

ORDINANCE NO. 3309

AN ORDINANCE to amend and reordain Section 7-6-229, Article M, Chapter 6, Title 7 of The Code of the City of Alexandria, 1981; which Title 7 relates to PLANNING AND DEVELOPMENT, which Chapter 6 relates to ZONING, which Article M relates to OLD AND HISTORIC ALEXANDRIA DISTRICT; PARKER-GRAY DISTRICT and which Section 7-6-229 relates to MATTERS TO BE CONSIDERED IN PASSING UPON APPROPRIATENESS OF ERECTION, RECONSTRUCTION, ALTERATION OR RESTORATION OF BUILDINGS OR STRUCTURES IN THE OLD AND HISTORIC ALEXANDRIA DISTRICT.

WHEREAS, the Council of the City of Alexandria, Virginia, finds and determines that:

1. The city council has created and established the Old and Historic Alexandria District, by Ordinance No. 470, August 13, 1946, and has from time-to-time thereafter amended the regulations applicable within, and the territorial area of, such district;
2. Among the regulations for such district made and provided by Ordinance No. 470, and continued in force and effect until the present time without substantive change, and now found codified at section 7-6-229 of The Code of the City of Alexandria, 1981, as amended, are included the provisions that the Board of Architectural Review "shall not consider ... relative size of the building or structure," but shall consider exterior architectural features ..." "general design and arrangement" and "the extent to which the building or structure would be harmonious with or incongruous to ..." its surroundings;
3. On February 25, 1963, August 10, 1984, and October 7, 1987, the Office of the City Attorney has issued opinions concluding that such provisions delegate to the Board of Architectural Review the authority to consider height, mass and scale in determining whether a proposed building or structure is compatible with its surroundings;
4. The 1981 Alexandria Waterfront-City of Alexandria/National Park Service Draft Joint Land-Use Plan and the 1982 Alexandria Waterfront Plan, adopted by Ordinance No. 2728, recognize and affirm that "[w]ithin the Old and Historic District ... the City's Board of Architectural Review controls visible change to include height";
5. Subsequent to such opinions issued by the Office of the City Attorney in 1963 and 1984, and such land use plans presented to the city council in 1981 and adopted by city council in 1982, the city council has amended and recodified the provisions of law establishing and providing regulations for the Old and Historic Alexandria District, but has not substantively

altered or amended the provisions so interpreted by the Office of the City Attorney and has recognized and affirmed such interpretation in such land-use plans, and city council has acquiesced in the interpretation since 1963 as the proper construction of the aforementioned provisions; and

6. Based upon the foregoing findings and all other facts and circumstances of which the city council may properly take notice in its capacity as the legislative body of the City of Alexandria, adoption of this ordinance is in the best interests of the public health, safety and general welfare; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 7-6-229 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. 7-6-229 Matters to be considered in passing upon appropriateness of erection, reconstruction, alteration or restoration of buildings or structures in the Old and Historic Alexandria District.

(a) The Old and Historic Alexandria District panel of the board of architectural review or the city council on appeal shall limit its review of the proposed construction, reconstruction, alteration or restoration of a building or structure to the building's or structure's exterior architectural features specified in subsections (b)(1) through (b)(4) which are subject to view from a public street, way, place, pathway, easement or waterway and to the factors specified in subsections (b)(5) through (b)(10), shall review such features and factors for the purpose of determining the compatibility of the proposed construction, reconstruction, alteration or restoration with the pre-existing building or structure itself, if any, and with the Old and Historic Alexandria District area surroundings and, when appropriate, with the memorial character of the George Washington Memorial Highway, including the Washington Street portion thereof, if the building or structure faces on such highway, and may make such requirements for, and conditions of, approval as are necessary or desirable to prevent any construction, reconstruction, alteration or restoration incongruous to such pre-existing building or structure, area surroundings or memorial character, as the case may be.

(b) Subject to the provisions of subsection (a), the Old and Historic Alexandria District panel or the city council on appeal shall consider the following features and factors in passing upon the appropriateness of the proposed construction, reconstruction, alteration or restoration of buildings or structures:

(1) overall architectural design, form, style and structure, including, but not limited to, the height, mass and scale of buildings or structures;

(2) architectural details including, but not limited to, the pattern, design and style of fenestration, ornamentation, lighting, signage and like decorative or functional fixtures of buildings or structures;

(3) design and arrangement of buildings and structures on the site;

(4) texture, material and color;

(5) the relation of the features in subsections (1), (2), (3) and (4) of this subsection to similar features of the pre-existing building or structure, if any, and to buildings and structures in the immediate surroundings;

(6) the extent to which the building or structure would be harmonious with or incongruous to the old and historic aspect of the surroundings or the memorial character of the George Washington Memorial Highway;

(7) the extent to which the building or structure will preserve or protect historic places and areas of historic interest in the city;

(8) the extent to which the building or structure will preserve the memorial character of the George Washington Memorial Highway;

(9) the extent to which the building or structure will promote the general welfare of the city and all citizens by the preservation and protection of historic places and areas of historic interest in the city and the memorial character of the George Washington Memorial Highway; and

(10) the extent to which such preservation and protection will 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.

Section 2. That this ordinance is intended to clarify and confirm the authority heretofore delgated to the Board of Architectural Review-Old and Historic Alexandria District Panel, and its predecessors, is not intended to confer or delegate any

additional authority on the Board of Architectural Review-Old and Historic Alexandria District Panel, and is not intended to effect substantive changes in the regulations applicable within the Old and Historic Alexandria District.

Section 3. That this ordinance shall apply to all applications for a certificate of appropriateness pending at any stage before the Board of Architectural Review-Old and Historic Alexandria District Panel, as of February 9, 1988, to all such applications filed after February 9, 1988, to all appeals from decisions of the Board of Architectural Review-Old and Historic Alexandria District Panel pending before the city council as of February 9, 1988, to all such appeals filed after February 9, 1988; to all petitions for judicial review of the decision of city council pending as of February 9, 1988, and to all such petitions for judicial review filed after February 9, 1988.

Section 4. 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 requests. 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 on the date of its final passage.

JAMES P. MORAN, JR.
Mayor

Final Passage: June 18, 1988