

Ordinance No. 1413

AN ORDINANCE to amend and reordain Section 42-104 of Article XV of Chapter 42 of The Code of the City of Alexandria, Virginia, 1963, as amended, by adding thereto a new paragraph; which Chapter 42 relates to ZONING, which Article XV thereof relates to AMENDMENTS, ETC., and which Section 42-104 thereof relates to PROTEST OF LAND-OWNERS, and which new paragraph relates to TIME FOR FILING PROTEST.

WHEREAS, pursuant to due and timely notice of the time and place of hearing published in a daily paper of general circulation published 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 Section 42-104 of Article XV of Chapter 42 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 42-104. Protest of landowners.

If a protest is filed with the city clerk against such amendment, supplement or repeal signed by the owners of twenty per cent or more either of the area of land within the boundaries of such proposed change or of the area of land within three hundred feet of the boundaries of such proposed change, the council shall not adopt the ordinance making such amendment, supplement or repeal by less than three-fourths affirmative votes of the members of council. Streets, alleys and land dedicated to public use or land owned by the city, state or Federal governments shall not be included in computing the above-mentioned areas. The provisions of this section shall, except for city-owned property, apply to comprehensive zoning when the council adopts comprehensive zoning changes or revisions.

Any such protest shall be filed not later than 12 o'clock noon on the day first advertised for public hearing before the city council pursuant to the sentence of section 9.12 of the city Charter which reads as follows: "At least fifteen days' notice of the time and place of any such hearing before the council shall be given by publication thereof in a daily newspaper of general circulation published in the city." Once any such protest has been filed no changes thereto by way of addition, substitution, amendment or withdrawal may be made after said 12 o'clock noon deadline. In those instances where a change is made in the description of the land sought to be rezoned from that shown in the application for rezoning, and such change in description is made subsequent to the publication of

the fifteen day notice requirement of section 9.12 of the city Charter, any such protest shall be filed not later than 12 o'clock noon on the day advertised for second reading and public hearing of the proposed ordinance to rezone.

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.

FRANK E. MANN
Mayor

Final Passage: Dec. 13, 1966