

ORDINANCE NO. 2851

AN ORDINANCE to amend and reordain 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; 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 7-6-233 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 APPROPRIATENESS OR PERMIT TO MOVE, REMOVE, CAPSULATE OR RAZE and which subsection (b) relates to APPROVAL BY BOARD OF ARCHITECTURAL REVIEW OF CERTIFICATE OF APPROPRIATENESS OR PERMIT TO MOVE, REMOVE, CAPSULATE OR RAZE.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. 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, capsulate or raze a building 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 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 clerk 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 7-6-222, or whenever the board of architectural review shall, in a final decision, approve an application for a permit to move, remove, capsulate or raze a building 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 the city manager or 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 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 clerk 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 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 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 25, 1983