

<p style="text-align: center;">ACTIONS Board of Supervisors Meeting of October 4, 2023</p>		
		October 17, 2023
AGENDA ITEM/ACTION	ASSIGNMENT	VIDEO
<p>1. Call to Order.</p> <ul style="list-style-type: none"> Meeting was called to order at 1:00 p.m., by the Chair, Ms. Price. All BOS members were present. Also present were Jeff Richardson, Trevor Henry, and Claudette Borgersen. 		
<p>4. Adoption of Final Agenda.</p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED the final agenda. 		
<p>5. Brief Announcements by Board Members.</p> <p><u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> Reminded everyone that there would be an emergency alert that day at 2:20 p.m. Mentioned that the Albemarle County Schools would host a multi-language technology night for ESOL (English to Speakers of Other Languages) learners and their families on Thursday, October 5, 2023. Noted that Williams Mullen law firm would be at the Jefferson Area Board for Aging on Hillsdale Drive to assist with drafting wills for seniors on November 8th from 9:00 a.m. until 3:00 p.m. Commented that she had found a statistic which stated 41 out of 50 states had been identified as unattainable and unaffordable for families needing childcare and that it should be stressed to the General Assembly to recognize the importance of affordable childcare in their community. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Reminded community members that October 31st was the deadline for new participants to apply for the Real Estate Tax Relief for Elderly and Disabled. Announced that the Crozet Arts and Crafts Festival would take place on October 7th and 8th, followed by the Lumos celebration for completing the installation of broadband in the Crozet area. Mentioned that leap-va.org provided good tips to weatherize one's property and for preparing for cold weather. Commented that on September 27th, the Charlottesville-Albemarle MPO met jointly with the Shenandoah-Augusta and Waynesboro MPO's and that she would share more details at the end of the meeting. Said that the Rivanna River Basin Commission's 8th annual conference was held on September 28th and that speakers representing federal, state, and local agencies described their roles and the implementation process for regulating PFAS. Announced that on November 11th at 11:00 a.m., in Lane Auditorium, there would be a ceremony honoring Veterans Day and encouraged community members to attend. Said that the previous Friday marked the 10th anniversary of the opening of the Crozet Library. She commented on the Book Brigade and mentioned statistics for the Crozet Library and the Northside Library. 		

[Link to Video](#)

	<ul style="list-style-type: none"> • <u>Neil Williamson, Free Enterprise Forum, Spoke towards item #10 on the agenda.</u> • <u>The following individuals spoke towards spoke towards item #11 on the agenda.</u> <ul style="list-style-type: none"> • Peter Krebs • Joe Fore 	
8.2	<p>Fiscal Year 2024 Appropriations.</p> <ul style="list-style-type: none"> • ADOPTED the resolution to approve the appropriations #2024011; #2024012; and #2024013 for County government projects and programs. 	<u>Clerk:</u> Forward copy of signed resolution to the Office of Management and Budget and the County Attorney's office (Attachment 3)
8.3	<p>Additional Land for Pantops Public Safety Station 16.</p> <ul style="list-style-type: none"> • ADOPTED the resolution to authorize the County Executive to execute a proposed deed in a form acceptable to the County Attorney. 	<u>Clerk:</u> Forward copy of signed resolution to Facilities and Environmental Services and the County Attorney's office (Attachment 4)
8.4	<p>VDOT Compensation Agreement for Berkmar Drive Taking.</p> <ul style="list-style-type: none"> • ADOPTED the resolution approving the proposed agreement in which the County accepts VDOT's compensation of \$1,177 for VDOT's taking of this easement and authorizing the County Executive to sign such an agreement and any necessary related documents once they have been approved as to substance and form by the County Attorney. 	<u>Clerk:</u> Forward copy of signed resolution to the County Attorney's office (Attachment 5)
8.5	<p>SE202300029 3307 Arbor Terrace (Rear Setback Reduction Request)</p> <ul style="list-style-type: none"> • ADOPTED the resolution to approve the special exception. 	<u>Clerk:</u> Forward copy of signed resolution to the Community Development Department and the County Attorney's office. (Attachment 6)
9.	<p>Action Item: Proposed Updates to the Albemarle County Homebuyer Assistance Program Guidelines.</p> <ul style="list-style-type: none"> • By a vote of 6:0, APPROVED the proposed updates to the ACHAP program. 	(Attachment 7)
10.	<p>Discussion Item: Economic Outlook Report.</p> <ul style="list-style-type: none"> • Received. 	
	At 3:55 p.m., the Board recessed and reconvened at 4:05 p.m.	
11.	<p>Work Session: Transportation Project Prioritization.</p> <ul style="list-style-type: none"> • Discussed. 	
12	<p>Presentation: Virginia Department of Transportation (VDOT) Quarterly Report.</p> <ul style="list-style-type: none"> • Received. 	
13.	<p>Presentation: Transportation Planning Quarterly Report.</p> <p>Received.</p>	
14.	<p>Closed Meeting.</p> <ul style="list-style-type: none"> • At 5:16 p.m., the Board went into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia: • Under Subsection (1), to discuss and consider appointments to various boards and commissions including, without limitation, 5th and Avon Community Advisory Committee and Monticello Area Community Action Agency. 	
15.	<p>Certify Closed Meeting.</p> <ul style="list-style-type: none"> • At 6:00 p.m., the Board reconvened into open meeting and certified the closed meeting. 	

