

AN ORDINANCE to amend and reordain Sections 42-54, 42-55 and 42-57 of Article VIII, Chapter 42 of The Code of the City of Alexandria, Virginia, 1963, as amended; which Chapter 42 relates to ZONING, which Article VIII relates to COMMUNITY UNIT PLAN, which Section 42-54 relates to PRELIMINARY PLAN, which Section 42-55 relates to APPLICATION FOR ADOPTION OF COMMUNITY UNIT PLAN AND COMMUNITY UNIT PLAN USE PERMIT, and which Section 42-57 relates to ADOPTION, REJECTION, ETC., OF PARTICULAR PLAN.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 42-54, Article VIII, 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. 42-54. Preliminary plan.

The owners or developers of any tract of land comprising an area of not less than the acreage specified in section 42-49 of this Code, may submit to the director of planning and * regional affairs not less than five copies of a preliminary plan for the development and use of all of such tract of land. Such preliminary plan shall be drawn to scale, and shall show the outside boundaries of the entire tract; the overall plan of development with building types; the street widths and layout; the gross acreage by zones; the acreage of all streets, alleys, parks, parkways, school sites, etc.; the total number of dwelling units proposed for the development; and the proposed sanitary and storm sewer systems. There shall be included with the preliminary plan a fee equal to twenty-five per cent of the fee required for a similar preliminary plan under the provisions of chapter 34 of this Code, relative to subdivisions. A copy of such plan shall be kept on file in the planning commission office and shall be available for public inspection.

The director of planning and * regional affairs shall, upon the receipt of such a plan, refer it to the city planning commission for study. The planning commission shall conduct its study with the idea of advising the owners or developers of the type of plan that would meet the requirements set forth in this article and would be satisfactory to the departments of the city, the city planning commission and the city council. In conducting its study, the planning commission shall consult with all affected departments of the city and it shall conduct at least one public meeting to be held jointly with the city council. Notice of the public meeting shall be given by mail to all adjoining property owners and shall also be published in a * newspaper of general circulation published in the city not less than ten days prior to such meeting. In the event there is no newspaper of general circulation published in the city, then such notice may be published in a newspaper of general circulation in the city. Subsequent to such public meeting,

the planning commission shall also conduct at least one joint meeting with the city council. After a period not to exceed forty-five days from the time the preliminary plan is first presented to it, the city planning commission shall submit to the owners and developers a written report containing comments and recommendations concerning a proposed community unit plan. Such report to the owners and developers shall not bind either the planning commission or the city council in their consideration of a final plan submitted under the following section.

Section 2. That subsection (d) of Section 42-55, Article VIII, 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:

(d) Five complete sets of building plans including architectural treatment and specifications in sufficient detail to allow the building inspector and interested city departments to check for compliance with this Code and other city ordinances. One copy of the plan of development and any amendments thereto and one copy of the building plans and specifications and any amendments thereto shall be kept on file in the planning commission office and shall be available for public inspection.

Any such application shall be addressed to the city council and shall be filed with the director of planning and * regional affairs.

Upon the filing of such application or applications, the director of planning and * regional affairs shall confer with the city manager for the purpose of scheduling hearing dates before the city planning commission and the city council, respectively. The first such hearing before the planning commission shall be held not later than forty-five days after the date an application is filed. The city manager shall then cause to be prepared an advertisement stating the date and the time of the proposed hearing before the planning commission and the general nature of the plan and the location of the property to be used in the plan. He shall further cause such advertisement to be published once in a * newspaper of general circulation published in the city, which publication shall be at least ten days before the proposed hearing before the planning commission. In the event there is no newspaper of general circulation published in the city, then such notice may be published in a newspaper of general circulation in the city. Like notice of the hearing shall also be given by mail to the applicant and to each of the property owners listed in each application for such community unit plan. Placing such notice in the mail shall be sufficient service of this notice.

The city planning commission may hold such other hearings in such manner as it shall deem desirable; provided, that no such hearing shall be later than thirty days after the first public hearing.

After the last hearing by the planning commission, the city manager shall then cause to be prepared an advertisement stating the date and time of the proposed hearing before the city council and the general nature of the plan and the location of the property to be used in the plan. He shall further cause such advertisement to be published once in a * newspaper of general circulation published in the city, which publication shall be at least ten days before the proposed hearing before the city council. In the event there is no newspaper of general circulation published in the city, then such notice may be published in a newspaper of general circulation in the city. Like notice of the hearing shall also be given by mail to the applicant and to each of the property owners listed in each application for such community unit plan. Placing such notice in the mail shall be sufficient service of this notice.

Section 3. That Section 42-57, Article VIII, 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. 42-57. Adoption, rejection, etc., of particular plan.

After the last hearing by it, the city planning commission shall make its written recommendation to the city council either for or against adoption of the proposed plan and give its reasons. The recommendations shall also state whether or not the property adjacent to the area included in the plan will be adversely affected to any material extent and whether or not the plan is consistent with the intention of this chapter to promote public health, safety, morals and general welfare. The planning commission may also include suggestions as to what it considers a proper plan. Such recommendation shall be sent to the city council not later than ten days after the last hearing before the planning commission. The city council, at the time scheduled, shall conduct a full and impartial public hearing on each application, and it may grant such application by authorizing an ordinance establishing a community unit plan or it may deny such application by motion; provided, that if the city planning commission shall recommend against adoption of any such community unit plan, it shall require a recorded three-fourths vote of all members of the city council to adopt such plan; and provided further, that the city council may refer the matter to the planning commission for further study.

In any event, at this point the city council shall either approve such plan, reject the plan, or refer it to the planning commission; provided, that if such plan is rejected, it may also * be referred to the planning commission for further study. If such referral is made, the city council may include such suggestions and modifications as it shall see fit. The planning commission shall hold at least one public hearing on any such referral, notice of which hearing shall be advertised once in a * newspaper of general circulation published in the city, and which publication shall be at least five days before the proposed hearing. In the event there is no newspaper of general circulation published in the city, then

such notice may be published in a newspaper of general circulation in the city. The planning commission shall act on such referral within fifteen days and submit its reviewed recommendations to the city council. If adopted by a vote of two-thirds of the entire membership of the planning commission *, a recommendation of disapproval at the referral meeting may be overruled only by a recorded vote of three-fourths * of all the members of the city council. If the planning commission fails to act within the prescribed period or by a two-thirds vote, the city council may adopt such application by a simple majority of its membership. The public hearing on any matter referred by the city council to the planning commission for further study may be continued by the city council over a period not to exceed thirty days, but the city council shall take final action on or before thirty days after such referral.

Section 4. 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: NOVEMBER 9, 1971

N.B. Underscoring is not part of the ordinance but merely denotes new or changed material; asterisks denote deletions.