

ORDINANCE NO. 2061

AN ORDINANCE to amend and reordain Sections 42-87, 42-92, 42-94, 42-95, the second full paragraph of Section 42-96 and the title of Section 42-96.2, all of Article XIV, Chapter 42, The Code of The City of Alexandria, Virginia, 1963, as amended; which Chapter 42 relates to ZONING, which Article XIV relates to OLD AND HISTORIC ALEXANDRIA DISTRICT, which Section 42-87 relates to PERMIT REQUIRED FOR RAZING BUILDINGS OVER 100 YEARS OLD, which Section 42-92 relates to NOTICE OF HEARING WHEN PERMIT REQUESTED FOR RAZING BUILDINGS OVER 100 YEARS OLD, which Section 42-94 relates to MATTERS TO BE CONSIDERED IN DETERMINING WHETHER TO GRANT PERMIT TO RAZE BUILDINGS OVER 100 YEARS OLD, which Section 42-95 relates to ISSUANCE OF CERTIFICATE OF APPROPRIATENESS OR PERMIT TO RAZE; ISSUANCE OF SAME BY COUNCIL ON APPEAL, which second paragraph of Section 42-96 relates to APPEALS FROM APPROVAL OF CERTIFICATE OF APPROPRIATENESS OR PERMIT TO RAZE BY OPPONENTS THEREOF, and which title of Section 42-96.2 relates to ADDITIONAL OR CONCURRENT RIGHT TO RAZE BUILDING OVER 100 YEARS OLD; CONDITIONS AND PROCEDURES.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 42-87, Article XIV, 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. 42-87. Permit required for razing buildings over 100 years old.

In order to promote the general welfare through the preservation and protection of historic places and areas of historic interest in the city and through the preservation of the memorial character of the George Washington Memorial Highway, no building within the Old and Historic Alexandria District over 100 years old, except as provided in section 42-97 of this Code, shall be razed without first obtaining a permit approved by the board of architectural review or the city council on appeal, and such board and the city council may refuse such permit for any structure of such architectural or historic interest, the removal of which, in the opinion of the board or the city council, would be detrimental to the public interest of the city.

Section 2. That Section 42-92, Article XIV, 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 buildings over 100 years old.

No application for a permit to raze a building over 100 years old in the Old and Historic Alexandria District 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 3. That Section 42-94, Article XIV, 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. 42-94. Matters to be considered in determining whether to grant permit to raze buildings over 100 years old.

The board of architectural review or the city council on appeal shall consider any or all of the following criteria in determining whether or not to grant a permit to raze a building over 100 years old within the Old and Historic Alexandria District:

- (a) Is the building of such architectural or historical interest that its removal would be to the detriment of the public interest?
- (b) Is the building of such interest that it could be made into an historic shrine?
- (c) Is the building of such old and unusual or uncommon design, texture and material that it could not be reproduced or be reproduced only with great difficulty?
- (d) Would retention of the building help preserve the memorial character of the George Washington Memorial Highway?
- (e) Would retention of the building help preserve and protect an historic place or area of historic interest in the city?
- (f) Would retention of the building promote the general welfare by maintaining and increasing real estate values, generating business, creating new positions, attracting tourists, students, writers, historians, artists and artisans, attracting new residents, encouraging study and interest in American history, stimulating interest and study in architecture and design, educating citizens in American culture and heritage and making the city a more attractive and desirable place in which to live?
- (g) In the instance of a building owned by the city or the redevelopment and housing authority, such building having been acquired pursuant to a duly approved urban renewal (redevelopment) plan, would retention of the building promote the general welfare in view of needs of the city for an urban renewal (redevelopment) project?

Section 4. That Section 42-95, Article XIV, 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. 42-95. Issuance of certificate of appropriateness or permit to raze; issuance of same by council on appeal.

Immediately upon approval by the board of any erection, reconstruction, alteration or restoration, a certificate of appropriateness, signed by the secretary of the board and bearing the date of issuance, but subject, however, to the provisions of section 42-96, shall be made available to the applicant.

Immediately upon approval by the board of any application to raze a building over 100 years old, a permit to raze such a building, signed by the secretary of the board and bearing the date of issuance, but subject, however, to the provisions of section 42-96, shall be made available to the applicant.

In instances where the city council on appeal approves any erection, reconstruction, alteration or restoration, or where the city council on appeal approves the razing of a building over 100 years old, a certificate of appropriateness or a permit to raze, as the case may be, bearing the date of issuance, shall forthwith be signed by the mayor and made available to the applicant.

Section 5. That the second paragraph of Section 42-96, Article XIV, 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:

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 over 100 years old 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.

Section 6. That the title of Section 42-96.2, Article XIV, Chapter 42, 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. 42-96.2. Additional or concurrent right to raze building over 100 years old; conditions and procedures.

Section 7. That the title of and an informal memorandum explaining this ordinance shall be published in a newspaper of general circulation published 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 city clerk shall have the full text of this ordinance printed in sufficient numbers to supply copies to meet request. The city clerk 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: OCTOBER 14, 1975