16.	<p>Vacancies and Appointments.</p> <ul style="list-style-type: none"> • APPOINTED, Ms. Mary Katherine King to the 5th and Avon Community Advisory Committee with said term to expire on September 30, 2025. • APPOINTED, Ms. Juliana Arsali to the Monticello Area Community Action Agency (MACAA) with said term to expire on October 31, 2028. 	<p><u>Clerk:</u> Prepare appointment letters, update Boards and Commissions book, webpage, and notify appropriate persons.</p>	
17.	<p>From the County Executive: Report on Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> • There was no report. 		
18.	<p>From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> • There were none. 		
19.	<p>Pb. Hrg.: SP202300003 Mill Creek Lot 11.</p> <ul style="list-style-type: none"> • By a vote of 6:0, APPROVED SP2023-00003 Mill Creek Lot 11 with the revised conditions and revised concept plan. 	<p><u>Clerk:</u> Forward copy of signed resolution to the Community Development Department and the County Attorney's office. (Attachment 8)</p>	
20.	<p>Pb. Hrg.: ZTA-2023-005 – Countywide Certificate of Appropriateness.</p> <p>By a vote of 6:0, ADOPTED the ordinance.</p>	<p><u>Clerk:</u> Forward copy of signed resolution to the Community Development Department and the County Attorney's office. (Attachment 9)</p>	
23.	<p>From the Board: Committee Reports and Matters Not Listed on the Agenda.</p> <p><u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> • Recommended staff consider placing an economic dashboard on the County website to help community members understand the impact of Economic Development. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> • Expounded on her comments earlier in the meeting regarding the joint meeting of the Charlottesville-Albemarle MPO and the Shenandoah-Augusta and Waynesboro MPOs. She reported that there was a presentation on the Afton Express and the impact on parking at UVA, a report on the Blue Ridge Tunnel, and updates on the Three Notch Trail and the Rockfish Gateway Trail. <p><u>Jim Andrews:</u></p> <ul style="list-style-type: none"> • Reported on the most recent Rivanna Solid Waste Authority meeting where there were discussions about redistributing the load for permitted tonnage set by the DEQ for waste disposal at the Ivy Transfer Station. • Mentioned that he and Supervisor Price recently attended the Albemarle Broadband Authority meeting and reported that significant progress had been made on the ARPA version of the 2024 additional connection projects. 		
24.	<p>Adjourn to October 18, 2023, at 1:00 p.m., Lane Auditorium.</p> <ul style="list-style-type: none"> • The meeting was adjourned at 6:41 p.m. 		

ckb/tom

Attachment 1 – Digital Inclusion Week Proclamation

Attachment 2 – Proclamation Recognizing October as Wine Month

Attachment 3 – Resolution to Approve Additional FY 2024 Appropriations

Attachment 4 – Resolution to Authorize Acquisition of Additions to Parcel 07800-00-00-031F1

