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. Sites subject to a public-private partnership agreement executed by the County of Albemarle.

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)

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)