

ORDINANCE NO. 2180

AN ORDINANCE to amend Chapter 42 of The Code of the City of Alexandria, Virginia, 1963, as amended, by adding thereto a new Article XIV-A; which Chapter 42 relates to ZONING, which new Article XIV-A relates to PRESERVATION OF CERTAIN BUILDINGS AND STRUCTURES OVER ONE HUNDRED YEARS OLD OUTSIDE OF THE OLD AND HISTORIC ALEXANDRIA DISTRICT and which new Article XIV-A PROVIDES CRITERIA AND PROCEDURE FOR THE LISTING OF BUILDINGS AND STRUCTURES; REQUIRES PUBLIC HEARINGS BY THE PLANNING COMMISSION; REQUIRES CITY COUNCIL TO PASS ORDINANCES LISTING SUCH BUILDINGS AND STRUCTURES BEFORE SUCH BUILDINGS OR STRUCTURES ARE SUBJECT TO THE PROVISIONS OF THIS ARTICLE; REQUIRES RECORDATION OF SAID LIST IN CITY'S LAND RECORDS; REQUIRES A CERTIFICATE OF APPROPRIATENESS FROM BOARD OF ARCHITECTURAL REVIEW BEFORE RECONSTRUCTION, ALTERATION OR RESTORATION OF EXTERIOR ARCHITECTURAL FEATURES OF SUCH BUILDINGS OR STRUCTURES SUBJECT TO PUBLIC VIEW FROM A PUBLIC STREET, WAY OR PLACE; REQUIRES A PERMIT FROM THE BOARD OF ARCHITECTURAL REVIEW BEFORE ANY SUCH BUILDING OR STRUCTURE MAY BE RAZED; PROVIDES MATTERS TO BE CONSIDERED IN DETERMINING WHETHER TO ISSUE A CERTIFICATE OF APPROPRIATENESS OR A PERMIT TO RAZE; PROVIDES FOR APPEAL FROM BOARD OF ARCHITECTURAL REVIEW TO THE CITY COUNCIL; PROVIDES FOR APPEAL FROM CITY COUNCIL TO THE CIRCUIT COURT; PROVIDES ADDITIONAL RIGHT TO RAZE BUILDINGS OR STRUCTURES UNDER CERTAIN CONDITIONS AND SPECIFICATIONS; PROVIDES THAT PROVISIONS OF THIS ARTICLE DO NOT PREVENT RAZING OF HAZARDOUS STRUCTURES; PROVIDES FOR ANNUAL SUBSCRIPTIONS TO NOTICES OF PUBLIC HEARINGS REQUIRED BY THIS ARTICLE AND ADOPTS THE EXISTING CITY CODE SECTIONS THAT RELATE TO THE BOARD OF ARCHITECTURAL REVIEW--CREATION, COMPOSITION, APPOINTMENT, TERM, REMOVAL OF MEMBERS, VACANCIES, CHAIRMAN, SECRETARY, PROCEDURE FOR MEETINGS, NOTICE OF HEARING WHEN PERMIT REQUESTED FOR RAZING, ISSUANCE OF CERTIFICATE OF APPROPRIATENESS OR PERMIT TO RAZE BY BOARD OF ARCHITECTURAL REVIEW AND ISSUANCE OF SAME BY CITY COUNCIL ON APPEAL AND EXPIRATION OF CERTIFICATES OF APPROPRIATENESS AND PERMITS TO RAZE.

WHEREAS, Section 9.09 of the City Charter has been amended by the Virginia General Assembly to allow for the preservation and protection of buildings and structures more than one hundred years old which are located outside of the Old and Historic Alexandria District and are of historical or architectural interest; and

WHEREAS, Section 9.09 of the City Charter authorizes city council to adopt by ordinance a listing of such buildings and structures which shall not be razed, reconstructed, altered or restored until approved by the board of architectural review or city council on appeal; and

WHEREAS, the city council is of the opinion that it is in the best interest of the city to adopt such an ordinance to provide for the preservation and protection of such buildings and structures; and

WHEREAS, the proposed ordinance has been submitted to and approved by the planning commission at a duly advertised public hearing; therefore

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Chapter 42 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended by adding thereto a new Article XIV-A to read as follows:

Article XIV-A. Preservation of certain buildings and structures over one hundred years old outside of the Old and Historic Alexandria District.

Sec. 42-98.1. Preservation of buildings and structures.

