditions of approval as are necessary or desirable to prevent any construction, reconstruction, alteration or restoration which would be architecturally incompatible with the historic landmarks, buildings or structures in the historic overlay district. Prior to attaching conditions to an approval, due consideration shall be given to the cost of compliance with the proposed conditions.
- (c) The following shall be exempt from the requirement of a historic district permit:
 - (1) Interior features, details, alterations and improvements;
 - (2) Routine maintenance or repair of exterior elements or features, provided that there is no substantive change in design or materials;
 - (3) Exterior color; and
 - (4) Construction, reconstruction, alteration, repair or other improvements to a building or structure made pursuant to an order of correction issued by the Orange County building code official, upon a determination by the County's building code official that a building or structure is an "unsafe structure," as that term is defined by the state's building code and regulations.

610.06 **Application procedures for new construction and alterations.** Applications for a historic district permit for new construction or alterations must be submitted to the Zoning Administrator by a property owner, or by their authorized agent. Each application shall be accompanied by payment of a fee, set by Town Council.

610.06-1 **Application requirements.** Any application submitted for a historic district permit must include the following:

- (a) A site plan showing lot dimensions; location, size, and use of existing and proposed structures; yard dimensions; location of private and public easements; water courses; fences; adjoining street names and right-of-way width.
- (b) Photographs of the subject property and photographs of the buildings on contiguous properties.
- (c) Detailed and clear descriptions of any proposed changes in the exterior features of the subject property, including but not limited to the following: the general design, arrangement, texture, materials, and signs, to be used and other exterior fixtures and appurtenances.
- (d) Information showing the relationship of the proposed change to surrounding properties.

610.06-2 **Pre-application conference.** Prior to submission of an application for a historic district permit, a property owner or his agent is encouraged to request a conference with the full Board of Architectural Review or the chairman of the Board of Architectural Review to discuss and review a proposal for activities that require such a permit. The principal objective of the conference shall be to simplify and expedite the formal review process. A conference with the chairman shall be scheduled for a date within twenty (20) days from a request for such hearing. A conference with the full board shall be scheduled for the next regularly scheduled Board of Architectural Review meeting.

610.06-3 **Board of Architectural Review hearing.** The Board of Architectural Review shall meet, at the next regularly scheduled meeting 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. Each application for a historic district permit shall be reviewed by the Board of Architectural Review as follows:

- (a) The Board of Architectural Review shall afford each applicant, and any other interested party, an opportunity to be heard, prior to rendering its decision on any application. The Board of Architectural Review shall hold a hearing on a submission that has been deemed complete, within forty-five (45) days of receiving the submission. Written notice of such hearing shall be provided to the applicant.
- (b) In considering a particular application the Board of Architectural Review shall approve the application unless it finds that the proposal is incompatible with the architectural character of the historic landmarks, buildings, or structures in the historic overlay district and that the proposal does not meet the standards set forth in section 610.07 of this ordinance.
- (c) Failure of the Board of Architectural Review to act on a complete application within sixty (60) days after the Board of Architectural Review hearing shall be deemed an approval.
- (d) The Zoning Administrator, or deputy, shall notify the applicant in writing of the Board of Architectural Review's decision within ten (10) working days of the Board of Architectural Review hearing. Such notice shall include the reasons for the denial or approval.

610.06-4 Appeal process. Following a denial or approval the applicant or adjoining property owner may appeal the decision to the Town Council, by filing a written notice of appeal with the Zoning Administrator within thirty (30) working days of the date of the written decision.

- (a) In considering an appeal of a decision of the Board of Architectural Review, the Town Council shall review the application as if the application had come before it in the first instance. The applicant, or his agent, shall be given an opportunity to be heard on the appeal. Such hearing shall be scheduled for the next regularly scheduled Town Council meeting within forty-five (45) days from receipt of a completed appeal. Written notice of such hearing shall be provided to the applicant.
- (b) In any appeal the Town Council shall consider the standards set forth within section 610.07, as applicable, and may also consider any other information, factors, or opinions it deems relevant to the application, including, but not limited to, those provided by the Board of Architectural Review and/or by the applicant.
- (c) The Zoning Administrator, or deputy, shall notify the applicant in writing of the Town Council's decision within ten (10) working days of the Town Council hearing.
- (d) A final decision of the Town Council may be appealed by the owner of the subject property or an adjoining property owner to the Circuit Court for the County of Orange, by filing with the court a petition at law, setting forth the alleged illegality of the action taken. Such petition must be filed with the circuit court within thirty (30) days after Town Council's final decision. The filing of the petition shall stay the Town Council's decision pending the outcome of the appeal.

