

ORDINANCE NO. 2773

AN ORDINANCE to amend and reordain Sections 7-6-223, 7-6-227, 7-6-228, the title and first paragraph of Section 7-6-230, Sections 7-6-231, 7-6-232, subsections (a) and (b) of Section 7-6-233, Section 7-6-234, the title and first paragraph of Section 7-6-235 and Section 7-6-237, Article M; to amend and reordain Section 7-6-258, the title of Sections 7-6-259, 7-6-260 and 7-6-261, Sections 7-6-263 and 7-6-265, Article N; all of Chapter 6, Title 7 of The Code of the City of Alexandria, Virginia, 1981, as amended; which Title 7 relates to PLANNING AND DEVELOPMENT, which Chapter 6 relates to ZONING, which Article M relates to OLD AND HISTORIC ALEXANDRIA DISTRICT, which Section 7-6-223 formerly related to PERMIT REQUIRED FOR RAZING BUILDINGS OVER 100 YEARS OLD and now relates to PERMIT REQUIRED FOR MOVING, REMOVING OR RAZING BUILDINGS OVER 100 YEARS OLD, which Section 7-6-227 relates to SAME--PROCEDURE FOR MEETINGS, which Section 7-6-228 formerly related to NOTICE OF HEARING WHEN PERMIT REQUESTED FOR RAZING BUILDINGS OVER 100 YEARS OLD and now relates to NOTICE OF HEARING WHEN PERMIT REQUESTED FOR MOVING, REMOVING OR RAZING BUILDINGS OVER 100 YEARS OLD, which Section 7-6-230 formerly related to MATTERS TO BE CONSIDERED IN DETERMINING WHETHER TO GRANT PERMIT TO RAZE BUILDINGS OVER 100 YEARS OLD and now relates to MATTERS TO BE CONSIDERED IN DETERMINING WHETHER TO GRANT PERMIT TO MOVE, REMOVE OR RAZE BUILDINGS OVER 100 YEARS OLD, which Section 7-6-231 formerly related to ISSUANCE OF CERTIFICATE OF APPROPRIATENESS OR PERMIT TO RAZE; ISSUANCE OF SAME BY COUNCIL ON APPEAL and now relates to ISSUANCE OF CERTIFICATE OF APPROPRIATENESS OR PERMIT TO MOVE, REMOVE OR RAZE; ISSUANCE OF SAME BY COUNCIL ON APPEAL, which Section 7-6-232 formerly related to EXPIRATION OF CERTIFICATE OF APPROPRIATENESS AND PERMIT TO RAZE and now relates to EXPIRATION OF CERTIFICATE OF APPROPRIATENESS AND PERMIT TO MOVE, REMOVE OR RAZE, which Section 7-6-233 relates to APPEALS FROM BOARD OF ARCHITECTURAL REVIEW TO CITY COUNCIL, which subsection (a) relates to DISAPPROVAL BY BOARD OF ARCHITECTURAL REVIEW FOR CERTIFICATE OF OCCUPANCY OR PERMIT TO MOVE, REMOVE OR RAZE, which subsection (b) relates to APPROVAL BY BOARD OF ARCHITECTURAL REVIEW OF CERTIFICATE OF APPROPRIATENESS OR PERMIT TO MOVE, REMOVE OR RAZE, which Section 7-6-234 relates to APPEALS FROM CITY COUNCIL TO COURT, which Section 7-6-235 formerly related to ADDITIONAL OR CONCURRENT RIGHT TO RAZE BUILDING OVER 100 YEARS OLD; CONDITIONS AND PROCEDURES and now relates to ADDITIONAL OR CONCURRENT RIGHT TO MOVE, REMOVE OR RAZE BUILDING OVER 100 YEARS OLD; CONDITIONS AND PROCEDURES, which Section 7-6-237 formerly related to PROVISIONS OF ARTICLE NOT TO PREVENT RAZING OF HAZARDOUS STRUCTURES and now relates to PROVISIONS OF ARTICLE NOT TO PREVENT MOVING, REMOVING OR RAZING OF HAZARDOUS STRUCTURES, which Article N relates to PRESERVATION OF CERTAIN BUILDINGS AND STRUCTURES OVER 100 YEARS OLD OUTSIDE THE OLD AND HISTORIC ALEXANDRIA DISTRICT, which Section 7-6-258

