EXHIBIT NO. 1

39
6-12-04

~~48~~
~~6-9-04~~

Introduction and first reading:	6/09/04
Public hearing:	6/12/04
Second reading and enactment:	6/12/04

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE to amend and reordain Section 10-104 (BOARD OF ARCHITECTURAL REVIEW) and Section 10-106 (ISSUANCE AND EXPIRATION OF CERTIFICATES OF APPROPRIATENESS OR PERMITS), under Section 10-100 (OLD AND HISTORIC ALEXANDRIA DISTRICT), and Section 10-204 (BOARD OF ARCHITECTURAL REVIEW) and Section 10-206 (ISSUANCE AND EXPIRATION OF CERTIFICATES OF APPROPRIATENESS OR PERMITS), under Section 10-200 (PARKER-GRAY DISTRICT), of Article X (HISTORIC DISTRICTS AND BUILDINGS) of the City of Alexandria Zoning Ordinance (TA No. 2004-0005).

Summary

The proposed ordinance accomplishes the final adoption of Text Amendment No. 2004-0005, to extend the time for hearing and deciding board of architectural review cases which also require approval of a site plan, and to tie the period within which construction in such cases must commence to that of the approved site plan.

Sponsor

Staff

Eileen Fogarty, Director of planning and Zoning
Ignacio B. Pessoa, City Attorney

Authority

§ 9.09, Alexandria City Charter

Estimated Costs of Implementation

None

Attachments in Addition to Proposed Ordinance and its Attachments (if any)

None

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EXHIBIT NO. 2

ORDINANCE NO. _____

AN ORDINANCE to amend and reordain Section 10-104 (BOARD OF ARCHITECTURAL REVIEW) and Section 10-106 (ISSUANCE AND EXPIRATION OF CERTIFICATES OF APPROPRIATENESS OR PERMITS), under Section 10-100 (OLD AND HISTORIC ALEXANDRIA DISTRICT), and Section 10-204 (BOARD OF ARCHITECTURAL REVIEW) and Section 10-206 (ISSUANCE AND EXPIRATION OF CERTIFICATES OF APPROPRIATENESS OR PERMITS), under Section 10-200 (PARKER-GRAY DISTRICT), of Article X (HISTORIC DISTRICTS AND BUILDINGS) of the City of Alexandria Zoning Ordinance (TA No. 2004-0005).

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 10-104 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows:

10-104 Board of architectural review.

(A) Board of architectural review established. There is hereby established the Old and Historic Alexandria District board of architectural review to be composed of seven members.

(B) Powers and duties. The board of architectural review shall:

(1) Develop and recommend to city council the adoption of rules, regulations and procedures pursuant to section 9.09(j) of the city charter.

(2) Develop, adopt and publish criteria and guidelines, within the standards developed by city council under section 10-105, to be considered in granting or denying certificates of appropriateness and permits to move, remove, capsulate or demolish in whole or in part, provided that such criteria and guidelines shall be consistent with the provisions of this Article X and with such standards, rules, regulations, and procedures as city council may establish pursuant to section 9.09(j) of the city charter.

(3) Develop, adopt and publish administrative procedures which shall not be in conflict with the procedures established in this Article X.

(4) Be responsible for making effective the provisions of this Article X with respect to the Old and Historic Alexandria District and with respect to the provisions of section 10-300 relating to the preservation of certain buildings and structures over 100 years old outside the Old and Historic Alexandria District and the Parker-Gray District.

(C) Composition. The Old and Historic Alexandria District board of architectural review shall be composed of seven members who are residents of the city and have resided in the city for at least one year immediately preceding their appointment. Two members shall be architects. Members shall have a demonstrated interest, experience, or education in history, architecture or historic preservation. The members shall be appointed by city council for terms of three years. The term of each member shall run from July 1 of the year of appointment. Any vacancy shall be filled for the balance of the unexpired term. Any member of the Old and Historic Alexandria District board of architectural review may be removed by city council for cause after having been given a written statement of the cause and an opportunity to be heard thereon.