- Attachment 5 – Resolution to Approve an Agreement Between the County of Albemarle, Virginia and the Commonwealth of Virginia for the Taking of an Easement Formerly on Parcel 04500-00-00-068D0
- Attachment 6 – Resolution To Approve SE 2023-00029 3307 Arbor Terrace
- Attachment 7 – Albemarle County Homebuyer Assistance Program (ACHAP) - General Requirements
- Attachment 8 – Resolution To Approve SP202300003 Mill Creek Lot 11
- Attachment 9 – Ordinance No. 23-18(1)

Digital Inclusion Week Proclamation

WHEREAS, Broadband services play an important role in civic and cultural participation, lifelong learning and access to essential services for Albemarle County communities, and nationally, nearly half of all people who are digital disconnected are people of color and are less likely to have a broadband internet connection or a desktop or laptop at home; and

WHEREAS, Digital equity ensures all individuals and communities have the information technology capacity needed for full participation in our society, democracy and economy; and

WHEREAS, The COVID-19 pandemic highlighted how the digital divide impacts our residents, particularly our racially and ethnically diverse residents and communities, and access to a reliable, affordable internet connection is a social determinant of health, with higher COVID-19 mortality associated with a lack of an internet connection; and digital skills are a gateway for career advancement and crucial for economic growth, intergenerational wealth-building and prosperity; and

WHEREAS, the Department of Housing and Community Development's Broadband Office has been a national leader in funding and supporting broadband expansion projects through the Virginia Telecommunications Initiative, placing Albemarle County in the position of achieving universal broadband access by 2025; and

WHEREAS, Albemarle County is committed to closing the digital divide for its residents through the work of the Broadband Accessibility and Affordability Office, Albemarle Broadband Authority, Albemarle County Public Schools, and partner organizations like the Jefferson Area Board for Aging, the Jefferson-Madison Regional Library, the Blue Ridge Health District, Piedmont Housing Alliance, and other members of a coalition that includes representatives from the University of Virginia and the City of Charlottesville, all working to launch programs that address barriers to digital equity including: distributing Wi-Fi hotspots, providing digital skills training, distributing laptops and tablets, and coordinating the development of a digital equity plan.

NOW, THEREFORE, BE IT PROCLAIMED, that we, the Albemarle County Board of Supervisors, do hereby recognize the week of October 2 – 6, 2023, as Digital Inclusion Week in Albemarle County and encourage residents to join in raising the awareness of advancing digital equity and being committed to closing the digital divide.

Signed this 4th day of October 2023.

Proclamation Recognizing October as Wine Month

- WHEREAS,** from modest beginnings in colonial times, Virginia has become a nationwide leader in the wine industry, now 6th in the nation in wine grape production, with more than 10,000 tons harvested in 2021 and 2022 and more than 2 million visits to Virginia wineries annually; and
- WHEREAS,** wines from the Commonwealth, including those from Albemarle County, are winning state, national, and international awards and recognition for their elegant qualities, imparted by skilled vintners and Virginia's terroir; with Albemarle wineries being featured in the 2023 Governor's Cup Case and receiving numerous Gold Medal wine awards; and
- WHEREAS,** many of Albemarle's 44 vineyards, most with wineries on site, are run by families as strong agricultural enterprises that can be passed on to future generations, providing economic benefit for winery owners and employees and for other Albemarle ventures supported by the patronage and purchasing power of winery visitors, including farming of heritage and heirloom crops, restaurant cuisine committed to selling local where possible, and tourism focused on sustaining the land and the local culture; and
- WHEREAS,** Albemarle County values our wineries' stewardship, keeping their land producing and protected for agricultural uses, preserving scenic vistas, historic sites, and other amenities which make Albemarle wineries ideal places of entertainment, culture, enjoyment, and social engagement that enrich Albemarle County's quality of life and culture of hospitality.
- NOW, THEREFORE, BE IT PROCLAIMED,** that we, the Albemarle County Board of Supervisors, do hereby recognize Albemarle County wineries and their contribution to the Virginia wine industry's success and encourage County residents and visitors to visit a winery or purchase local wines through local restaurants and shops during October 2023, Virginia Wine Month.