formerly related to PERMIT REQUIRED FOR RAZING and now relates to PERMIT REQUIRED FOR MOVING, REMOVING OR RAZING, which title of Section 7-6-259 formerly related to NOTICE OF HEARING WHEN PERMIT REQUESTED FOR RAZING and now relates to NOTICE OF HEARING WHEN PERMIT REQUESTED FOR MOVING, REMOVING OR RAZING, which title of Section 7-6-260 formerly related to ISSUANCE OF CERTIFICATE OF APPROPRIATENESS OR PERMIT TO RAZE; ISSUANCE OF SAME BY COUNCIL ON APPEAL and now relates to ISSUANCE OF CERTIFICATE OF APPROPRIATENESS OR PERMIT TO MOVE, REMOVE OR RAZE; ISSUANCE OF SAME BY COUNCIL ON APPEAL, which title of Section 7-6-261 formerly related to EXPIRATION OF CERTIFICATES OF APPROPRIATENESS AND PERMITS TO RAZE and now relates to EXPIRATION OF CERTIFICATES OF APPROPRIATENESS AND PERMITS TO MOVE, REMOVE OR RAZE, which Section 7-6-263 relates to APPEALS FROM THE BOARD OF ARCHITECTURAL REVIEW TO CITY COUNCIL and which Section 7-6-265 formerly related to ADDITIONAL OR CONCURRENT RIGHT TO RAZE BUILDINGS OR STRUCTURES OVER 100 YEARS OLD; CONDITIONS AND PROCEDURES and now relates to ADDITIONAL OR CONCURRENT RIGHT TO MOVE, REMOVE OR RAZE BUILDINGS OR STRUCTURES OVER 100 YEARS OLD; CONDITIONS AND PROCEDURES.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 7-6-223, Article M, Chapter 6, 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. 7-6-223. Permit required for moving, removing or 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 7-6-237 of this code, shall be moved, removed or 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 7-6-227, Article M, Chapter 6, 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. 7-6-227. Same--Procedure for meetings.

(a) The chairman shall conduct the meetings of the board of architectural review. The secretary shall keep the minutes of the meetings and a permanent record of all resolutions, motions, transactions and determinations. All members of the board shall be entitled to vote, and the decisions of the board shall be determined by a majority vote. A quorum of five (5) members present is required before the board may take any official action. The board shall meet within 30 days after an application for a certificate of appropriateness or permit requiring action by the board has been received by the building inspector. The meetings of the board shall be open to the public, and a full and impartial hearing shall be granted. When voting on any question, the determination shall be made by majority vote, but no proxy shall be allowed at any time. The board shall vote and announce its decision on any matter properly before it not later than 14 days after the conclusion of the public hearing on the matter unless the time is extended by mutual agreement between the board and the applicant.

(b) No application for a certificate of appropriateness required by section 7-6-222 of this code which has been denied by the board shall be heard again by the board within one (1) year of the date of its denial of the application, except under such terms and conditions as shall be established by the board, within the scope of section 7-6-229 of this code, for rehearing the application at the time of its denial of same.

(c) In case of disapproval of the moving, removing or razing of a building over 100 years old in the Old and Historic Alexandria District, the board shall state its reasons therefor in writing in some detail. No application for a permit required by section 7-6-223 of this code which has been denied shall be heard again within one (1) year from the date of the denial of the application.

(d) If there is an appeal taken to the city council from any denial of a certificate of appropriateness or a permit to move, remove or raze, the board shall forward its reasons in writing to the council.

(e) In matters covering the procedure for meetings not covered by this article, the board may establish its own rules; provided, they are not contrary to the spirit of this article.

Section 3. That Section 7-6-228, Article M, Chapter 6, 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. 7-6-228. Notice of hearing when permit requested for moving, removing or razing buildings over 100 years old.

No application for a permit to move, remove or 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 given notice of the proposed hearing before the board according to the provisions of article P of this chapter.

Section 4. That the title and the first paragraph of Section 7-6-230, Article M, Chapter 6, 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. 7-6-230. Matters to be considered in determining whether to grant permit to move, remove or 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 determining whether or not to grant a permit to move, remove or raze a building over 100 years old within the Old and Historic Alexandria District:

Section 5. That Section 7-6-231, Article M, Chapter 6, 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. 7-6-231. Issuance of certificate of appropriateness or permit to move, remove or raze; issuance of same by council on appeal.

(a) 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 7-6-233, shall be made available to the applicant.

(b) Immediately upon approval by the board of any application to move, remove or raze a building over 100 years old, a permit to move, remove or 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 7-6-233, shall be made available to the applicant.

(c) In instances where the city council on appeal approves any erection, reconstruction, alteration or restoration, or where the city council on appeal approves the moving, removing or razing of a building over 100 years old, a certificate of

appropriateness or a permit to move, remove or 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 6. That Section 7-6-232, Article M, Chapter 6, 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. 7-6-232. Expiration of certificate of appropriateness and permit to move, remove or raze.

Any certificate of appropriateness issued pursuant to section 7-6-222 and any permit to move, remove or raze a building issued pursuant to section 7-6-223 shall expire of its own limitation 12 months from the date of issuance if the work authorized thereby is not commenced by the end of such 12-month period; and further, any such certificate and permit shall also expire and become null and void if such authorized work is suspended or abandoned for a period of 12 months after being commenced. Any period or periods of time during which the right to use any such certificate or permit is stayed pursuant to this article shall be excluded from the computation of the 12 months.