(D) Conflicts of interest. Each member of the board of architectural review shall be under a continuous duty to remain conscious of and sensitive to any possible conflict of interest which may ariseby virtue of his membership on the board. A member, promptly upon his determining he has a conflict of interest relative to any matter brought, shall disqualify himself from participating, in any manner, publicly or privately, in the presentation, discussion or deliberation of and the voting on any such matter. The State and Local Government Conflicts of Interest Act, section 2.1-639.1 et seq. of the Code of Virginia, shall, where applicable, control the actions of all members of the board.

(E) Chairman and secretary. The Old and Historic Alexandria District board of architectural review shall elect its chairman from its membership and the director or his designee or designees, shall be the board's secretary.

(F) Procedure for meetings.

(1) The chairman of the board of architectural review shall conduct its meetings and 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 40 days after a complete application for a certificate of appropriateness or permit requiring action by the board has been received by the director. The meetings of the board shall be open to the public, and a full and impartial hearing shall be granted. No proxy shall be allowed at any time. The board shall vote and announce its decision on any matter properly before it no later than at its next regularly scheduled meeting, not to exceed 60 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 failure of the board to vote and announce its decision within the required time, or within such longer period of time extended by mutual agreement between the board and the applicant, shall constitute approval of the

application. Notwithstanding the provisions stated above, an application for a certificate of appropriateness or antecedent permit for a project which requires a site plan under Section 11-400 of this ordinance shall be heard and determined by the board within a reasonable time.

(2) No application for a certificate of appropriateness required by section 10-103(A) which has been denied by the board of architectural review shall be heard again by it within one year of the date of its denial of the application, except under such terms and conditions as shall be established by the board, within the scope of section 10-105, for rehearing the application at the time of its denial of same.

(3) In the case of a disapproval of the moving, removing, capsulating or demolition in whole or in part of a building or structure in the Old and Historic Alexandria District, the board of architectural review shall state its reasons therefor in writing in some detail. No application for a permit required by section 10-103(B) which has been denied shall be heard again within one year from the date of the denial of the application.

(4) If there is an appeal taken to the city council from any denial of a certificate of appropriateness or a permit to move, remove, capsulate or demolish in whole or in part, the board of architectural review shall forward its reasons in writing to the council.

(5) The board of architectural review may establish its own rules of procedure for the conduct of its meetings provided that such rules are not in conflict with procedures established in section 9.09(j) of the city charter or this Article X.

(G) Notice of hearing on permits. No application for a certificate of appropriateness or a permit to move, remove, capsulate or demolish in whole or in part in the Old and Historic Alexandria District shall be considered unless and until the secretary to the board of architectural review has given notice of the proposed hearing before the board according to the provisions of section 11-300.

Section 2. That section 10-106 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows:

10-106 Issuance and expiration of certificates of appropriateness or permits.

(A) Issuance.

(1) Upon approval by the Old and Historic Alexandria District board of architectural review of any erection, reconstruction, alteration or restoration,

a certificate of appropriateness, signed by the secretary of the board and bearing the date of issuance, but subject, however, to the provisions of section 10-107, shall be made available to the applicant.

(2) Upon approval by the Old and Historic Alexandria District board of architectural review of any application to move, remove, capsulate or demolish in whole or in part, a permit for same, signed by the secretary of the board of architectural review and bearing the date of issuance, but subject, however, to the provisions of section 10-107 shall be made available to the applicant.

(3) In instances where the city council on appeal approves any erection, reconstruction, alteration or restoration, or where the city council on appeal approves the moving, removing, capsulating or demolition in whole or in part of, a certificate of appropriateness or a permit to move, remove, capsulate, or demolish in whole or in part, bearing the date of issuance but subject, however, to the provisions of section 10-107(B), shall forthwith be signed by the mayor and made available to the applicant.

(B) Expiration. Any certificate of appropriateness issued pursuant to section 10-106(A) and any permit to move, remove, capsulate or demolish in whole or in part in the Old and Historic Alexandria District issued pursuant to section 10-106(B) shall expire of its own limitation 12 months from the date of issuance if the work authorized thereby is not commenced and diligently and substantially pursued by the end of such 12 month period; and further, any such certificate and permit shall also expire and become null and void if such authorized work is suspended or abandoned for a period of 12 months after being commenced and diligently and substantially pursued. Any period or periods of time during which the right to use any such certificate or permit is stayed pursuant to this Article X shall be excluded from the computation of the 12 months. <u>In the case of a certificate or permit for a project that requires a site plan under Section 11-400 of this ordinance, the 12 month period of time shall be stayed until final approval thereof by the Planning Commission or City Council, as the case may be.</u>

Section 3. That Section 10-204 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows:

10-204 Board of architectural review.