Signed this 4th day of October 2023.

**RESOLUTION TO APPROVE
ADDITIONAL FY 2024 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriations #2024011; #2024012; and #2024013 are approved;
- 2) That the appropriations referenced in Paragraph #1, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2024.

**RESOLUTION TO AUTHORIZE ACQUISITION
OF ADDITIONS TO PARCEL 07800-00-00-031F1**

WHEREAS, the County of Albemarle desires to accept certain properties within the County by gift from Worrell Land & Development Company, L.C. ("Worrell Land") to better serve Pantops Public Safety Station 16; and

WHEREAS, all necessary agreements for the acquisition of said property have been made and presented to the Board of Supervisors for its consideration.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby authorizes the County Executive to execute a Deed of Gift from Worrell Land to the County of Albemarle, Virginia conveying Parcel "A" (1.225 acres) and Parcel "B" (0.023 acres) as proposed additions to Parcel 07800-00-00-031F1 in the County of Albemarle, along with all other documents, each in a form approved by the County Attorney, necessary to acquire said additions to Parcel 07800-00-00-031F1 in the County of Albemarle:

**RESOLUTION TO APPROVE AN AGREEMENT BETWEEN THE COUNTY OF ALBEMARLE,
VIRGINIA AND THE COMMONWEALTH OF VIRGINIA FOR THE TAKING OF AN EASEMENT
FORMERLY ON PARCEL 04500-00-00-068D0**

WHEREAS, the Board finds it is in the best interest of the County to enter into an Agreement with the Commonwealth of Virginia for the County to accept the Virginia Department of Transportation's offer of \$1,177 for the taking of a greenway easement formerly located on Parcel 04500-00-00-068D0 and now part of the Berkmar Drive extension.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves an Agreement between the County and the Commonwealth of Virginia regarding compensation for this easement and authorizes the County Executive to execute an Agreement and any necessary related documents once they have been approved as to substance and form by the County Attorney.

**RESOLUTION TO APPROVE
SE 2023-00029 3307 ARBOR TERRACE**

WHEREAS, upon consideration of the staff reports prepared for SE2023-00029 3307 Arbor Terrace and the attachments thereto, including staff's supporting analysis, any comments received, and all relevant factors in Albemarle County Code §§ 18-4.19 and 18-33.9, the Albemarle County Board of Supervisors hereby finds that the proposed special exception:

- (i) would be consistent with the intent and purposes of the R-6 Residential district under the particular circumstances and satisfy all other applicable requirements of Albemarle County Code § 18-4.19;
- (ii) would be consistent with R-6 Residential district design principles; and
- (iii) would not adversely affect the public health, safety, or general welfare.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves a special exception to modify the 20-foot minimum rear setback requirement of County Code § 18-4.19 to 12 feet on Parcel 046B4-01-0G-02800.

