

ORDINANCE NO. 3999

AN ORDINANCE to amend and reordain Section 11-207 (CIVIL VIOLATIONS), under Section 11-200 (ENFORCEMENT AND PENALTIES), of Division A (ADMINISTRATION AND ENFORCEMENT OF ORDINANCE AND NOTICE OF PUBLIC HEARINGS), Article XI (DEVELOPMENT APPROVALS AND PROCEDURES) of the City of Alexandria Zoning Ordinance (TA NO. 98-0008).

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That paragraph (12) of subsection (A) of Section 11-207 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows:

(12) The transfer, sale, offer to sell, or agreement to sell any land or portion of land by reference to or display of an unapproved and unrecorded plat, regardless of whether the land is described by metes and bounds; class five civil violation.

Section 2. That paragraph (6) of subsection (C) of Section 11-207 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows:

(6) Each day during which any class one civil violation exists shall constitute a separate individual offense. A class one civil violation shall be deemed to exist until such time as the director certifies to the board of architectural review that the unlawfully demolished building or structure has been reconstructed to the pre-existing footprint, envelope, configuration and appearance, using original materials and techniques of construction to the extent possible; provided, however, that, after a public hearing for which notice has been given pursuant to section 11-300, the board of architectural review may determine that a class one civil violation shall cease to exist at such time as the person responsible therefor shall have paid to the city a sum equivalent to the cost of reconstruction required under this section 11-207(C)(6), such sum to be used exclusively for the purpose of promoting historic preservation within the city as determined by the director. The civil penalty for a class one violation shall in no case exceed the market value of the property, which shall include the value of any improvements together with the value of the land upon which any such improvements are located, and shall be determined by the assessed value of the property at the time of the violation.

Section 3. That paragraph (8) of subsection (C) of Section 11-207 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows:

(8) Each day during which any class five civil violation exists shall constitute a separate individual offense. In no event shall a series of charges for the same class five civil

violation arising from the same set of operative facts result in civil penalties which exceed a total of \$3,000.00.

Section 4. That Section 11-207 of the Zoning Ordinance of the City of Alexandria, as amended by this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

Section 5. That this ordinance shall become effective upon the date at the time of its final passage, and shall apply to all applications for land use, land development or subdivision approval provided for under the City of Alexandria Zoning Ordinance which are on such date pending before any city department, agency or board, or before city council, or on judicial review shall apply to all such applications which may be filed after such date, shall apply to all other facts and circumstances subject to the provisions of the City of Alexandria Zoning Ordinance, except as may be provided in Article XII of the Zoning Ordinance, but shall not apply to any violations of the City of Alexandria Zoning Ordinance occurring before said effective date, such violations continuing to be governed by Section 11-207 of the Zoning Ordinance in effect prior to this ordinance.

KERRY J. DONLEY
Mayor

Introduction: 5/12/98
First Reading: 5/12/98
Publication: 5/13/98; 5/14/98
Public Hearing: 5/16/98
Second Reading: 5/16/98
Final Passage: 5/16/98