

ORDINANCE NO. 2763

AN ORDINANCE to amend and reordain Sections 7-4-1, 7-4-2, 7-4-3, and subsection (1), Section 7-4-5, all of Chapter 4, Title 7 of The Code of the City of Alexandria, Virginia, 1981, as amended; which Title 7 relates to PLANNING AND DEVELOPMENT, which Chapter 4 relates to CONDOMINIUMS AND COOPERATIVES, which Section 7-4-1 relates to GENERALLY, which Section 7-4-2 relates to PLANNING COMMISSION TO ADOPT RULES AND REGULATIONS, which Section 7-4-3 relates to FILING OF DOCUMENTS AND INFORMATION, which Section 7-4-5 relates to CONVERSION CONDOMINIUMS AND CONVERSION COOPERATIVES--DEFINITIONS; EXTENSIONS OF LEASES AND DISLOCATION REIMBURSEMENT REQUIRED and which subsection (1) relates to DEFINITION OF DECLARANT.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 7-4-1, Chapter 4, Title 7 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 7-4-1. Generally.

Any building or structure erected or proposed to be erected within the city which is subject to the "Horizontal Property Act," "Condominium Act" or "Real Estate Cooperative Act" of the state or any amendments thereto or the land on which they may be proposed or situated shall be treated as though it be a building, structure or land without the feature of horizontal property, condominium ownership or cooperative ownership, except where such treatment would be inconsistent with the general law governing a horizontal property, condominium or cooperative regime established under the Horizontal Property Act, Condominium Act or Real Estate Cooperative Act.

Section 2. That Section 7-4-2, Chapter 4, Title 7 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 7-4-2. Planning commission to adopt rules and regulations.

The city planning commission is hereby directed and authorized to adopt supplemental rules and regulations not inconsistent with general law governing any horizontal property, condominium or cooperative regime established under the state Horizontal Property Act, Condominium Act or Real Estate Cooperative Act and not inconsistent with the intention expressed in section 7-4-1, subject to the approval of the city council.

Section 3. That Section 7-4-3, Chapter 4, Title 7 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 7-4-3. Filing of documents and information.

(a) The developer of a conversion condominium as defined in the Condominium Act shall at the time of registration of the condominium with the Virginia Real Estate Commission, simultaneously file in the office of the clerk of the city council all the information which is required by the commission under section 55-79.89 of the Code of Virginia (1950), as amended. There shall be no fee for such filing.

(b) The developer of a conversion cooperative as defined in the Real Estate Cooperative Act shall at the time of registration of the cooperative with the Virginia Real Estate Commission, simultaneously file in the office of the clerk of the city council all the information which is required by the commission under section 55-498 of the Code of Virginia (1950), as amended. There shall be no fee for such filing.

(c) No developer of a conversion condominium or a conversion cooperative may offer or dispose of any interest in a condominium or cooperative unit located in the City of Alexandria prior to the time the information regarding the condominium or cooperative which includes such unit is filed in accordance with this section.

Section 4. That subsection (1), Section 7-4-5, Chapter 4, Title 7 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

(1) "Declarant" shall mean any person or group of persons acting in concert that: (a) offers to dispose of his or its interest in a condominium unit not previously disposed of or, as part of a common promotional plan, offers to dispose of his or its cooperative interest not previously disposed of; (b) reserves or succeeds to any special declarant right; or (c) applies for registration of the condominium or the cooperative under Title 55, Code of Virginia (1950), as amended.

Section 5. 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: January 26, 1983