In order to promote the general welfare through the preservation and protection of buildings and structures over one hundred years old and of historical or architectural interest, the city council may from time to time enact ordinances containing lists of buildings and structures outside of the Old and Historic Alexandria District which are over one hundred years old and of historical or architectural interest and designate such buildings and structures for preservation. Buildings and structures so listed by ordinance shall be subject to the provisions of this article.

Sec. 42-98.2. Criteria.

In considering whether or not to include a building or structure over one hundred years old on the list for preservation at least two of the following criteria shall be met:

(a) Is it entered upon the National Register of Historic Places as called for by the United States Congress in the Historic Sites Act of 1935 and the Historic Preservation Act of 1966?

(b) Is it entered upon the Virginia Landmarks Register pursuant to Section 10-138 of the Code of Virginia?

(c) Does it exemplify or reflect the architectural, cultural, political, economic, social or military history of the nation, state or community?

(d) Is it associated with persons of national, state, or local prominence or with events of national, state, or local historical significance?

(e) Is it a good example of local or regional architectural design or exemplify local craftsmanship, making it valuable for a study of a period, style or method of construction?

(f) Is it the work of a nationally recognized architect or can it be attributed to a local architect or builder of local prominence?

(g) Does it foster civic pride in the city's past or enhance the city's attractiveness to visitors?

Sec. 42-98.3. Listing of buildings and structures; compilation.

In addition to the procedure for the listing of buildings and structures for preservation and protection as set forth below in sections 42-98.3 to 42-98.6 of this article, any such listing shall be subject to the rules of procedure for adoption of any amendment, supplement or repeal of any regulation, restriction or determination of boundaries of zones.

The city manager may from time to time submit to the city council a list of buildings and structures to be considered for designation as buildings or structures over one hundred years old and of historical or architectural interest. City council may on its own motion refer said list or any portion thereof to the planning commission for its consideration and recommendations. Said list shall include the name of owner, location of the building or structure, the assessment map, block and lot number of the building or structure, a statement of how the building or structure complies with the applicable qualification criteria set forth in section 42-98.2 above and a set of guidelines to be used in addition to the standards set forth in sections 42-93 and 42-94 of this Code in the determination of whether a certificate of appropriateness should be issued in accordance with section 42-98.7 of this Code or a permit to raze should be issued in accordance with section 42-98.8 of this Code.

Sec. 42-98.4. Same--planning commission hearing.

The planning commission shall hold a public hearing to consider said list. In addition to the requirement of advertisement specified in section 42-101 of this Code any advertisement required for said listing ordinance shall contain the name of the owner of record and the address of any building or structure to be considered at the public hearing. Further, notice of the time and place of such hearing along with the description of the building or structure to be considered shall be given by mail to the owner of record.

Sec. 42-98.5. Same--planning commission recommendations.

After the public hearing the planning commission shall forward the list of buildings and structures it has considered along with its recommendations to city council.

Sec. 42-98.6. Passage of ordinance by city council.

The city council shall receive the recommendations and list of buildings and structures considered by the planning commission and may cause an ordinance to be prepared for the preservation of any or all of said buildings and structures. Said ordinance shall contain for each building or structure the name of owner, location, assessment map, block and lot number, a statement of how the building or structure complies with the applicable qualification criteria set forth in section 42-98.2 above and a set of guidelines to be used in addition to the standards set forth in sections 42-93 and 42-94 of this Code in the determination of whether a certificate of appropriateness should be issued in accordance with section 42-98.7 of this Code or a permit to raze should be issued in accordance with section 42-98.8 of this Code.

The city council shall hold a public hearing to consider the ordinance. In addition to the requirement of advertisement specified in section 42-101 of this Code any advertisement required for said listing ordinance shall contain the name of the owner of record and the address of any building or structure to be considered at the public hearing. Further, notice of the time and place of such hearing along with the description of the building or structure to be considered shall be given by mail to the owner of record.

After such hearing city council may adopt an ordinance listing those buildings and structures which meets the criteria specified in section 42-98.2 of this Code. Any such building or structure listed in such an ordinance shall be subject to the provisions of this article.

After adoption of any such ordinance the city clerk shall transmit a certified copy of said ordinance to the Clerk of the Circuit Court of the City of Alexandria for recordation among the land records.

#### Sec. 42-98.7. Certificate of appropriateness generally.

No building or structure, subject to the provisions of this article, shall be reconstructed, altered or restored unless and until an application for a certificate of appropriateness shall have been approved by the board of architectural review or the city council on appeal as to exterior architectural features, including signs, which are subject to public view from a public street, way or place. Evidence of such required approval shall be by a certificate of appropriateness issued by the board of architectural review or the city council on appeal.

