

AN ORDINANCE to amend and reordain Section 42-92 and 42-96, Article XIII, Chapter 42 of The Code of the City of Alexandria, Virginia, 1963, as amended; which Chapter 42 relates to ZONING, which Article XIII relates to OLD AND HISTORIC ALEXANDRIA DISTRICT, which Section 42-92 relates to NOTICE OF HEARING WHEN PERMIT REQUESTED FOR RAZING BUILDINGS ERECTED DURING OR PRIOR TO 1846, and which Section 42-96 relates to APPEALS FROM BOARD OF ARCHITECTURAL REVIEW TO CITY COUNCIL.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 42-92 of Article XIII, Chapter 42 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 42-92. Notice of hearing when permit requested for razing building erected during or prior to 1846.

No application for a permit to raze a building which existed in the Old and Historic Alexandria District in the year 1846 or prior thereto shall be considered by the board of architectural review unless and until the secretary to the board has cause to be prepared an advertisement stating the time, date and place of the proposed hearing before the board, the location of the property involved and the nature of the application, and has caused such advertisement to be published at least once in a newspaper of general circulation published * in the city at least seven days before the proposed hearing. In the event there is no newspaper of general circulation published in the city, then such notice may be published in a newspaper of general circulation in the city.

Section 2. That Section 42-96 of Article XIII, Chapter 42 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 42-96. Appeals from board of architectural review to city council.

Whenever the board of architectural review shall, in a final decision, disapprove an application for a certificate of appropriateness as prescribed by section 42-86 or whenever the board of architectural review shall, in a final decision, disapprove an application for a permit to raze a building which existed in the year 1846 or prior thereto as prescribed by section 42-87, the applicant for such certificate or for such permit shall have the right to appeal to and be heard before the city council; provided, that he files with the clerk of the city council, on or before fourteen days after the decision of the board, a notice in writing of his intention to appeal. Upon receipt of such notice, the clerk of the city council shall forthwith notify the city manager, who shall schedule a public hearing before

the city council at a time not less than thirty days after the receipt by the clerk of such notice, but no such hearing shall be had until the city manager has caused to be prepared an advertisement stating the time, date and place of the proposed hearing before the city council the location of the property involved and the nature of the hearing and has caused such advertisement to be published at least once in a newspaper of general circulation published * in the city at least seven days before the proposed hearing. In the event there is no newspaper of general circulation published in the city, then such notice may be published in a newspaper of general circulation in the city. Each such notice shall be accompanied by a check or money order in at least the sum of ten dollars to cover the costs in connection with the notice.

Whenever the board shall, in a final decision, approve an application for a certificate of appropriateness as prescribed by section 42-86, or whenever the board of architectural review shall, in a final decision, approve an application for a permit to raze a building which existed in the year 1846 or prior thereto as prescribed by section 42-87, opponents to the granting of such certificate or of such permit shall have the right to appeal to and be heard before the city council; provided, that there is filed with the clerk of the city council, on or before fourteen days after the decision of the board, a petition in writing signed by at least twenty-five persons owning real estate within the Old and Historic District, indicating their intention to appeal. Upon receipt of such notice, the clerk of the city council shall forthwith notify the city manager, who shall schedule a public hearing before the city council at a time not less than thirty days after the receipt by the clerk of such notice, but no such hearing shall be had unless and until the city manager has caused to be prepared an advertisement stating the time, date and place of the proposed hearing before the city council, the location of the property involved and the nature of the hearing and has caused such advertisement to be published at least once in a newspaper of general circulation published * in the city at least seven days before the proposed hearing. In the event there is no newspaper of general circulation published in the city, then such notice may be published in a newspaper of general circulation in the city.

On any such appeal, the final decision of the board of architectural review appealed from shall be stayed pending the outcome of the appeal before the council. The council shall conduct a full and impartial public hearing on the matter before rendering any decision. The same standards shall be applied by the council as are established for the board of architectural review. The council may affirm, reverse or modify the decision of the board, in whole or in part. The decision of the council, subject to the provisions of section 42-96.1, shall be final.

Section 3. That this ordinance shall be published in a newspaper of general circulation in the city not later than five days following its introduction together with a notice containing the time and place for a public hearing. The Clerk of the Council shall note

the date of introduction and first reading, the date of publication, the date of the public hearing, and the date of the second reading and final passage in the minutes of the meeting. This ordinance shall become effective the date of its final passage.

Charles E. Beatley, Jr.
Mayor

FINAL PASSAGE: NOVEMBER 9, 1971

N.B. Underscoring is not part of the ordinance but merely denotes new or changed material; asterisks denote deletions.