

Ordinance No. 984

AN ORDINANCE to amend and reordain Article XIV, Chapter 35 of The Code of the City of Alexandria, Virginia, 1953, as amended, which Article XIV relates to the OLD AND HISTORIC DISTRICT WITHIN THE CITY, THE BOARD OF ARCHITECTURAL REVIEW, PROVISIONS PRESERVING AND PROTECTING HISTORIC PLACES AND AREAS OF HISTORIC INTEREST IN THE CITY AND PRESERVING THE MEMORIAL CHARACTER OF THE GEORGE WASHINGTON MEMORIAL HIGHWAY, and which Chapter 35 relates to ZONING WITHIN THE CITY.

WHEREAS, pursuant to due and timely notice of time and place of hearing published in a daily paper of general circulation in the City of Alexandria, Virginia, a public hearing was held in relation to the matters hereinafter set forth, at which public hearing parties in interest and citizens had an opportunity to be heard.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Article XIV, Chapter 35 of The Code of the City of Alexandria, Virginia, 1953, as amended, be and the same hereby is amended and reordained to read as follows:

ARTICLE XIV OLD AND HISTORIC ALEXANDRIA DISTRICT

SEC. 35-77 CREATION; BOUNDARIES

There is hereby created in the City of Alexandria, Virginia, a district to be known as the "Old and Historic Alexandria District," beginning at a point on the west bank of the Potomac River where an eastwardly extended line, 176.58 feet north of the north line of Oronoco Street and parallel therewith, intersects the said west bank of the Potomac River, thence westward from said point paralleling the north line of Oronoco Street to a point 173.42 feet east of the center line of North Washington Street, thence north paralleling North Washington Street to the center line of First Street, thence east with the center line of First Street to a point 500 feet east of the center line of North Washington Street, thence north along a line 500 feet east of the center line of George Washington Memorial Highway to the north city limits, thence west with the north City line to a point 500 feet west of the center line of George Washington Memorial Highway, thence south along a line 500 feet west of the center line of said George Washington Memorial Highway to the center line of First Street, thence east with the center line of First Street to a point 173.42 feet west of the center line of North Washington Street, thence south paralleling North Washington Street to a point 176.58 feet north of the north line of Oronoco Street, thence west to

a point 123.42 feet west of the west line of Alfred Street, thence south paralleling Alfred Street to the south City line in Hunting Creek, thence east with the South City line to the shore line of the Potomac River, thence north with the shore line of the Potomac River to the point of beginning.

SEC. 35-78 CERTIFICATE OF APPROPRIATENESS REQUIRED
TO ERECT, RECONSTRUCT, ALTER, OR RESTORE
A BUILDING

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 or structure shall hereafter be erected, reconstructed, altered or restored, within said Old and Historic Alexandria District, unless and until an application for a certificate of appropriateness shall have been approved by the Board of Architectural Review hereinafter created, as to exterior architectural features including signs, which are subject to public view from a public street, way or place. Evidence of such required approval shall be a certificate of appropriateness issued by the Board of Architectural Review hereinafter created.

SEC. 35-79 PERMIT REQUIRED FOR RAZING BUILDINGS
ERECTED DURING OR PRIOR TO 1846

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 which existed within the Old and Historic Alexandria District in 1846 or prior thereto, except as provided in Section 35-82.7 of this article, shall be razed without first obtaining a permit approved by the Board of Architectural Review or the City Council on appeal, and such Board and Council shall be empowered to 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 this City.

SEC. 35-80 APPLICATIONS FOR CERTIFICATES OF APPROPRIATENESS AND PERMITS

Applications for such certificates of appropriateness of permit shall be made to the Building Inspector of the City of Alexandria, Virginia.