(A) Board of architectural review established. There is hereby established the Parker-Gray District board of architectural review to be composed of seven members.

(B) Powers and duties. The board of architectural review shall:

(1) Develop and recommend to city council the adoption of rules, regulations and procedures pursuant to section 9.09(j) of the city charter.

(2) Develop, adopt and publish criteria and guidelines, within the standards developed by city council under section 10-205, to be considered in granting or denying certificates of appropriateness and permits to move, remove, capsulate or demolish in whole or in part, provided that such criteria and guidelines shall be consistent with the provisions of this Article X and with such standards, rules, regulations, and procedures as city council may establish pursuant to section 9.09(j) of the city charter.

(3) Develop, adopt and publish administrative procedures which shall be as uniform as practicable and shall not be in conflict with the procedures established in this Article X.

(4) Be responsible for making effective the provisions of section 10-200 with respect to the Parker-Gray District.

(C) Composition. The Parker-Gray District board of architectural review shall be composed of seven members who are residents of the city and have resided in the city for at least one year immediately preceding their appointment. Two members shall be architects. Members shall have a demonstrated interest, experience, or education in history, architecture or historic preservation. The members shall be appointed by city council for terms of three years. The term of each member shall run from July 1 of the year of appointment. Any vacancy shall be filled for the balance of the unexpired term. Any member of the Parker-Gray District board of architectural review may be removed by city council for cause after having been given a written statement of the cause and an opportunity to be heard thereon.

(D) Conflicts of interest. Each member of the board of architectural review shall be under a continuous duty to remain conscious of and sensitive to any possible conflict of interest which may arise by virtue of his membership on the board. A member, promptly upon his determining he has a conflict of interest relative to any matter brought, shall disqualify himself from participating in any manner, publicly or privately, in the presentation, discussion or deliberation of and the voting on any such matter. The State and Local Government Conflicts of Interest Act, section 2.1-639.1 et seq. of the Code of Virginia, shall, where applicable, control the actions of all members of the board.

(E) Chairman and secretary. The Parker-Gray District board of architectural review shall elect its chairman from its membership and the director or his designee or designees, shall be the board's secretary.

(F) Procedure for meetings.

(1) The chairman of the board of architectural review shall conduct its meetings and 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 40 days after a complete application for a certificate of appropriateness or permit requiring action by the board has been received by the director. The meetings of the board shall be open to the public, and a full and impartial hearing shall be granted. No proxy shall be allowed at any time. The board shall vote and announce its decision on any matter properly before it no later than at its next regularly scheduled meeting, not to exceed 60 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 failure of the board to vote and announce its decision within the required time, or within such longer period of time extended by mutual agreement between the board and the applicant, shall constitute approval of the application. Notwithstanding the provisions stated above, an application for a certificate of appropriateness or antecedent permit for a project which requires a site plan under Section 11-400 of this ordinance shall be heard and determined by the board within a reasonable time.

(2) No application for a certificate of appropriateness required by section 10-203(A) which has been denied by the board of architectural review shall be heard again by it within one year of the date of its denial of the application, except under such terms and conditions as shall be established by the board, within the scope of section 10-205, for rehearing the application at the time of its denial of same.

(3) In case of a disapproval of the moving, removing, capsulating or demolition in whole or in part of a building or structure in the Parker-Gray District, the board of architectural review shall state its reasons therefor in writing in some detail. No application for a permit required by section 10-203(B) which has been denied shall be heard again within one year from the date of the denial of the application.

(4) If there is an appeal taken to the city council from any denial of a certificate of appropriateness or a permit to move, remove, capsulate or demolish in whole or in part, the board of architectural review shall forward its reasons in writing to the council.

(5) The board of architectural review may establish its own rules of procedure for the conduct of its meetings provided that such rules are not in conflict with procedures established in section 9.09(j) of the city charter or this Article X.