Section 7. That subsections (a) and (b), Section 7-6-233, Article M, Chapter 6, Title 7 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby are amended and reordained to read as follows:

(a) Whenever the board of architectural review shall, in a final decision, disapprove an application for a certificate of appropriateness as prescribed by section 7-6-222 or whenever the board of architectural review shall, in a final decision, disapprove an application for a permit to move, remove or raze a building over 100 years old as prescribed by section 7-6-223, 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 the applicant files with the clerk of the city council, on or before 14 days after the decision of the board, a notice in writing of the applicant's 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 to be held within 75 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 (7) 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 the amount of \$10.00 to cover the costs in connection with the notice.

(b) Whenever the board shall, in a final decision, approve an application for a certificate of appropriateness as prescribed by section 7-6-22, or whenever the board of architectural review shall, in a final decision, approve an application for a permit to move, remove or raze a building over 100 years old as prescribed by section 7-6-223, 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 14 days after the decision of the board a petition in writing signed by at least 25 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 30 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 (7) 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 the amount of \$10.00 to cover the costs in connection with the notice.

Section 8. That Section 7-6-234, Article M, Chapter 6, 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. 7-6-234. Appeals from city council to court.

Any applicant or any of the petitioners aforesaid aggrieved by a final decision of the city council shall have the right to appeal such to the circuit court for a review; provided, such appeal is filed within a period of 30 days after the rendering of the final decision by the city council. Such appeal shall be taken by filing a petition, at law, to review the decision of council, and the filing of such petition shall stay the council's decision pending the outcome of the appeal to the court. Findings of fact by the council shall be conclusive on the court in any such appeal. The court may reverse or modify the decision of the council, in whole or in part, if it finds upon review that

the decision of the council is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion, or it may affirm the decision of council.

Section 9. That the title and first paragraph of Section 7-6-235, Article M, Chapter 6, Title 7 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby are amended and reordained to read as follows:

Sec. 7-6-235. Additional or concurrent right to move, remove or raze building over 100 years old; conditions and procedures.

In addition to the right of appeal hereinabove set forth, the owner of a building or structure, the moving, removing, razing or demolition of which is subject to the provisions of this article shall, as a matter of right, be entitled to move, remove, raze or demolish such building or structure provided, that:

Section 10. That Section 7-6-237, Article M, Chapter 6, 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. 7-6-237. Provisions of article not to prevent moving, removing or razing of hazardous structures.

Nothing in this article shall apply to or in any way prevent the moving, removing or 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 inspections or by the board of housing hygiene pursuant to this code; provided, however, that before a moving, removing or razing can be ordered by the board, the director of public health of the city shall have first mailed to the subscribers provided for in section 7-6-238, not less than 10 days before the meeting, a notice of the meeting of the board of housing hygiene to be held pursuant to section 11-3-39; and provided further, that before a moving, removing or razing can be ordered by the director of building and mechanical inspections, the director of building and mechanical inspections shall have first delivered a copy of the proposed order to the city manager and mailed to the subscribers provided for in section 7-6-238 a copy of the proposed order.

Section 11. That Section 7-6-258, Article N, Chapter 6, 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. 7-6-258. Permit required for moving, removing or razing.

(a) No building or structure subject to the provisions of this article shall be moved, removed or 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.

(b) Applications for permits to move, remove or raze required by this section shall be made to the building inspector of the city.

(c) The matters that the board of architectural review or the city council on appeal shall consider in determining whether a permit to move, remove or raze 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 7-6-230 of this code.

Section 12. That the title of Section 7-6-259, Article N, Chapter 6, 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. 7-6-259. Notice of hearing when permit requested for moving, removing or razing.

Section 13. That the title of Section 7-6-260, Article N, Chapter 6, 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. 7-6-260. Issuance of certificate of appropriateness or permit to move, remove or raze; issuance of same by council on appeal.

Section 14. That the title of Section 7-6-261, Article N, Chapter 6, 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. 7-6-261. Expiration of certificates of appropriateness and permits to move, remove or raze.

Section 15. That Section 7-6-263, Article N, Chapter 6, 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. 7-6-263. 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 7-6-257 of this code or whenever the board of architectural review shall, in a final decision, disapprove an application for a permit to move, remove or raze a building or structure listed for preservation as prescribed by section 7-6-258 of this code, the applicant for such certificate or for such permit shall have the right to appeal as specified in section 7-6-233 of this code.

Section 16. That Section 7-6-265, Article N, Chapter 6, 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. 7-6-265. Additional or concurrent right to move, remove or raze buildings or structures over 100 years old; conditions and procedures.

In addition to the rights of appeal hereinabove set forth the owner of a building or structure, the moving, removing, razing or demolition of which is subject to the provisions of this article shall, as a matter of right, be entitled to move, remove, raze or demolish such building or structure; provided, that the owner follows the procedures set forth in section 7-6-235 of this code.

Section 17. 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: February 22, 1983