



**ARCHITECTURAL REVIEW BOARD
OLD AND HISTORIC FREDERICKSBURG DISTRICT (HFD)
RULES OF PROCEDURE
DRAFT REVISIONS 06/06/2016**

I. PROCEDURE

Pursuant to Chapter 10, Article II, Division 2 of the Code of the City of Fredericksburg, the Architectural Review Board (ARB) of the City of Fredericksburg, Virginia, hereby establishes its procedures for reviewing applications for Certificates of Appropriateness regarding properties within the HFD as well as for providing advisory review of City and other governmental projects outside of the HFD.

II. GENERAL RULES

The ARB shall be governed by the provisions of Section 72-23.1, Historic District – Certificates of Appropriateness, and Section 72-34.1, Old and Historic Fredericksburg District, of the Code of the City of Fredericksburg, as those provisions may be amended or revised.

III. JURISDICTION

The area of the City in which Certificates of Appropriateness are required is set forth in the Unified Development Ordinance, Section 72-34.1.E, on file in the Office of Community Planning and Building, Planning Services Division, in City Hall, 715 Princess Anne Street, Fredericksburg, Virginia 22401.

IV. MEMBERS, OFFICERS, AND DUTIES

A. GENERAL: The Board is composed of seven (7) members.

B. CHAIRPERSON: A Chairperson shall be elected at the ARB organizational meeting upon the vote of no less than four (4) members. The Chairperson's term of office shall be for one year and no person shall serve in that position for more than two consecutive terms. The Chairperson shall preside at all meetings of the ARB and shall utilize Robert's Rules of Order in the conduct of said meetings. **The Chairperson shall affix his/her signature to all official minutes of the ARB.** The Chairperson shall rule on all points of order and procedure regarding the implementation of these rules unless overruled by a majority vote of the ARB in session at that time. The Chairperson shall accept or make nominations or appointments to ARB subcommittees, as necessary, for the conduct of ARB business, with such appointments being made by a majority of the ARB in session at that time.

- C. VICE-CHAIRPERSON: A Vice-Chairperson shall be elected at the organizational meeting of the ARB upon the vote of no less than four (4) members of the ARB. The term of office for this position shall be the same as that of the Chairperson. The Vice-Chairperson shall act in the absence of the Chairperson and in so doing shall have all of the duties and powers of the Chairperson.
- D. SECRETARY: A member of the ARB may be elected to serve as Secretary to the ARB although City staff handles the duties of Recording Secretary to the ARB and is responsible for Board correspondence, public advertising, circulating material to members and applicants, and maintenance of ARB records. All records shall be maintained according to applicable statutes and made available for public inspection in the Office of Community Planning and Building, Planning Services Division. The City staff may handle these duties in lieu of an elected member of the ARB.
- E. ELECTIONS: The ARB's organizational meetings shall be held at the first regular January meeting, at which time officers shall be elected with the terms of office beginning immediately at that meeting.
- F. ATTENDANCE OF MEETINGS: No member of the ARB shall miss more than two consecutive regular meetings or more than half of the regular meetings in any calendar year. Absence due to sickness, death in the family, or emergencies of like nature, shall be recognized as excused absences. The Secretary shall notify a member when he or she is approaching the maximum number of unexcused absences. When a member has exceeded the maximum number of unexcused absences, the Secretary shall notify the full ARB and the City Manager.
- G. CONFLICTS-OF-INTEREST: Members of the ARB shall carefully consider whether or not they have any conflicts-of-interest in matters coming before the ARB. If a conflict-of-interest exists, the member having the conflict shall take no formal role in the ARB decision, but will remain seated with the Board during the discussion and voting process. Members claiming a conflict-of-interest shall provide a written notice to the Board and also state their reason(s) for disqualifying themselves so these can be entered into the minutes of the meeting.
- H. RESPONSIBILITIES OF MEMBERS: It shall be the responsibility of each member of the ARB to become thoroughly familiar with the applicable laws, statutes, ordinances, rules, and procedures relating to the HFD. Each member shall vote on matters coming before the ARB, unless formally excused due to a conflict-of-interest or with the permission of the majority of the members of the ARB then in session. Members shall diligently review applications presented at meetings they were unable to attend, as well as the minutes of those meetings, as practicable, before voting on such applications.
- I. EX PARTE COMMUNICATION: ARB members shall act responsibly in discussing

issues before the Board in private conversation. No ARB member shall advise applicants on the approvability of their application outside of a formal meeting.

V. MEETINGS

- A. MEETINGS: ~~Meetings of the ARB shall be held on the second and fourth Mondays of each month, beginning at 7:30 p.m.~~ Regular meetings of the ARB shall be held on the second Monday of each month at 7:30pm.

Supplementary meetings, when needed, are held on the fourth Monday of each month at 7:30pm or at a time and place agreed upon by the ARB at a previous meeting. These work sessions may be used for continued discussion of applications, informal review, and ARB business.