(G) Notice of hearing on permits. No application for a certificate of appropriateness or a permit to move, remove, capsulate or demolish in whole or in part in the Parker-Gray District shall be considered unless and until the secretary to the board of architectural review has given notice of the proposed hearing before the board according to the provisions of section 11-300.

Section 4. That Section 10-206 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows:

10-206 Issuance and expiration of certificates of appropriateness or permits.

(A) Issuance.

(1) Upon approval by the Parker-Gray District board of architectural review of any erection, reconstruction, alteration or restoration, a certificate of appropriateness, signed by the secretary of the board and bearing the date of issuance, but subject, however, to the provisions of section 10-207, shall be made available to the applicant.

(2) Upon approval by the Parker-Gray District board of architectural review of any application to move, remove, capsulate or demolish in whole or in part, a permit for same, signed by the secretary of the board of architectural review and bearing the date of issuance, but subject, however, to the provisions of section 10-207, shall be made available to the applicant.

(3) In instances where the city council on appeal approves any erection, reconstruction, alteration or restoration, or where the city council on appeal approves the moving, removing, capsulating or demolition in whole or in part, a certificate of appropriateness or a permit to move, remove, capsulate or demolish in whole or in part bearing the date of issuance but subject, however, to the provisions of section 10-207(B), shall forthwith be signed by the mayor and made available to the applicant.

(B) Expiration. Any certificate of appropriateness issued pursuant to section 10-206(A) and any permit to move, remove, capsulate or demolish in whole or in part issued pursuant to section 10-206(A) shall expire of its own limitation 12 months from the date of issuance if the work authorized thereby is not commenced and diligently and substantially pursued by the end of such 12-month period; and further, any such

certificate and permit shall also expire and become null and void if such authorized work is suspended or abandoned for a period of 12 months after being commenced and diligently and substantially pursued. Any period or periods of time during which the right to use any such certificate or permit is stayed pursuant to this Article X shall be excluded from the computation of the 12 months. In the case of a certificate or permit for a project that requires a site plan under Section 11-400 of this ordinance, the 12 month period of time shall be stayed until final approval thereof by the Planning Commission or City Council, as the case may be.

Section 5. That Sections 10-104, 10-106, 10-204 and 10-206 of the City of Alexandria Zoning Ordinance, as amended by this ordinance, be, and the same hereby are, reordained as part of the City of Alexandria Zoning Ordinance.

Section 6. That this ordinance shall become effective upon the date and at the time of its final passage, and shall apply to all applications for land use or land development approval provided for under the City of Alexandria Zoning Ordinance which are filed on and after June 12, 2004, and are pending on and after the effective date before any city department, agency or board, or before city council, or on judicial review, and 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 said Ordinance.

WILLIAM D. EUILLE
Mayor

Introduction:	6/9/04
First Reading:	6/9/04
Publication:	
Public Hearing:	
Second Reading:	
Final Passage:	

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ORDINANCE NO. 4357

AN ORDINANCE to amend and reordain Section 10-104 (BOARD OF ARCHITECTURAL REVIEW) and Section 10-106 (ISSUANCE AND EXPIRATION OF CERTIFICATES OF APPROPRIATENESS OR PERMITS), under Section 10-100 (OLD AND HISTORIC ALEXANDRIA DISTRICT), and Section 10-204 (BOARD OF ARCHITECTURAL REVIEW) and Section 10-206 (ISSUANCE AND EXPIRATION OF CERTIFICATES OF APPROPRIATENESS OR PERMITS), under Section 10-200 (PARKER-GRAY DISTRICT), of Article X (HISTORIC DISTRICTS AND BUILDINGS) of the City of Alexandria Zoning Ordinance (TA No. 2004-0005).

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 10-104 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows:

10-104 Board of architectural review.

(A) Board of architectural review established. There is hereby established the Old and Historic Alexandria District board of architectural review to be composed of seven members.

(B) Powers and duties. The board of architectural review shall:

(1) Develop and recommend to city council the adoption of rules, regulations and procedures pursuant to section 9.09(j) of the city charter.

