

ORDINANCE NO. 2572

AN ORDINANCE to amend and reordain Sections 34-4 and 34-9, Article I; subsection (3), Section 34-13 and Section 34-15, Article II, all of Chapter 34 of The Code of the City of Alexandria, Virginia, 1963, as amended; which Chapter 34 relates to SUBDIVISIONS, which Article I relates to IN GENERAL, which Section 34-4 relates to PROCEDURE AS TO APPROVAL; LEGAL EFFECT OF APPROVAL, which Section 34-9 relates to APPEALS FROM PLANNING COMMISSION, which Article II relates to REGULATIONS, which Section 34-13 relates to PRELIMINARY PLATS, which subsection (3) relates to NOTICE OF PUBLIC HEARING and which Section 34-15 relates to SPECIAL PROCEDURE FOR SUBDIVISIONS OF ONE BLOCK OR LESS, ETC.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 34-4, Article I, Chapter 34 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. 34-4. Procedure as to approval; legal effect of approval.

It shall be the duty of the planning commission to consider plats of subdivision in the light of the regulations and restrictions in sections 34-11 to 34-21 of this Code as the same are applicable to the plat under consideration and approve or disapprove the plat in accordance therewith. Before taking any action thereon, the planning commission shall afford the owner and other interested parties an opportunity to be heard; notice shall be given according to the provisions of article XV-A, chapter 42. Failure to act on any plat for a period of forty-five (45) days shall be deemed to constitute approval. Every plat approved by the planning commission shall, by virtue of such approval, be deemed to be an amendment of or an addition to or a detail of the comprehensive city plan and a part thereof. The recording of the plat shall operate to transfer in fee simple to the city such portion thereof as is on the plat set apart for streets, alleys, easements or other public use or purpose and to create a public right of passage over or use of the same.

Section 2. That Section 34-9, Article I, Chapter 34 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. 34-9. Appeals from planning commission.

In case the planning commission approves or disapproves any plats submitted under this chapter, there may be an appeal from the decision to the city council; provided that in the instance of an appeal from an approval the appeal must be made by the owners of at least twenty percent (20%) of the area of the land within three hundred (300) feet of the boundaries of the proposed subdivision. Following the filing of such an appeal, the department of planning and community development shall verify that those filing are legal property owners. Through mathematical computations and the use of a planimeter, the department of transportation and environmental services shall verify said twenty percent (20%) area. Streets, alleys and land dedicated to public use or land owned by the city, state or federal government or public agencies shall not be included in computing said area.

Any such appeal from an approval or disapproval by the planning commission shall be made in writing and filed with the city clerk within fifteen (15) days from the date of the decision of the commission. In the event such an appeal is filed, the city council shall schedule at least one de novo public hearing on the matter and may affirm, reverse or modify the decision of the commission or return the matter to the commission for further consideration. On appeal the same standards shall be applied by the council as are established for the planning commission.

Whenever an appeal is filed, the commission shall forward one copy of the plat, together with its reasons for approval or disapproval, to the city council and shall designate at least one member of the commission to appear before the city council at the public hearing.

Pending the outcome of any appeal before city council, the provisions in section 34-9 of this Code with respect to the legal effect of planning commission approval shall be stayed.

Section 3. That subsection (3), Section 34-13, Article II, Chapter 34 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:

(3) Preliminary subdivision plats shall be filed with the director of planning and community development not later than fifteen (15) days prior to any meeting of the planning commission, if consideration of the plat is desired at such meeting. The filing of the plan signed by the applicant or his agent shall constitute the application for approval. A public hearing shall be held by the planning commission on each application, except as provided in section 34-15 of this Code.

Notice of the time and place of such hearing shall be given according to the provisions of article XV-A, chapter 42.

Section 4. That Section 34-15, Article II, Chapter 34 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. 34-15. Special procedure for subdivisions of one block or less, etc.

(1) Whenever the entire tract to be subdivided shall consist of a single block or less, shall front on a dedicated or existing street fifty (50) feet or more in width and no new streets are to be dedicated therewith, or in the case of a resubdivision, the director of planning and community development may permit the owner or subdivider thereof to submit the preliminary plat and final plat in a single plat, provided the information required on both plats is included thereon.

(2) The planning commission may, from time to time, call public hearings for the consideration of such plats as are specified in subsection (1) of this section. Notice of such meeting shall be given according to the provisions of article XV-A, chapter 42. Such public hearings shall be held before a committee of the planning commission, which shall consist of the director of planning and community development and at least two (2) members of the planning commission.

(3) If the owner of the tract under consideration or the owner or owners of any abutting property shall file a notice of appeal in writing from the decision of this committee of the planning commission with the director of planning and community development at the time of the hearing, the plat shall be held over until the next regular meeting of the planning commission for its action. If no such appeal is noted, the action of this committee shall be considered to be the final action of the planning commission.

(4) If this committee approves the plat submitted under this section, the director of planning and community development shall certify such plat to the chairman or vice-chairman of the planning commission and the approval of the plat shall be acknowledged thereon by the signatures of the chairman or vice-chairman and the director of planning and community development and such approval shall be entered in the minutes of the planning commission.

Section 5. That the title of and an informal memorandum explaining this ordinance shall be published in a newspaper of

general circulation 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: May 16, 1981