610.06-5

Change of plans after issuance of historic district permit. Any change in the approved plans subsequent to the issuance of a historic district permit shall be submitted to the Zoning Administrator prior to construction of the modified feature. The Zoning Administrator may administratively approve the following modifications if consistent with the standards set forth in Section 610.07 hereof; which shall be reported to the Board of Architectural Review at its next meeting:

- (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; and
- (d) Change in the style of a door or window.

610.07

Standards for review – new construction and alterations. The following features and factors shall be considered in determining the appropriateness of proposed construction, reconstruction, alteration or restoration of buildings or structures.

- (a) The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historical material or distinctive architectural features should be avoided when possible;
- (b) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity;
- (c) Whether the material, height, scale, mass and placement of the proposed addition, modification or construction are visually and architecturally compatible with the site and the district;
- (d) The effect of the proposed change on the historic district neighborhood;
- (e) The impact of the proposed change on other protected features on the property, such as gardens, landscaping, fences, walls and walks; and
- (f) Whether the proposed method of construction, renovation or restoration could have an adverse impact on the structure or site, or adjacent buildings or structures.

610.08 Demolition permits.

- (a) No historic landmarks, buildings or structures located within the historic overlay district shall be moved, removed, encapsulated, razed, or demolished (in whole or in part) unless and until an application for a demolition permit has been approved by the Board of Architectural Review, or the Town Council on appeal, except that:
 - (1) The moving, razing, removing, encapsulating or demolition, in whole or in part, of any historic landmark, building, or structure shall be allowed pursuant to an order of the Orange County building code official, without the permission of the Board of Architectural Review or Town Council on appeal, upon the determination of the building code official that the building or structure is in such a dangerous, hazardous or unsafe condition that it could reasonably be expected to cause death or serious injury before review under the provisions of this article. Upon such a determination, the building code official shall deliver a copy of his order to the Zoning Administrator; and
 - (2) Where the moving, removing, encapsulation or demolition of any contributing structure or protected property shall constitute routine maintenance or repair of exterior elements or features, provided that there is no substantive change in design or materials.
- (b) Review of the proposed moving, removing, encapsulation or demolition of any contributing structure or protected property shall meet the standards set forth in section 610.10 of this ordinance.

- (c) The Board of Architectural Review, or Town Council on appeal, may make such requirements for, and conditions of approval as are necessary or desirable to protect the safety of adjacent buildings, structures, or properties, and of any persons present thereon; and, in the case of a partial removal, encapsulation or demolition:
 - (1) To protect the structural integrity of the portion(s) of a building or structure which are to remain following the activity that is the subject of a permit, or
 - (2) To protect historic or architecturally significant features on the portion(s) of a building or structure which are to remain following the activity that is the subject of the permit.
- (d) Failure to obtain the demolition permit required by this section shall subject the property owner to the civil penalty described within Article 11, section 1103.00.

610.09 **Application procedures for demolition permit.** Applications for a demolition permit must be submitted to the Zoning Administrator by a property owner, or by their authorized agent. Each application shall be accompanied by payment of a fee, set by Town Council.

610.09-1 **Application requirements.** Any application submitted for a demolition permit must include the following:

- (a) Detailed and clear descriptions of any proposed changes in the exterior features of the subject property.
- (b) Photographs of the subject property and photographs of the buildings on contiguous properties.
- (c) Information showing the relationship of the proposed change to surrounding properties.
- (d) Post-demolition plans, for all principal structures to be demolished on any site governed by this article and the appropriateness of such plans to the architectural character of the district.
- (e) A structural evaluation and cost estimates for rehabilitation, prepared by a professional engineer, shall be provided by the applicant in the case of a demolition request where structural integrity is at issue. The Board of Architectural Review may waive the requirement for a structural evaluation and cost estimates in the case of an emergency, or if it determines that the building or structure proposed for demolition is not historically, architecturally or culturally significant.