- B. MEETING LOCATIONS: Meetings shall be held in the following locations:

1. Second Monday – Regular meetings for consideration of applications. Held in Council Chambers, City Hall.
2. Fourth Monday — Supplementary meetings (only held as needed). ~~Held in a Conference Room at City Hall~~ Held in Council Chambers, City Hall or at a place and time agreed upon by the ARB and the applicants.

- C. CANCELLATION OF MEETINGS: Whenever there is no business for the ARB, the Chairperson may dispense with a meeting by giving notice to all members not less than twenty-four (24) hours prior to the time set for the meeting.

- D. QUORUM: A quorum shall consist of not less than a majority of all members of the ARB.

- E. CONDUCT OF MEETINGS: All meetings shall be open to the public.

1. The order of business at regular meetings shall be as follows: ~~(a) determination of a quorum, (b) determination that public notice requirements have been met, (c) review of minutes of previous meeting(s), (d) approval of agenda, (e) disclosure of ex parte communication, (f) consideration of applications for Certificate of Appropriateness, (g) old business, (h) new business. The order of business at supplementary meetings shall be (a) determination of a quorum, (b) determination that public notice requirements have been met, (c) approval of agenda, (d) old business, (e) new business.~~

a. Determination of a quorum.

b. Determination that public notice requirements have been met.

- c. Approval of agenda.
- d. Review of minutes of previous meeting(s).
- e. Disclosure of ex parte communication
- f. Disclosure of conflicts of interest
- g. Consideration of applications for Certificates of Appropriateness (public hearing).
 - i. Consent Agenda
 - ii. Continued Cases
 - iii. New Cases
- h. Other Business

2. The order of business at supplementary meetings shall be ~~(a) determination of a quorum, (b) determination that public notice requirements have been met, (c) approval of agenda, (d) old business, (e) new business.~~

- a. Determination of a quorum.
- b. Determination that public notice requirements have been met.
- c. Approval of agenda.
- d. Continued Cases
- e. New Business (not to include consideration of new applications)
- f. General Public Comment

F. VOTING: The vote of a majority of those members present, provided a quorum is present, shall be necessary to decide matters before the ARB. An abstention may have the practical effect of a "no" vote since a motion may fail for lack of sufficient "yes" votes.

G. PUBLIC HEARINGS AND THE PUBLIC RECORD: The ARB defines a public hearing as a portion of an open meeting, duly advertised, to provide an opportunity for any interested person to comment on a case before the Board.

~~The ARB's advertised public hearings are designated hearings.~~ The ARB shall conduct its public hearings at its regular meetings. Designated hearings require speakers to limit their testimony to the specific application at hand. City staff ensures all public notice requirements are met. The Chair must ensure that the hearing is conducted so all speakers have the same opportunity to comment. The ARB is fully authorized to put a limit on the amount of time speakers have to deliver their comments. The Chair must also curtail any abuses of the public participation process.

All new applications for Certificates of Appropriateness must be considered in a public hearing that has been properly advertised. If the ARB requires additional information or consideration before taking action on a Certificate of Appropriateness, the board may vote to keep the public hearing open and continue the case to a future regular meeting of the ARB; but the ARB shall not vote on an application until the public hearing is closed. Supplementary meetings are work sessions that may be used for continued design work and discussion on COA applications. If the public hearing on an application has been closed, and the ARB has reviewed the application in a work session, continued cases may be included on a consent agenda at a subsequent meeting of the ARB.

The Secretary, or City staff, will develop meeting minutes as the official record of the ARB's meetings. By definition, minutes are a summary of matters discussed, and a record of the ARB's decisions, including a record of any votes taken, rather than a transcript of what was said.

VI. CONSIDERATION OF APPLICATIONS

- A. ORDER OF BUSINESS: Any party may appear in person or by agent or attorney at the meeting. The order of business for a public hearing for an application for a Certificate of Appropriateness shall be as follows:
1. A City staff presentation on each item prior to the applicant's comments.
 2. The Chairperson shall recognize the applicant. The applicant or his/her representative shall be allowed to make a statement and/or presentation for up to 15 minutes, and may give a response, after all citizens have spoken, for up to 5 minutes. ~~The applicant shall be responsible for his/her presentation before the ARB, with the board having~~
 3. ~~Any person(s) interested in the application may provide facts or views in support of or against the application.~~ Any person(s) interested in the application may speak at a public hearing for up to five minutes in support of or against the application.

4. When public testimony is complete, the ARB shall deliberate. If the ARB determines that enough information is available to render a decision, the Chairperson shall close the public hearing and the board will then determine whether to approve, allow modifications to, or deny the application. The Board has the authority to approve or deny applications in the absence of his/her representative. If the ARB elects to continue their consideration of the case, the Chairperson shall keep the public hearing open until the next regular meeting of the ARB.
5. Written notice of the Board's decision shall be promptly transmitted to applicant(s) and shall include the guidelines contained in the City ordinance upon which the decision was based.
6. The procedure to be used for an individual application may be modified upon the concurrence of all of the parties before the Board and a majority of the members of the ARB.
7. An additional opportunity for public comment shall be provided if proposed plans are modified significantly from those that were provided for public review and comment, and that raise new issues which interested parties could not reasonably have foreseen during the public review process.