ALBEMARLE COUNTY HOMEBUYER ASSISTANCE PROGRAM (ACHAP)
General Requirements

Eligible Use of Funds	Down-payment & Closing Cost Assistance – Albemarle County properties only. Purchaser must occupy the property as their primary residence. Funds may be used only with fixed rate, fixed-term mortgage products provided by Virginia Housing approved lenders only . Lenders are limited to two and one-half (2 ½) origination points. All lender fees would be included in the point allowance. These funds ARE NOT ELIGIBLE for use as the FHA 3.5% minimum investment.
Eligible Recipients	First-time homebuyers with gross household income not exceeding 80% of the area median income (AMI) for Albemarle County . Residency or employment in Albemarle County (employees of UVa or its contractors are also eligible) must be established for at least six months prior to application for assistance. <i>Borrowers who have access to an amount equal to 10% or more of the purchase price in their current savings/liquid assets are not eligible to receive down payment assistance. <u>GIFT MONEY WILL BE COUNTED AS AN ASSET</u>. If lender does not have a minimum credit score requirement, minimum credit score will be the Piedmont Housing Alliance (PHA) minimum score. Minimum credit score of PHA is 620.</i>
Recipient Responsibilities	Must take the Virginia Housing Homebuyer Class. Must complete at least one counseling session with a PHA housing counselor. Must invest at least 1% of the purchase price into the transaction. Items paid for outside of closing such as appraisal fees or inspection fees may be counted toward this 1% as long as they are recorded on the final Closing Disclosure, and <i>the recipient does not receive reimbursement for these items at closing.</i>
Eligible Properties	Albemarle County properties only, with purchase price not exceeding the lower of (1) 5 times recipient's gross annual household income, or (2) 95% of the most recently published HUD HOME program median home price for existing housing for Albemarle County.
Home Inspection Required	Home inspection must be completed by a certified home inspector with separation of duties. PHA will review the inspection report, and all items noted as 'Repair/Replace' unless purely cosmetic must be repaired, and the re-inspection completed prior to closing. Wherever possible, all re-inspections will be completed by the same home inspector who completed the initial inspection to confirm repairs are done in a satisfactory manner.
Loan Terms	All loans funded with ACHAP funds shall carry a 0% interest rate with principle due and payable upon sale of property, refinancing of debt (with the exception of refinancing for a lower interest rate), or if recipient ceases to occupy property as primary residence. Prepayments are allowed and incur no penalty. Recipients will be given a PHA Loan Estimate for these funds that they must sign and give back to PHA once funds have been reserved for them. PHA shall provide ACHAP recipients with a copy of the loan terms annually.
Fees	There will be a \$1,500 administrative fee charged per loan origination. The administrative fee must be added to the total amount of the ACHAP loan, and the fees must be used to cover the costs associated with qualifying the prospective homebuyer for a mortgage, originating the ACHAP loan, and processing closing documents.

ALBEMARLE COUNTY HOMEBUYER ASSISTANCE PROGRAM (ACHAP)
General Requirements

Reservation of Funds	PHA shall work with prospective applicants and primary lenders to determine amount of ACHAP assistance to be provided. To reserve funds, Lender must complete and submit to PHA the 'Secondary Financing Guarantee' form, along with the Ratified Sales Contract, Loan Estimate, Form 1008, Form 1003, and loan fee sheet. Once approved, the Secondary Financing Guarantee will be signed by the loan program administrator and returned to the lender. Any deviation from the approved ratios or loan product on the form will render the approval null and void.
Maximum Assistance	Eligible households may receive up to 15% of the lesser of the purchase price or appraised value up to a maximum of \$30,000. This assistance may be combined with other regional funds. Total assistance may not exceed 20% of purchase price.
Minimum Housing Debt Ratios	Deferred payment loans will be structured to ensure that subsidies are appropriate for homebuyer's needs. For households with gross household income not exceeding 60% AMI, the minimum housing debt ratio shall be twenty-three percent (23%). For households with gross household income above 60% AMI and not exceeding 80% AMI, the minimum housing debt ratio shall be twenty-six percent (26%).
Maximum Debt Ratios	33 front ratio. 43 back ratio.
Loan-to-Value and CLTV Limits	The total loan-to-value for all secured debt should not to exceed 105%.
Lender Closing Requirements	The final loan commitment from the lender must be received by PHIA's loan program administrator with all conditions cleared one week prior to closing. Recipients may NOT receive money back at closing. 1% investment must show up on the final Closing Disclosure. Detailed closing instructions will be sent from PHA to lender and settlement provider within two (2) weeks of the closing date.
Loan Security	Generally, 2 nd deed of trust; may approve 3 rd based on funding sources.
Security Documents & Subordination	PHA will file original note(s) and deed(s) of trust requiring the property be used as the primary residence of the borrower with the Albemarle County Circuit Court, will retain copies of the note(s) and deed(s) of trust in a secure file, and share a copy of the documents with the Albemarle County Office of Housing. PHIA shall not subordinate the debt to any additional financing after purchase except for the refinancing of the balance, at any time, of the first mortgage only for the purpose of allowing the borrower to take advantage of lower interest rates. Such subordinations require approval by the Albemarle County Office of Housing.
Repayment/Recapture of Loan Funds	All repayments or recapture of funds shall be deposited as program income into the ACHAP account. The requirement to repay/recapture the loan funds will be triggered upon sale or transfer of the property, or when the loan recipient ceases to