610.09-2 **Board of Architectural Review hearing.** Each application for a demolition permit shall be reviewed by the Board of Architectural Review as follows:

- (a) The Board of Architectural Review shall afford each applicant, and any other interested party, an opportunity to be heard, prior to rendering its decision on any application. The Board of Architectural Review shall hold a hearing on a submission that has been deemed complete, within forty-five (45) days of receiving the submission. Written notice of such hearing shall be provided to the applicant.
- (b) In considering a particular application the Board of Architectural Review shall approve the application unless it finds that the proposal does not meet the standards set forth in section 610.10 of this ordinance.
- (c) Failure of the Board of Architectural Review to act on a complete application within sixty (60) days after the Board of Architectural Review hearing shall be deemed approval.
- (d) The Zoning Administrator, or deputy, shall notify the applicant in writing of the Board of Architectural Review's decision within ten (10) working days of the Board of Architectural Review hearing. Such notice shall include the reasons for the denial or approval.

610.09-3

Appeal process. Following a denial or approval the applicant or adjoining property owner may appeal the decision to the Town Council, by filing a written notice of appeal with the Zoning Administrator within thirty (30) working days of the date of the written decision.

- (a) In considering an appeal of a decision of the Board of Architectural Review, the Town Council shall review the application as if the application had come before it in the first instance. The applicant, or his agent, shall be given an opportunity to be heard on the appeal. Town Council shall act on such request within sixty (60) days.
- (b) In any appeal the Town Council shall consider the standards set forth within section 610.10, as applicable, and may also consider any other information, factors, or opinions it deems relevant to the application, including, but not limited to, those provided by the Board of Architectural Review and/or the applicant.
- (c) A final decision of the Town Council may be appealed by the owner of the subject property to the Circuit Court for the County of Orange, by filing with the court a petition at law, setting forth the alleged illegality of the action taken. Such petition must be filed with the circuit court within thirty (30) days after Town Council's final decision. The filing of the petition shall stay the Town Council's decision pending the outcome of the appeal, except that the filing of the petition shall not stay the decision of the Town Council if the decision denies the right to raze or demolish a historic landmark, building or structure.

610.09-4

Demolition delay period. In addition to the right of appeal set forth above, the owner of a building or structure, the demolition of which has been the subject of an application appealed to the Town Council, shall, as a matter of right, be entitled to raze or demolish such historic landmark, building or structure if all of the following conditions have been met:

- (a) The owner has applied to the Town Council for permission to demolish the building or structure.
- (b) The owner has, for the applicable sale period set forth herein below, and at a price reasonably related to the fair market value of the subject property, made a bona fide offer to sell the landmark, building or structure, and the land pertaining thereto, to the locality or to any person, firm, corporation, government or agency thereof, or political subdivision or agency thereof, which gives reasonable assurance that the landmark, building or structure, and the land pertaining thereto, will be preserved and restored; and
- (c) No bona fide contract, binding upon all parties thereto, shall have been executed for the sale of such landmark, building or structure, and the land pertaining thereto, prior to the expiration of the applicable sale period.
 - (1) If all of the foregoing conditions are not met within the applicable sale period, then the Town Council's decision denying a permit shall stand, unless and until that decision is overturned by the Orange County Circuit Court. However, following expiration of the applicable sale period, a property owner may renew his request to the Town Council to approve the demolition of the historic landmark, building or structure.
 - (2) Any appeal which may be taken to the Court from the decision of the Town Council, whether instituted by the owner or by any other property party, notwithstanding the provisions heretofore stated relating to a stay of the decision appealed from shall not affect the right of the owner to make the bona fide offer to sell referred to above. No offer to sell shall be made more than one year after a final decision by the Town Council.
 - (3) The time in which a property owner may take advantage of the rights afforded by subparagraph (a), above (the applicable "sale period") shall run from the date a completed request is provided in writing to the Zoning Administrator, and shall be as follows:
 - (i) Three (3) months, when the offering price is less than twenty-five thousand dollars (\$25,000.00).