(2) Develop, adopt and publish criteria and guidelines, within the standards developed by city council under section 10-105, to be considered in granting or denying certificates of appropriateness and permits to move, remove, capsulate or demolish in whole or in part, provided that such criteria and guidelines shall be consistent with the provisions of this Article X and with such standards, rules, regulations, and procedures as city council may establish pursuant to section 9.09(j) of the city charter.

(3) Develop, adopt and publish administrative procedures which shall not be in conflict with the procedures established in this Article X.

(4) Be responsible for making effective the provisions of this Article X with respect to the Old and Historic Alexandria District and with respect to the provisions of section 10-300 relating to the preservation of certain buildings and structures over 100 years old outside the Old and Historic Alexandria District and the Parker-Gray District.

(C) Composition. The Old and Historic Alexandria District board of architectural review shall be composed of seven members who are residents of the city and have resided in the city for at least one year immediately preceding their appointment. Two members shall be architects. Members shall have a demonstrated interest, experience, or education in history, architecture or historic preservation. The members shall be appointed by city council for terms of three years. The term of each member shall run from July 1 of the year of appointment. Any vacancy shall be filled for the balance of the unexpired term. Any member of the Old and Historic Alexandria District board of architectural review may be removed by city council for cause after having been given a written statement of the cause and an opportunity to be heard thereon.

(D) Conflicts of interest. Each member of the board of architectural review shall be under a continuous duty to remain conscious of and sensitive to any possible conflict of interest which may arise by virtue of his membership on the board. A member, promptly upon his determining he has a conflict of interest relative to any matter brought, shall disqualify himself from participating, in any manner, publicly or privately, in the presentation, discussion or deliberation of and the voting on any such matter. The State and Local Government Conflicts of Interest Act, section 2.1-639.1 et seq. of the Code of Virginia, shall, where applicable, control the actions of all members of the board.

(E) Chairman and secretary. The Old and Historic Alexandria District board of architectural review shall elect its chairman from its membership and the director or his designee or designees, shall be the board's secretary.

(F) Procedure for meetings.

(1) The chairman of the board of architectural review shall conduct its meetings and 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 40 days after a complete application for a certificate of appropriateness or permit requiring action by the board has been received by the director. The meetings of the board shall be open to the public, and a full and impartial hearing shall be granted. No proxy shall be allowed at any time. The board shall vote and announce its decision on any matter properly before it no later than at its next regularly scheduled meeting, not to exceed 60 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 failure of the board to vote and announce its decision within the required time, or within such longer period of time extended by mutual agreement between the board and the applicant, shall constitute approval of the application. Notwithstanding the provisions stated above, an application for

a certificate of appropriateness or antecedent permit for a project which requires a site plan under Section 11-400 of this ordinance shall be heard and determined by the board within a reasonable time.

(2) No application for a certificate of appropriateness required by section 10-103(A) which has been denied by the board of architectural review shall be heard again by it within one year of the date of its denial of the application, except under such terms and conditions as shall be established by the board, within the scope of section 10-105, for rehearing the application at the time of its denial of same.

(3) In the case of a disapproval of the moving, removing, capsulating or demolition in whole or in part of a building or structure in the Old and Historic Alexandria District, the board of architectural review shall state its reasons therefor in writing in some detail. No application for a permit required by section 10-103(B) which has been denied shall be heard again within one year from the date of the denial of the application.

(4) If there is an appeal taken to the city council from any denial of a certificate of appropriateness or a permit to move, remove, capsulate or demolish in whole or in part, the board of architectural review shall forward its reasons in writing to the council.

(5) The board of architectural review may establish its own rules of procedure for the conduct of its meetings provided that such rules are not in conflict with procedures established in section 9.09(j) of the city charter or this Article X.

(G) Notice of hearing on permits. No application for a certificate of appropriateness or a permit to move, remove, capsulate or demolish in whole or in part in the Old and Historic Alexandria District shall be considered unless and until the secretary to the board of architectural review has given notice of the proposed hearing before the board according to the provisions of section 11-300.

Section 2. That section 10-106 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows:

10-106 Issuance and expiration of certificates of appropriateness or permits.

(A) Issuance.