B. REVIEW CRITERIA: When reviewing applications for Certificates of Appropriateness, the ARB shall follow the requirements set forth in the City Code and the guidelines contained in the Historic District Handbook. The ARB shall limit all of its consideration and discussion to the applicable provisions for review contained therein.

C. REVIEW PROCEDURE: The ARB may engage in a two-step review process for specific projects, as warranted. [Staff may make a determination as to the appropriateness of the process and present applications to the ARB accordingly.](#) This approach allows the ARB to provide timely guidance to architects and property owners as they incur the costs of designing complex or large-scale projects. The first step in this process defines the parameters of a project, through a review of the site planning and the scale and massing. The second step considers the final proposed project in its entirety. At least one public hearing shall be conducted for each step.

VII. CONSENT AGENDA

A. PURPOSE: A consent agenda serves as a means to expedite approval of applications that are complete in nature, clearly meet all applicable guidelines, [wher the public hearing has been closed](#), and for which there is no [additional](#) public comment.

B. ORDER OF BUSINESS: The order of business for considering a consent agenda shall be as follows:

1. Staff will place cases thought to have complete information on a consent agenda. Applications for which additional information is needed will not be included.
2. During approval of the agenda, at a regular meeting, the Chair will ask if any member desires to remove any listed item from the consent agenda.
3. If any ARB member desires to remove an item from the consent agenda, to obtain additional information or for some other reason, that item will be considered individually during the regular agenda.
4. After Board members have had an opportunity to remove items from the consent agenda, the Chair will ask if any member of the public desires to speak to any item on the consent agenda.
5. If any member of the public desires to provide testimony regarding an item on the consent agenda, that item will be removed from the consent agenda and heard individually during the regular agenda.
6. By a motion, duly seconded, and voted upon, the ARB will approve its meeting agenda, including the overall content of the consent agenda.
7. At the appropriate time on the agenda, by a motion, duly seconded, and voted upon, the ARB will approve the consent agenda.

C. NOTICE OF CITY ACTION: Applicants whose items are approved on consent will receive the same notification and Certificate of Appropriateness as those applicants whose items are heard during the regular agenda.

VIII. RECONSIDERATION OF APPLICATIONS

A. ORDER OF BUSINESS: The order of business for reconsideration of applications for Certificates of Appropriateness shall be as follows:

1. The Chairperson at a regular meeting following a meeting where a determination notice was delivered shall entertain a motion from a member of the ARB that [voted with the prevailing side. The purpose of reconsideration is to permit correction of a hasty, ill-advised, or erroneous action, or take into account added information or a changed situation that has developed since the taking of the vote.](#) The applicant for a matter being opposed, however,

shall be given the opportunity to present any other additional supporting evidence if the ARB decides to reconsider his/her application.

2. After receiving additional facts and argument, the ARB shall determine whether or not there has been a substantial change in the facts, evidence, or conditions relating to the application, which would warrant reconsideration.

IX. APPLICATION PROCEDURES

- A. An application must be filed in the Office of Community Planning and Building, Planning Services Division, by a deadline established by City staff to allow sufficient time to process the application and comply with public notification requirements prior to the regular meeting of the ARB. The application shall be accompanied by a check for the appropriate fee payable to the "City Treasurer." The application shall be accompanied by all necessary sketches, drawings, photographs, specifications, descriptions, or any other pertinent data for the proposed project. When the Planning staff determines the application is complete, he/she shall prepare a report for the ARB analyzing the application against the applicable criteria, and then he/she shall present it to the ARB for its review.
- B. The Office of Community Planning and Building, Planning Services Division, shall advertise applications for a hearing at a regular meeting of the ARB, as specified in the City Code.
- C. It shall be the policy of the ARB in regard to applications involving extensive alterations and/or additions to existing structures that the ARB shall be available to meet with representatives of the persons or organizations involved at some early stage in the design process to informally advise them about Historic District guidelines, the nature of the area where the proposed construction is to take place, and other relevant factors. No advice or opinion given by any individual member at that time shall be, in any way, official or binding upon the ARB as a whole.
- D. The ARB may, at its option, engage in a two-step process for large-scale buildings. In these instances, the Board will consider the overall design, but render a decision on only the site planning, scale and massing, and roof shape. This initial approval will define the parameters within which the applicant and/or a design team will be able to work to complete the project design. In the second step, the ARB will address the remaining details, to complete the review process.

X. AMENDMENTS

These rules may, within the limits allowed by law, be amended at any time by an affirmative vote of not less than five (5) members of the ARB, provided that such amendment shall have first been presented to the membership in writing at a regular or special meeting preceding the meeting at which the vote is taken.