Applications for certificates of appropriateness required by this section shall be made to the building inspector of the city.

The matters that the board of architectural review or the city council on appeal shall consider in determining whether a certificate of appropriateness should be issued shall be those guidelines established in the ordinance listing the building or structure for preservation and the criteria set forth in section 42-93 of this Code.

#### Sec. 42-98.8. Permit required for razing.

No building or structure subject to the provisions of this article 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 building or structure of such architectural or historic interest, the removal of which, in the opinion of the board or the city council on appeal, would be detrimental to the public interest of the city.

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ordinance listing the building or structure for preservation and the criteria set forth in section 42-94 of ~~this~~ Code.

Sec. 42-98.9. Notice of hearing ~~when permit~~ requested for razing.

The requirements for advertisement specified in section 42-92 of this Code shall be followed.

Sec. 42-98.10. Issuance of certificate of appropriateness or permit to raze; issuance of same by council on appeal.

The provisions of section 42-95 of this Code shall apply with respect to the issuance of any certificate or permit pursuant to this article.

Sec. 42-98.11. Expiration of certificates of appropriateness and permits to raze.

The provisions of section 42-95.1 of this Code shall apply with respect to the expiration of any certificate or permit issued pursuant to this article.

Sec. 42-98.12. Board of architectural review-procedure.

For purposes of this article, "board of architectural review" shall refer to the board of architectural review constituted by sections 42-89 and 42-90 of this Code.

The procedure for meetings of the board of architectural review with respect to the provisions of this article shall be the same as specified in section 42-91 of this Code.

Sec. 42-98.13. Appeals from the 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 42-98.7 of this Code or whenever the board of architectural review shall, in a final decision, disapprove an application for a permit to raze a building or structure listed for preservation as prescribed by section 42-98.8 of this Code, the applicant for such certificate or for such permit shall have the right to appeal as specified in section 42-96 of this Code.

Sec. 42-98.14. Appeals from city council to court.

Any applicant aggrieved by a final decision of the city council shall have the right of appeal to the Circuit Court for review as provided for in section ~~42-96.1~~ of this Code.

Sec. 42-98.15. Additional or concurrent right to raze buildings or structures over one hundred years old; conditions and procedures.

In addition to the rights of appeal hereinabove set forth the owner of a building or structure the razing or demolition of which is subject to the provisions of this article shall, as a matter of right, be entitled to raze or demolish such building or structure; provided, that he follows the procedures set forth in section 42-96.2 and section 42-96.3 of this Code.

Sec. 42-98.16. Provisions of article not to prevent razing of hazardous structures.

Nothing in this article shall apply to or in any way prevent the razing of any building or structure in the city which is in such a dangerous, hazardous or unsafe condition that it has been ordered demolished by the director of building and mechanical inspection or by the board of housing hygiene, pursuant to this Code; provided, however, that before a razing can be ordered by said board, the director of public health of the city shall at first mail to the subscribers provided for in section 42-98.17, not less than ten days before the meeting, a notice of the meeting of the board of housing hygiene to be held pursuant to section 18-31 of this Code; and provided further, that before a razing can be ordered by the director of building and mechanical inspection, the director of building and mechanical inspection shall have first delivered a copy of the proposed order to the city manager and mailed to the subscribers provided for in section 42-98.17 a copy of the proposed order.

Sec. 42-98.17. Annual subscription for notices of public hearing provided for in this article.

If any person shall pay to the city the sum of ten dollars (\$10.00) to cover costs, the city manager shall cause to be mailed to each person for a period of one year notice of the respective public hearings on all matters concerning the preservation of one hundred year old buildings outside of the Old and Historic Alexandria District, which notice shall be mailed at least five (5) days before hearing and shall state the time, date, place and nature of the proposed hearing and location of the property involved.

Sec. 42-98.18. Listing ordinances.

Ordinances adopted by city council which list the buildings and structures subject to the provisions of this article are as follows:

- ( 1. Ordinance no. \_\_\_\_\_ )
- ( \_\_\_\_\_ ) \*\*
- ( 2. Ordinance no. \_\_\_\_\_ )

Section 2. 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

\*\* Included for demonstrative purposes only.

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.

FRANK E. MANN  
Mayor

FINAL PASSAGE: May 24, 1977