

ORDINANCE NO. 3530

AN ORDINANCE to amend Article M (OLD AND HISTORIC ALEXANDRIA DISTRICT; PARKER-GRAY DISTRICT), by adding thereto a new Section 7-6-236.1 (OLD AND HISTORIC ALEXANDRIA DISTRICT-PERMITTED MAINTENANCE OF EXTERIOR ARCHITECTURAL FEATURES), a new Section 7-6-236.2 (OLD AND HISTORIC ALEXANDRIA DISTRICT-REQUIRED MAINTENANCE), a new Section 7-6-249 (PARKER-GRAY DISTRICT-PERMITTED MAINTENANCE OF EXTERIOR ARCHITECTURAL FEATURES) and a new Section 7-6-250 (PARKER-GRAY DISTRICT-REQUIRED MAINTENANCE), and to amend Article N (PRESERVATION OF CERTAIN BUILDINGS AND STRUCTURES OVER 100 YEARS OLD OUTSIDE THE OLD AND HISTORIC ALEXANDRIA DISTRICT AND THE PARKER-GRAY DISTRICT) by adding thereto a new Section 7-6-269 (PERMITTED MAINTENANCE OF EXTERIOR ARCHITECTURAL FEATURES OF LISTED BUILDINGS AND STRUCTURES, and a new Section 7-6-270 (REQUIRED MAINTENANCE OF LISTED BUILDINGS AND STRUCTURES), all of Chapter 6 (ZONING), Title 7 (PLANNING AND DEVELOPMENT) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Article M of Chapter 6, Title 7 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and same hereby is amended by adding thereto new sections 7-6-236.1 and 7-6-236.2, to read as follows:

Sec. 7-6-236.1 Old and Historic Alexandria District-permitted maintenance of exterior architectural features.

(a) Notwithstanding any other provisions of this article, exterior architectural features may be the subject of ordinary maintenance, including repair and replacement, with the same design, color and material, without the necessity of a certificate of appropriateness if, upon review by the director or his designee, it is found that such maintenance:

- (1) Does not result in the substantial removal of an exterior feature that is considered to have historic or architectural significance; and
- (2) Does not perpetuate a condition or treatment that is considered to be, by board of architectural review policy, inappropriate or incompatible with the historic surroundings of the Old and Historic Alexandria District.

(b) The following guidelines shall be used in the determination of historic or architectural significance pursuant to subsection (a):

- (1) The feature is composed of materials or utilizes construction techniques which appear to be original to the building or structure.

- (2) The feature is not original to the building or structure, but is of such old and unusual design that it cannot be easily duplicated or replaced, and the feature contributes to the overall historic character of the building or structure.
- (3) The feature is of such high artistic value or is composed of materials of such quality or detail that the feature can not be easily duplicated or replaced.
- (4) The painting of a masonry building which was unpainted prior to such painting shall be considered to be the removal of an exterior feature having historic and/or architectural significance requiring a certificate of appropriateness.

Sec. 7-6-236.2 Old and Historic Alexandria District -- required maintenance.

(a) General provisions. All buildings and structures within the Old and Historic Alexandria District shall be maintained in good repair, structurally sound, and reasonably protected against decay and deterioration in compliance with Volume II -- Building Maintenance Code, of the Uniform Statewide Building Code, as adopted by section 8-1-2 of this code. The code official shall enforce the requirements of this section, in coordination with the director of planning and community development.

(b) Specific application to vacant buildings and structures. The boarding of a vacant building or structure shall constitute the alteration of the exterior architectural features of such building or structure. In the event such boarding is accomplished pursuant to an order from the code official to secure a hazardous building or structure against entry the owner shall, after complying with such order, forthwith make application for the necessary certificate of appropriateness. In considering any application under this section the board may impose such conditions as may be appropriate to secure or preserve the historic elements of the building or structure against further loss, damage, or deterioration. In addition to any other penalty or sanction, such building or structure may be subject to acquisition pursuant to subsection (c) of this section.

(c) The director may institute appropriate procedures pursuant to section 7-2-4(b) of this code for the acquisition of any building or structure which remains in a substantially deteriorated or deteriorating condition following service upon the owner thereof of any notice of violation of this section and the owner's failure to cease the violation and bring the building or structure into compliance with this section.

Section 2. That Article M of Chapter 6, Title 7 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended by adding thereto new sections 7-6-249 and 7-6-250, to read as follows:

Sec. 7-6-249 Parker-Gray District, Permitted Maintenance of Exterior Architectural Features.

(a) Notwithstanding any other provisions of this Article, exterior architectural features may be the subject of ordinary maintenance, including repair and replacement, with the same design, color and material without the necessity of a certificate of appropriateness if, upon review by the director or his designee, it is found that such maintenance:

- (1) Does not result in the substantial removal of an exterior feature that is considered to have historic or architectural significance.
- (2) Does not perpetuate a condition or treatment that is considered to be, by board of architectural review policy, inappropriate or incompatible with the historic surroundings of the Parker-Gray District, but this provision shall not be construed to prevent the replacement of material in kind in cases where the cost of the work would be significantly increased by the use of another material.