SEC. 35-81 CREATION AND COMPOSITION OF BOARD OF ARCHITECTURAL REVIEW; APPOINTMENT, TERM AND REMOVAL OF MEMBERS; VACANCIES

For the purpose of making effective the provisions of this article, there is hereby created a board to be known as the "Board of Architectural Review," to be composed of seven members who are citizens of the City, five of whom shall be appointed by the Council. Two members shall be certified architects; one a member of the Council; one an established, licensed real estate broker in the City; and two persons with knowledge of and demonstrated interest in the historical character of the old part of the City, one of whom shall be elected by the Planning Commission from its citizen members. The Building Inspector shall be a member by virtue of his office. The term of office of the members shall be three years, except that the term of the Building Inspector shall correspond to his official tenure of office. The term of the Planning Commission member shall be coincident with his term on the Commission. Any appointed member of the Board may be removed from office by the Council after public hearing for inefficiency, neglect of duty or malfeasance. An appointment to fill a vacancy shall be only for the unexpired portion of the term.

SEC. 35-82 CHAIRMAN AND SECRETARY OF THE BOARD

The Board of Architectural Review shall elect its Chairman from its membership and the Building Inspector shall be its Secretary.

SEC. 35-82.1 PROCEDURE FOR MEETINGS

The Chairman shall conduct the meetings of the Board. 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 four members present is required before the Board may take any official action. The Board shall meet within twenty-one days after notification by the Building Inspector of an application for a certificate of appropriateness or permit requiring action by the Board. 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 may be made by secret ballot, 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 fourteen 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. The Board shall not reconsider any decision made by it, except in cases where an applicant appears within ninety days with his application amended as hereinafter

provided. The Board shall not hear the subject matter of any application which has been denied for a period of one year, except in cases where an applicant appears within ninety days with his application amended as hereinafter provided.

In case of disapproval of the erection, reconstruction, alteration or restoration of a building or structure, the Board shall briefly state its reasons therefor in writing and it may make recommendations to the applicant with respect to the appropriateness of design, arrangement, texture, material, color, location, and the like of the building or structure involved. In case of disapproval accompanied by recommendations, the applicant may again be heard before the Board if within ninety days he comes before the Board with his application so amended that it will comply with all of the recommendations of the Board.

In case of disapproval of the razing of a building which existed within the Old and Historic Alexandria District in 1846 or prior thereto, the Board shall state its reasons therefor in writing in some detail. If there be an appeal, the Board shall forthwith forward its reasons to the Council.

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.

SEC. 35-82.2 NOTICE OF HEARING BEFORE BOARD, WHEN PERMIT REQUESTED FOR RAZING BUILDINGS ERECTED DURING OR PRIOR TO 1846

No application for a permit to raze a building which existed in the Old and Historic Alexandria District in the year 1846 or prior thereto shall be considered by the Board unless and until the Secretary to the Board has caused to be prepared an advertisement stating the time, date, and place of the proposed hearing before the Board, the location of the property involved and the nature of the application; and further has caused such advertisement to be published at least once in a newspaper of general circulation within the City at least seven days before the proposed hearing.

SEC. 35-82.3 MATTERS TO BE CONSIDERED IN PASSING UPON THE APPROPRIATENESS OF THE ERECTION, RECONSTRUCTION, ALTERATION OR RESTORATION OF BUILDINGS OR STRUCTURES BY THE BOARD

The Board shall not consider interior arrangement, relative size of the building or structure, detailed design, or features not subject to any public view and shall not make any requirements ex-

cept for the purpose of preventing developments obviously incongruous to the old and historic aspect of the surroundings or the memorial character of the George Washington Memorial Highway if in the latter case the building or structure faces on such highway.

The Board shall consider the following in passing upon the appropriateness of architectural features:

- a. Exterior architectural features, including all signs, which are subject to public view from a public street, way or place.
- b. General design and arrangement.
- c. Texture, material, and color.
- d. The relation of the factors in a, b, and c above to similar features of buildings and structures in the immediate surroundings.
- e. The extent to which the building or structure would be harmonious with or obviously incongruous to the old and historic aspect of the surroundings or the memorial character of the George Washington Memorial Highway.
- f. The extent to which the building or structure will preserve or protect historic places and areas of historic interest in the City.
- g. The extent to which the building or structure will preserve the memorial character of the George Washington Memorial Highway.
- h. 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.
- i. The extent to which said 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.