ALBEMARLE COUNTY HOMEBUYER ASSISTANCE PROGRAM (ACHAP)
General Requirements

	<p>use the property as their primary residence. The repayment/recapture provision does not apply to a sale or transfer of the property:</p> <ul style="list-style-type: none"> • To a spouse upon a dissolution of a marriage; • To the surviving spouse upon the death of a joint tenant Owner; OR • By will. <p>The amount of recapture funds is subject to the availability of Net Proceeds available from the resale of the property. "Net Proceeds" shall mean the amount equal to the sales price minus any superior private debt minus any reasonable closing costs, which are defined as including only the following: title search fees; state, county, and local transfer fees; courier fees; and closing officer fees. If there are no Net Proceeds available, no recapture of funds shall be made. The amount of recapture funds will not exceed the amount that is available from the net proceeds of the sale. No loans shall be forgiven without the approval of the Albemarle County Board of Supervisors.</p>
Ineligible Loan Programs	Adjustable rate and interest-only loans.

Rev. October 4, 2023

**RESOLUTION TO APPROVE
SP202300003 MILL CREEK LOT 11**

WHEREAS, upon consideration of the staff reports prepared for SP 202300003 Mill Creek Lot 11 and all of their attachments, including staff's supporting analysis, the information presented at the public hearings, any comments received, and all of the relevant factors in Albemarle County Code §§ 18-26.2(a), 18-26.3, and 18-33.8(A), the Albemarle County Board of Supervisors hereby finds that the proposed special use would:

1. not be a substantial detriment to adjacent parcels;
2. not change the character of the adjacent parcels and the nearby area;
3. be in harmony with the purpose and intent of the Zoning Ordinance, with the uses permitted by right in the Planned Unit Development-Industrial Park zoning district, and with the public health, safety, and general welfare (including equity); and
4. be consistent with the Comprehensive Plan; and

WHEREAS, upon consideration of all of the foregoing, the Board further finds that:

- a. The purpose of the industrial district is consistent with the use that is proposed;
- b. The proposed use and its proposed size would be consistent with the intent of the applicable industrial district;
- c. The use proposed would not be located on the lowest floor of any building having direct exterior access to the ground surface in order to allow that floor to be used for industrial purposes;
- d. The aggregate gross floor area of the independent offices or general commercial uses, or both, would not exceed 24,000 square feet; and
- e. The structure or structure expansion would be constructed to the standards required for industrial structures, regardless of its intended use.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves SP 202300003 Mill Creek Lot 11, subject to the conditions attached hereto, including the revised concept plan.

* * *

SP202300003 Mill Creek Lot 11 Special Use Permit Conditions

1. Development and use must be in general accord (as determined by the Director of Planning and the Zoning Administrator) with the concept plan entitled, "Special Use Permit Concept Plan + Exhibits SP2023-00003, Mill Creek Lot 11, TMP 76M1-11," prepared by Shimp Engineering, P.C., dated April 17, 2023, last revised September 1, 2023. To be in general accord with the exhibit, development must reflect the following essential major elements:
 - a. Location of the proposed building
 - b. Location of the parking and loading areas
 - c. Location of the sidewalk

Minor modifications to the plan that do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance and State and Federal laws, with the approval of the Zoning Administrator and the Director of Planning.

2. The independent office use must not exceed 11,000 square feet of space in the proposed building.

ORDINANCE NO. 23-18(1)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 18, ZONING, ARTICLE 3, DISTRICT REGULATIONS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 18 Zoning, Article 3, District Regulations, is hereby amended and reordained as follows:

By Amending:

Sec. 30-6.4 Specific acts prohibited.

Chapter 18. Zoning**Article 3. District Regulations**

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Sec. 30.6.4 Certificates of appropriateness.

