

ORDINANCE NO. 1998

AN ORDINANCE to amend and reordain the third paragraph of Section 42-103, the second paragraph of Section 42-104, and Section 42-105 of Article XV, Chapter 42 of The Code of the City of Alexandria, Virginia, 1963, as amended; which Chapter 42 relates to ZONING, which Article XV relates to AMENDMENTS, ETC., which Section 42-103 relates to RECOMMENDATION OF PLANNING COMMISSION; ACTION BY COUNCIL; REFERENCE TO PLANNING COMMISSION FOR FURTHER STUDY, which third paragraph of such section relates to PUBLIC HEARING BY CITY COUNCIL AND REFERRAL TO PLANNING COMMISSION, which Section 42-104 relates to PROTEST OF LAND-OWNERS, which second paragraph of such section relates to FILING OF PROTEST, and which Section 42-105 formerly related to LIMITATION OF FREQUENCY OF PUBLIC HEARINGS BEFORE COUNCIL AS TO CHANGES IN ZONE BOUNDARIES; EXCEPTION and now relates to LIMITATION ON FREQUENCY OF PUBLIC HEARINGS BEFORE COUNCIL AS TO CHANGES IN ZONE BOUNDARIES AND ZONING REGULATIONS.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the third paragraph of Section 42-103, 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:

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 seven 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 recommendation 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 affirmative vote of three-fourths of all 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 forty-five days, but the city council shall take final action on or before forty-five days after such referral. Time, not to exceed thirty days, may be taken to prepare an appropriate draft of an ordinance or to follow the proper procedure for the passage of an ordinance and such time shall not be considered any part of the above-mentioned forty-five day referral period or the two month time period prescribed in section 42-105.

Section 2. That the second paragraph of Section 42-104, 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:

Any such protest shall be filed not later than 12:00 Noon on the last working day before the day first advertised for public hearing before the city council pursuant to the sentence of section 9.12 of the 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 newspaper of general circulation published in the city. 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." Once any such protest has been filed no changes thereto by way of addition, substitution, amendment or withdrawal may be made after such 12:00 Noon deadline. In those instances when 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 Charter, any such protest shall be filed not later than 12:00 Noon on the day advertised for second reading and public hearing of the proposed ordinance to rezone.

Section 3. That Section 42-105, 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. 42-105. Limitation on frequency of public hearings before council as to changes in zone boundaries and zoning regulations.

Public hearings before the city council in relation to the adoption, supplement, amendment, alteration or change of regulations and restrictions and determination of zone boundaries shall not be held more frequently than once every two months; provided, that more frequent rezoning ordinances may be enacted under the emergency ordinance provision of the Charter.

Section 4. That the title of and an informal memorandum explaining this ordinance shall be published 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 city clerk shall have the full text of this ordinance printed in sufficient numbers to supply copies to meet request. The city clerk 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: JANUARY 14, 1975