- (ii) Four (4) months when the offering price is equal to or greater than twenty-five thousand dollars (\$25,000.00) but less than forty thousand dollars (\$40,000.00).
- (iii) Five (5) months when the offering price is equal to or is greater than forty thousand dollars (\$40,000.00) but less than fifty-five thousand dollars (\$55,000.00).
- (iv) Six (6) months when the offering price is equal to or greater than fifty-five thousand dollars (\$55,000.00) but less than seventy-five thousand dollars (\$75,000.00).
- (v) Seven (7) months when the offering price is equal to or is greater than seventy-five thousand dollars (\$75,000.00) but less than ninety thousand dollars (\$90,000.00).
- (vi) Twelve (12) months when the offering price is equal to or greater than ninety thousand dollars (\$90,000.00).

610.09-5 **Board of Architectural Review activities while action on demolition permit is suspended.** During the demolition delay period set forth above in Section 610.09-4, 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, subject to the ownership rights of the owner. 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.

610.10 **Standards for considering demolitions.** The following factors shall be considered in determining whether or not to permit the moving, removing, encapsulation, razing, or demolition, in whole or in part, of a historic landmark, building, or structure:

- (a) The historic, architectural or cultural significance, if any, of the specific structure or property, including, without limitation;
 - (1) The age of the structure or property;
 - (2) Whether it has been designated a National Historic Landmark, listed on the National Register of Historic Places, or listed on the Virginia Landmarks Register;
 - (3) Whether, and to what extent, the building or structure is associated with an historic person, architect or master craftsman, or with an historic event;

- (b) The degree to which distinguishing characteristics, qualities, features or materials remain;
- (c) Whether, and to what extent, a contributing structure is linked, historically or aesthetically, to other buildings or structures within the historic overlay district, or is one (1) of a group of properties within such a district whose concentration or continuity possesses greater significance than many of its component buildings and structures;
- (d) The overall condition and structural integrity of the building or structure, as indicated by studies prepared by a qualified professional engineer and provided by the applicant or other information provided to the board; and
- (e) Whether, and to what extent, the applicant proposes means, methods or plans for moving, removing or demolishing the structure or property that preserves portions, features or materials that are significant to the property's historic, architectural or cultural value.

610.11 **Signage.** Permanent signs within the historic overlay district shall comply with the standards set forth in Article 7, Section 705-04-4.

610.11-1 The Zoning Administrator may review, and may approve or deny, applications for historic district permits for addition, alteration or removal of any sign(s) where such sign(s) are the sole subject of the application, consistent with the standards set forth in sections 610.07 and 610.10 herein. The Zoning Administrator's decision on such an application may be appealed to the Board of Zoning Appeals in accordance with Article 8, Section 808.00.

610.12 **Maintenance and repair required.**

- (a) Neither the owner of nor the person in charge of a contributing structure or protected property shall allow such property to fall into a state of disrepair which may result in the deterioration of any exterior appurtenance or architectural feature so as to produce or tend to produce a detrimental effect upon the character of the historic overlay district or the life and character of a contributing structure. Examples of the type of disrepair prohibited include, but are not limited to:
 - (1) The deterioration of exterior walls or other vertical supports;
 - (2) The deterioration of roofs or other horizontal members;
 - (3) The deterioration of exterior chimneys;
 - (4) The deterioration or crumbling of exterior plasters or mortar;
 - (5) The ineffective waterproofing of exterior walls, roofs and foundations, including broken windows or doors;

- (6) The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions.
- (b) The Zoning Administrator or Orange County Building Official shall give notice by certified or registered mail of specific instances of failure to maintain or repair. The owner or person in charge of such structure or property shall have sixty (60) days to remedy such violation; provided that the zoning administrator, upon request, may allow an extension of up to sixty (60) days to remedy such violations. Thereafter, each day during which there exists any violation of this section shall constitute a separate violation. The Zoning Administrator's written notification of violation may be appealed in accordance with section 8-8.01 of the land development ordinance.

610.13 **Validity of historic district permits.**

- (a) Once issued, a historic district permit shall expire and become void twelve (12) months after issuance, unless within that time period one (1) of the following has occurred:
 - (1) Issuance of a building permit for construction of the improvements or activities which are the subject of the historic district permit or in cases where no building permit is required, construction of the improvements or the activities which are the subject of the historic district permit has substantially commenced.
- (b) The issuance of a historic district permit shall not, in and of itself, authorize any construction, reconstruction, alteration, repair, demolition, or other improvements or activities requiring a building permit. Where a building permit is required, no activity authorized by a historic district permit shall be lawful unless conducted in accordance with the required building permit and all applicable building code requirements.