The architectural review board is authorized to issue certificates of appropriateness for any structure, and associated improvements, or any portion thereof, that are visible from the EC street to which the parcel is contiguous, as follows:

- a. *Development requiring a certificate of appropriateness.* The following developments require a certificate of appropriateness:
 1. *Building permits required.* Each structure and/or site improvement for which a building permit is required, even though it is not a development for which a site plan is required, unless the structure and/or site improvement is exempt under section 30.6.5. No building permit shall be approved until the certificate of appropriateness is obtained.
 2. *Site plans required.* Each structure and/or site improvement for which a building permit is required in a development for which a site plan is required, unless the improvement is exempt under section 30.6.5. No site plan shall be approved until the certificate of appropriateness is obtained.
- b. *Types of certificates of appropriateness.* The architectural review board is authorized to issue the following types of certificates of appropriateness:
 1. *Specific developments.* For specific developments associated with one or more building permits or a single site plan.
 2. *Signs in a new multi-business complex or shopping center.* For all of the signs in a new multi-business complex or shopping center, where the architectural review board first conducts a comprehensive sign review. Once a certificate of appropriateness for signs in a new multi-business complex or shopping center is issued, the director of planning is authorized to determine whether a particular sign satisfies the conditions of the certificate of appropriateness.
 3. *County-wide certificates of appropriateness.* County-wide certificates of appropriateness may be issued for classes of structures, sites, improvements, or architectural elements, subject to the applicable design criteria and procedures, as follows:
 - a. *Categories of structures, sites, improvements, or architectural elements eligible for county-wide certificates of appropriateness.* The following categories of structures, sites, improvements, or architectural elements shall be eligible for county-wide certificates of appropriateness:
 1. Structures located 750 feet or more from an EC street that are not more than five stories tall.
 2. Structures that are proposed to be located behind another structure that fronts an EC street as viewed from the EC street, where the rear structure is no more than twice the height of the front structure.
 3. Personal wireless service facilities.
 4. Signs, except for wall signs whose height exceeds 30 feet.
 5. Safety fencing and screening fencing.

6. New or replacement rooftop-mounted or ground-mounted equipment.
 7. Additions to structures or improvements for which a certificate of appropriateness was issued, where the design of the addition to the structure or improvement is consistent with the architectural design approved with the certificate of appropriateness.
 8. New structure or site lighting or changes to existing structure or site lighting.
 9. Minor amendments to site plans and architectural plans.
 10. Building permits for which the proposed change occupies 50 percent or less of the altered elevation of an existing structure.
 11. Permits classified in sections 5-202, 5-203, 5-204 and 5-208(A) not otherwise exempt under section 30.6.5(k).
 12. New structures, site changes, or reuse of existing structures in accordance with section 20.C.
 13. The following items when located on parcels that are subject to a public-private partnership agreement executed by the County of Albemarle: structures, sites, improvements, and/or architectural elements.
- b. *Design criteria.* The board may establish appropriate architectural or design features under the design guidelines that a structure, site, improvement or architectural element must be found to be consistent with in order to be eligible to be subject to a county-wide certificate of appropriateness. The architectural or design features may include, but are not limited to: (i) building and structure height; (ii) building and structure size; (iii) scale or mass; (iv) appropriate roof forms; (v) appropriate building materials and/or colors; (vi) minimum planting requirements; (vii) minimum screening requirements; (viii) building, structure and/or site improvement locations; and (ix) the structural and design details of signs.
 - c. *Determination of compliance by director of planning.* Once a county-wide certificate of appropriateness is issued, the director of planning is authorized to determine whether a particular structure, site, improvement or architectural element satisfies the specific design criteria of the county-wide certificate of appropriateness. The director or a member of the architectural review board may request at an upcoming meeting that the architectural review board, instead of the director, determine whether a particular structure, site, improvement or architectural element satisfies the specific design criteria of the county-wide certificate of appropriateness.
 - d. *Action and appeal.* Any person requesting a determination whether a proposed structure, site, improvement or architectural element satisfies the specific design criteria of a county-wide certificate of appropriateness shall submit a request to the director of planning providing the information required by the director. The procedure for submittal and action under section 30.6.6(b), (c), (d) and (f) shall apply.
 1. *By the director.* If the director determines that the proposed structure, site, improvement or architectural element does not satisfy the specific design criteria of the county-wide certificate of appropriateness, the director shall send notice to the person requesting the determination of his decision. The person requesting the determination may either: (1) appeal the director's decision to the architectural review board by filing an appeal with the director within ten days after the date of the director's notice of decision; or (2) file an application and proceed under sections 30.6.6 and 30.6.7.
 2. *By the board.* If the board determines in its own review or on an appeal of the director's decision that the proposed structure, site, improvement or architectural element does not satisfy the specific design criteria of the county-wide certificate of appropriateness, the board shall send notice to the person requesting the determination of its decision. The person requesting the determination may either: (1) appeal the board's decision to the board of supervisors under the procedure in section 30.6.8(b), (c) and (d); or (2) file an application and proceed under sections 30.6.6 and 30.6.7.
 - c. *Authority to assure consistency with applicable design guidelines.* In determining whether a structure or associated improvements are consistent with the applicable design guidelines, the architectural review board may specify the following, which are in addition to the requirements of the