(b) The following guidelines shall be used in the determination of historic or architectural significance pursuant to subsection (a):

- (1) The feature is composed of materials or utilizes construction techniques which appear to be original to the date of construction of the building or structure.
- (2) The feature is not original to the building or structure, but is of such old and unusual design that it cannot be easily duplicated or replaced, and the feature contributes to the overall historic character of the building or structure.
- (3) The feature is of such high artistic value, or is composed of materials of such quality or detail that the feature can not be easily duplicated or replaced.
- (4) The painting of a masonry building which was unpainted prior to such painting shall be considered to be the removal of an exterior feature

having historic and/or architectural significance requiring a certificate of appropriateness.

Sec. 7-6-250 Parker-Gray District -- Required Maintenance.

(a) General provisions. All buildings and structures within the Parker-Gray District shall be maintained in good repair, structurally sound, and reasonably protected against decay and deterioration in compliance with Volume II -- Building Maintenance Code, of the Uniform Statewide Building Code, as adopted by section 8-1-2 of the city code. The code official shall enforce the requirements of this section, in coordination with the director of planning and community development.

(b) Specific application to vacant buildings and structures. The boarding of a vacant building or structure shall constitute the alteration of the exterior architectural features of such building or structure. In the event such boarding is accomplished pursuant to an order from the code official to secure a hazardous building or structure against entry the owner shall, after complying with such order, forthwith make application for the necessary certificate of appropriateness. In considering any application under this section the board may impose such conditions as may be appropriate to secure or preserve the historic elements of the building or structure against further loss, damage, or deterioration. In addition to any other penalty or sanction, such building or structure may be subject to acquisition pursuant to subsection (c) of this section.

(c) The director may institute appropriate procedures pursuant to section 7-2-4(b) of the city code for the acquisition of any building or structure which remains in a substantially deteriorated or deteriorating condition following service upon the owner thereof of any notice of violation of this section.

Section 3. That Article N of Chapter 6, Title 7 of the Code of the City of Alexandria, Virginia, 1981, as amended, be and same hereby is amended and reordained by adding thereto new sections 7-6-269 and 7-6-270, to read as follows:

Sec. 7-6-269 Permitted maintenance of exterior architectural features of listed buildings and structures.

(a) Notwithstanding any other provisions of this article, exterior architectural features may be the subject of ordinary maintenance, including repair and replacement, with the same design, color and material without the necessity of a certificate of appropriateness if, upon review by the director or his designee, it is found that such maintenance:

- (1) Does not result in the substantial removal of an exterior feature that is considered to have historic or architectural significance; and
- (2) Does not perpetuate a condition or treatment that is considered to be, by board of architectural review policy, inappropriate or incompatible with the historic building or structure.

(b) The following guidelines shall be used in the determination of historic or architectural significance pursuant to subsection (a):

- (1) The feature is composed of materials or utilizes construction techniques which appear to be original to the building or structure.
- (2) The feature is not original to the building or structure, but is of such old and unusual design that it cannot be easily duplicated or replaced, and the feature contributes to the overall historic character of the building or structure.
- (3) The feature is of such high artistic value, or is composed of materials of such quality or detail that the feature can not be easily duplicated or replaced.
- (4) The painting of a masonry building which was unpainted prior to such painting shall be considered to be the removal of an exterior feature having historic and/or architectural significance requiring a certificate of appropriateness.

Sec. 7-6-270 Required maintenance of listed buildings and structures.

(a) General provisions. All buildings and structures listed for preservation under this article shall be maintained in good repair, structurally sound, and reasonably protected against decay and deterioration in compliance with Volume II -- Building Maintenance Code, of the Uniform Statewide Building Code, as adopted by section 8-1-2 of the city code. The code official shall enforce the requirements of this section, in coordination with the director of planning and community development.

(b) Specific application to vacant buildings and structures. The boarding of a vacant building or structure shall constitute the alteration of the exterior architectural features of such building or structure. In the event such boarding is accomplished pursuant to an order from the code official to secure a hazardous building or structure against entry the owner shall, after complying with such order, forthwith make

application for the necessary certificate of appropriateness. In considering any application under this section the board may impose such conditions as may be appropriate to secure or preserve the historic elements of the building or structure against further loss, damage, or deterioration. In addition to any other penalty or sanction, such building or structure may be subject to acquisition pursuant to subsection (c) of this section.

(c) The director may institute appropriate procedures pursuant to section 7-2-4(b) of the city code for the acquisition of any building or structure which remains in a substantially deteriorated or deteriorating condition following service upon the owner thereof of any notice of violation of this section.

Section 4. That this ordinance shall become effective upon the date and at the time of its final passage.

PATRICIA S. TICER
Mayor

Final Passage: June 25, 1991