

ORDINANCE NO. 1612

AN ORDINANCE to amend and reordain subsection (b) of Section 42-69 of Article X, Chapter 42 of The Code of the City of Alexandria, Virginia, 1963, as amended; to amend Section 42-101 of Article XV, Chapter 42 of said Code by adding thereto a new paragraph; to amend Section 42-102 of Article XV, Chapter 42 of said Code by adding thereto a new paragraph, and to amend Article XV of Chapter 42 of said Code by adding thereto a new section numbered 42-102.1; which Chapter 42 relates to ZONING, which Article X relates to SPECIAL USE PERMITS, which Section 42-69 relates to PROCEDURE AS TO ISSUANCE, and which subsection (b) thereof relates to NOTICE OF HEARING, which Article XV relates to AMENDMENTS, ETC., which Section 42-101 relates to ADVERTISEMENT AND NOTICE OF AMENDMENTS, ETC., INITIATED BY COUNCIL ON ITS OWN MOTION, which new paragraph thereof relates to POSTING OF PLACARDS, which Section 42-102 relates to APPLICATION FOR AMENDMENT, ETC., GENERALLY, which new paragraph thereof relates to POSTING OF PLACARDS, and which new Section 42-102.1 relates to PENALTY FOR DESTROYING, DEFACING OR REMOVING PLACARD NOTICE.

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 subsection (b) of Section 42-69, Article X, 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:

(b) Not less than fifteen days prior to the city council meeting at which an application is to be heard, the city manager shall cause notice of such hearing to be published in a newspaper of general circulation in the city, setting forth the name of the applicant, the location and use for which the permit is desired and the date of the public hearing. Like notice of the hearing shall also be given by mail to the applicant and to each immediately adjoining property owner. In addition, the city manager shall cause notice of any such application to be given by posting placard notice at least fifteen days before the proposed council hearing. The form of the placard shall be prescribed by the city manager, but it shall contain at least the location and use for which the permit is desired and the date of the public hearing before council. The location, number and manner of posting placards shall be prescribed by the city manager; provided, however, that where the property in question has frontage on one or more streets, the placard or placards shall be located at least on the street frontage or frontages of such property; and provided, further, that in the event that such application covers adjacent or contiguous lots or parcels the city manager shall determine the need for posting placard notice for each and every lot or parcel involved and cause placard notices to be posted in accord with such determination. The posting of such placards shall be deemed sufficient compliance herewith, notwithstanding any subsequent destruction, defacement or removal thereof. The city manager shall cause posted placards to be removed no later than seven days after a final determination has been made with respect to the application. Such removals shall not constitute violations of section 42-102.1.

Section 2. That Section 42-101, Article XV, Chapter 42 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended by adding thereto a new paragraph to read as follows:

In addition to the requirements contained hereinabove, the city manager shall cause notice of any proposed amendment of, supplement to or change in zone boundaries to be given by posting placard notice at least five days before the proposed planning commission hearing and fifteen days before the proposed council hearing. The form of the placard shall be prescribed by the city manager, but it shall contain at least the time, date and place of the proposed hearing before both the planning commission and the council, the nature of the amendment of, supplement to, or change in zone boundaries, and the location of the property. The location, number and manner of posting the placards shall be prescribed by the city manager; provided, however, that where the property in question has frontage on one or more streets, the placard or placards shall be located at least on the street frontage or frontages of such property; and provided, further, that in the event such motion covers adjacent or contiguous lots or parcels the city manager shall determine the need for posting placard notice for each and every lot or parcel involved and cause placard notices to be posted in accord with such determination. The posting of such placards shall be deemed sufficient compliance with this paragraph, notwithstanding any subsequent destruction, defacement or removal thereof. The city manager shall cause posted placards to be removed no later than seven days after a final determination has been made with respect to the motion. Such removals shall not constitute violations of section 42-102.1.

Section 3. That Section 42-102, Article XV, Chapter 42 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended by adding thereto a new paragraph to read as follows:

In addition to the requirements contained hereinabove, the city manager shall cause notice of any proposed amendment of, supplement to or change in zone boundaries to be given by posting placard notice at least five days before the proposed planning commission hearing and fifteen days before the proposed council hearing. The form of the placard shall be prescribed by the city manager, but it shall contain at least the time, date and place of the proposed hearing before both the planning commission and the council, the nature of the amendment of, supplement to or change in zone boundaries, and the location of the property. The location, number and manner of posting the placards shall be prescribed by the city manager; provided, however, that where the property in question has frontage on one or more streets, the placard or placards shall be located at least on the street frontage or frontages of such property; and provided, further, that in the event such application covers adjacent or contiguous lots or parcels the city manager shall determine the need for posting placard notice for each and every lot or parcel involved and cause placard notices to be posted in accord with such determination. The posting of such placards shall be deemed sufficient compliance with this paragraph, notwithstanding any subsequent destruction, defacement or removal thereof. The city manager shall cause posted placards to be removed no later than seven days after a final determination has been made with respect to the application. Such removals shall not constitute violations of section 42-102.1.

Section 4. That Article XV of Chapter 42 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended by adding thereto a new section numbered 42-102.1 to read as follows:

Sec. 42-102.1. Penalty for destroying, defacing or removing placard notice.

It shall be unlawful for any person to destroy, deface or remove the placard notice provided for in sections 42-69, 42-101 and 42-102. Any person who shall violate the provisions of this section shall be subject to the penalties set forth in section 42-84.

Section 5. 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.

Charles E. Beatley, Jr.  
Mayor

FINAL PASSAGE: MARCH 10, 1970