(1) Upon approval by the Old and Historic Alexandria District board of architectural review of any erection, reconstruction, alteration or restoration, a certificate of appropriateness, signed by the secretary of the board and

bearing the date of issuance, but subject, however, to the provisions of section 10-107, shall be made available to the applicant.

(2) Upon approval by the Old and Historic Alexandria District board of architectural review of any application to move, remove, capsulate or demolish in whole or in part, a permit for same, signed by the secretary of the board of architectural review and bearing the date of issuance, but subject, however, to the provisions of section 10-107 shall be made available to the applicant.

(3) In instances where the city council on appeal approves any erection, reconstruction, alteration or restoration, or where the city council on appeal approves the moving, removing, capsulating or demolition in whole or in part of, a certificate of appropriateness or a permit to move, remove, capsulate, or demolish in whole or in part, bearing the date of issuance but subject, however, to the provisions of section 10-107(B), shall forthwith be signed by the mayor and made available to the applicant.

(B) Expiration. Any certificate of appropriateness issued pursuant to section 10-106(A) and any permit to move, remove, capsulate or demolish in whole or in part in the Old and Historic Alexandria District issued pursuant to section 10-106(B) shall expire of its own limitation 12 months from the date of issuance if the work authorized thereby is not commenced and diligently and substantially pursued by the end of such 12 month period; and further, any such certificate and permit shall also expire and become null and void if such authorized work is suspended or abandoned for a period of 12 months after being commenced and diligently and substantially pursued. Any period or periods of time during which the right to use any such certificate or permit is stayed pursuant to this Article X shall be excluded from the computation of the 12 months. In the case of a certificate or permit for a project that requires a site plan under Section 11-400 of this ordinance, the 12 month period of time shall be stayed until final approval thereof by the Planning Commission or City Council, as the case may be.

Section 3. That Section 10-204 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows:

10-204 Board of architectural review.

(A) Board of architectural review established. There is hereby established the Parker-Gray District board of architectural review to be composed of seven members.

(B) Powers and duties. The board of architectural review shall:

(1) Develop and recommend to city council the adoption of rules, regulations and procedures pursuant to section 9.09(j) of the city charter.

(2) Develop, adopt and publish criteria and guidelines, within the standards developed by city council under section 10-205, to be considered in granting or denying certificates of appropriateness and permits to move, remove, capsulate or demolish in whole or in part, provided that such criteria and guidelines shall be consistent with the provisions of this Article X and with such standards, rules, regulations, and procedures as city council may establish pursuant to section 9.09(j) of the city charter.

(3) Develop, adopt and publish administrative procedures which shall be as uniform as practicable and shall not be in conflict with the procedures established in this Article X.

(4) Be responsible for making effective the provisions of section 10-200 with respect to the Parker-Gray District.

(C) Composition. The Parker-Gray District board of architectural review shall be composed of seven members who are residents of the city and have resided in the city for at least one year immediately preceding their appointment. Two members shall be architects. Members shall have a demonstrated interest, experience, or education in history, architecture or historic preservation. The members shall be appointed by city council for terms of three years. The term of each member shall run from July 1 of the year of appointment. Any vacancy shall be filled for the balance of the unexpired term. Any member of the Parker-Gray District board of architectural review may be removed by city council for cause after having been given a written statement of the cause and an opportunity to be heard thereon.

(D) Conflicts of interest. Each member of the board of architectural review shall be under a continuous duty to remain conscious of and sensitive to any possible conflict of interest which may arise by virtue of his membership on the board. A member, promptly upon his determining he has a conflict of interest relative to any matter brought, shall disqualify himself from participating in any manner, publicly or privately, in the presentation, discussion or deliberation of and the voting on any such matter. The State and Local Government Conflicts of Interest Act, section 2.1-639.1 et seq. of the Code of Virginia, shall, where applicable, control the actions of all members of the board.

(E) Chairman and secretary. The Parker-Gray District board of architectural review shall elect its chairman from its membership and the director or his designee or designees, shall be the board's secretary.

(F) Procedure for meetings.