SEC. 35-82.4 MATTERS TO BE CONSIDERED IN DETERMINING WHETHER OR NOT TO GRANT A PERMIT TO RAZE A BUILDING ERECTED DURING OR PRIOR TO 1846

The Board or the Council on appeal shall consider **any or all** of the following **criteria** in determining whether or not to grant a permit to raze a building which existed within the Old and Historic Alexandria District in the year 1846 or prior thereto.

- a. Is the building of such architectural or historical interest that its removal would be to the detriment of the public interest?
- b. Is the building of such interest that it could be made into a historic shrine?
- c. Is the building of such old and unusual or uncommon design, texture, and material that it could not be reproduced or be reproduced only with great difficulty?
- d. Would retention of the building help preserve the memorial character of the George Washington Memorial Highway?
- e. Would retention of the building help preserve and protect a historic place or area of historic interest in the City?
- f. Would retention of the building 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, or making the City a more attractive and desirable place in which to live?

SEC. 35-82.5 ISSUANCE OF CERTIFICATE OF APPROPRIATENESS OR PERMIT TO RAZE

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 shall be made available to the applicant.

Immediately upon approval by the Board of any application to raze a building which existed in the year 1846 or prior thereto, a permit to raze a building existing on or before the year 1846 signed by the Secretary of the Board and bearing the date of issuance, but subject, however, to the provisions of Section 35-82.6 below, shall be made available to the applicant.

In instances where the City Council on appeal approves the razing of such a building, a permit to raze a building which existed in the year 1846 or prior thereto, bearing the date of issuance, shall forthwith be signed by the Mayor and made available to the applicant.

SEC. 35-82.6 APPEALS CONCERNING THE RAZING OF BUILDINGS EXISTING ON OR BEFORE THE YEAR 1846

Whenever the Board shall disapprove an application for a permit to raze such a building existing on or before the year 1846, the applicant shall have the right to appeal to and be heard before the City Council of the City of Alexandria, Virginia, provided he files with the Clerk of the City Council on or before fourteen (14) days after the decision of the Board, a notice in writing of his 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 thirty (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 Council, the location of the property involved, and the nature of the hearing; and further has caused such advertisement to be published at least once in a newspaper of general circulation within the City at least seven (7) days before the proposed hearing. Each such notice shall be accompanied by a check or money order in at least the sum of \$10.00 to cover the costs in connection with the notice.

Whenever the Board shall approve an application for a permit to raze a building existing on or before the year 1846, opponents to the granting of such a permit shall have the right to appeal to and be heard before the City Council of the City of Alexandria, Virginia, provided there is filed with the Clerk of the City Council on or before fourteen (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 thirty (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 Council, the location of the property involved, and the nature of the hearing; and further has caused such advertisement to be published at least once in a newspaper of general circulation within the City at least seven (7) days before the proposed hearing.

On any appeal, the City Council shall conduct a full and impartial public hearing on the matter, before rendering any decision. The decision of the Council shall be final except that any applicant or petitioners aforesaid aggrieved by a decision of the City Council, may, provided they do so within thirty (30) days after the rendering of such decision, appeal to the Corporation Court of Alexandria for a further determination, and the decision of the Council in such case shall be stayed pending a decision by the court.

SEC. 35-82.7 HAZARDOUS STRUCTURES

Nothing in this article shall prevent the razing of any building or structure without consideration by the Board, which is in such an unsafe condition that it would endanger life or property, and protection from such condition is provided for in other applicable ordinances or sections of the Code of the City of Alexandria, Virginia, 1953, as amended.

SEC. 35-82.8 ANNUAL SUBSCRIPTION FOR NOTICES

If any person shall pay to the City the sum of ten dollars (\$10.00) to cover costs, the City Manager shall cause to be mailed to each such person for a period of one year notice of the respective public hearings on all matters concerning the Old and Historic Alexandria District, which notice shall be mailed at least (5) days before a hearing and shall state the time, date, place, and nature of the proposed hearing and location of the property involved.

Section 2. That this ordinance shall be published in a newspaper of general circulation 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 Clerk of the Council 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.

LEROY S. BENDHEIM
Mayor

Final Passage: February 25, 1958.