underlying zoning district or of section 32, provided that the board may not authorize any maximum standard to be exceeded, or any minimum standard to not be met:

1. *Architectural features.* The appearance of any architectural feature including, but not limited to, its form and style, color, texture and materials.
 2. *Size and arrangement of structures.* The configuration, orientation and other limitations as to the mass, shape, area, bulk, height and location of structures. In considering the arrangement and location of structures, the architectural review board may require that the existing vegetation and natural features be used to screen structures and associated improvements from one or more EC streets to which the parcel is contiguous as provided in section 30.6.2(b).
 3. *Location and configuration of parking areas and landscaping.* The location and configuration of parking areas and landscaping and buffering requirements.
 4. *Landscaping measures.* In addition to the requirements of section 32.7.9, landscaping measures determined to be appropriate to assure that the structures and associated improvements are consistent with the applicable design guidelines.
 5. *Preservation of existing vegetation and natural features.* The preservation of existing trees, wooded areas and natural features.
 6. *Appearance of signs.* In addition to the applicable requirements of section 4.15, the appropriate style, size, colors, materials, illumination and location of all proposed signs, and any other applicable design guidelines. Each application for a certificate of appropriateness for one or more signs shall be accompanied by a site plan or sketch plan that shows the location of all signs proposed to be erected on the lot or lots subject to the site plan or sketch plan.
 7. *Fencing.* The location, type and color of all fencing, including safety fencing.
- d. *Authority to impose conditions to assure development is consistent with the applicable design guidelines.* The architectural review board is authorized to impose reasonable conditions in conjunction with any approved certificate of appropriateness to assure that the development is consistent with the applicable design guidelines. The architectural review board also is authorized to approve plans showing, or identifying in a certificate of appropriateness, existing trees, wooded areas and natural areas to be preserved, the limits of grading or other land disturbing activity including trenching and tunneling, in order to, among other things, protect existing features, and grade changes requiring tree wells or tree walls.
- e. *Authority of zoning administrator to determine compliance with certificate of appropriateness.* The zoning administrator is authorized to determine whether a development, including a sign, satisfies the terms and conditions of the certificate of appropriateness.
- f. *Effect of certificate of appropriateness.* Each structure or associated improvement for which a certificate of appropriateness was issued shall be established and maintained in accordance with the terms, conditions and requirements of the certificate. Each site plan and building permit shall demonstrate that the structures and associated site improvements will satisfy the terms, conditions and requirements of the certificate.

(§ 30.6.4, 10-3-90; § 30.6.4.1, 10-3-90; 5-18-94; § 30.6.4.2, 10-3-90; § 30.6.5(formerly § 30.6.3.2, 7-8-92; Ord. 01-18(3) , 5-9-01); § 30.6.4, Ord. 10-18(5) , 5-12-10; Ord. 12-18(2) , 3-14-12; Ord. 21-18(4) , 9-1-21, Ord.23-18(1), 10-4-23)

Sec. 30.6.4.1(Repealed 5-12-10, Now see 30.6.4)

Sec. 30.6.4.2(Repealed 5-12-10, Now see 30.6.4)