(1) The chairman of the board of architectural review shall conduct its meetings and 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 40 days after a complete application for a certificate of appropriateness or permit requiring action by the board has been received by the director. The meetings of the board shall be open to the public, and a full and impartial hearing shall be granted. No proxy shall be allowed at any time. The board shall vote and announce its decision on any matter properly before it no later than at its next regularly scheduled meeting, not to exceed 60 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 failure of the board to vote and announce its decision within the required time, or within such longer period of time extended by mutual agreement between the board and the applicant, shall constitute approval of the application. Notwithstanding the provisions stated above, an application for a certificate of appropriateness or antecedent permit for a project which requires a site plan under Section 11-400 of this ordinance shall be heard and determined by the board within a reasonable time.

(2) No application for a certificate of appropriateness required by section 10-203(A) which has been denied by the board of architectural review shall be heard again by it within one year of the date of its denial of the application, except under such terms and conditions as shall be established by the board, within the scope of section 10-205, for rehearing the application at the time of its denial of same.

(3) In case of a disapproval of the moving, removing, capsulating or demolition in whole or in part of a building or structure in the Parker-Gray District, the board of architectural review shall state its reasons therefor in writing in some detail. No application for a permit required by section 10-203(B) which has been denied shall be heard again within one year from the date of the denial of the application.

(4) If there is an appeal taken to the city council from any denial of a certificate of appropriateness or a permit to move, remove, capsulate or demolish in whole or in part, the board of architectural review shall forward its reasons in writing to the council.

(5) The board of architectural review may establish its own rules of procedure for the conduct of its meetings provided that such rules are not in conflict with procedures established in section 9.09(j) of the city charter or this Article X.

(G) Notice of hearing on permits. No application for a certificate of appropriateness or a permit to move, remove, capsulate or demolish in whole or in part in the Parker-Gray District shall be considered unless and until the secretary to the board of architectural review has given notice of the proposed hearing before the board according to the provisions of section 11-300.

Section 4. That Section 10-206 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows:

10-206 Issuance and expiration of certificates of appropriateness or permits.

(A) Issuance.

(1) Upon approval by the Parker-Gray District board of architectural review of any erection, reconstruction, alteration or restoration, a certificate of appropriateness, signed by the secretary of the board and bearing the date of issuance, but subject, however, to the provisions of section 10-207, shall be made available to the applicant.

(2) Upon approval by the Parker-Gray District board of architectural review of any application to move, remove, capsulate or demolish in whole or in part, a permit for same, signed by the secretary of the board of architectural review and bearing the date of issuance, but subject, however, to the provisions of section 10-207, shall be made available to the applicant.

(3) In instances where the city council on appeal approves any erection, reconstruction, alteration or restoration, or where the city council on appeal approves the moving, removing, capsulating or demolition in whole or in part, a certificate of appropriateness or a permit to move, remove, capsulate or demolish in whole or in part bearing the date of issuance but subject, however, to the provisions of section 10-207(B), shall forthwith be signed by the mayor and made available to the applicant.

(B) Expiration. Any certificate of appropriateness issued pursuant to section 10-206(A) and any permit to move, remove, capsulate or demolish in whole or in part issued pursuant to section 10-206(A) shall expire of its own limitation 12 months from the date of issuance if the work authorized thereby is not commenced and diligently and substantially pursued by the end of such 12-month period; and further, any such certificate and permit shall also expire and become null and void if such authorized

work is suspended or abandoned for a period of 12 months after being commenced and diligently and substantially pursued. Any period or periods of time during which the right to use any such certificate or permit is stayed pursuant to this Article X shall be excluded from the computation of the 12 months. In the case of a certificate or permit for a project that requires a site plan under Section 11-400 of this ordinance, the 12 month period of time shall be stayed until final approval thereof by the Planning Commission or City Council, as the case may be.

Section 5. That Sections 10-104, 10-106, 10-204 and 10-206 of the City of Alexandria Zoning Ordinance, as amended by this ordinance, be, and the same hereby are, reordained as part of the City of Alexandria Zoning Ordinance.

Section 6. That this ordinance shall become effective upon the date and at the time of its final passage, and shall apply to all applications for land use or land development approval provided for under the City of Alexandria Zoning Ordinance which are filed on and after June 12, 2004, and are pending on and after the effective date before any city department, agency or board, or before city council, or on judicial review, and 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 said Ordinance.

WILLIAM D. EUILLE
Mayor

Final Passage: June 12, 2004

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