

ORDINANCE NO. 3185

AN ORDINANCE to amend and reordain subsections (a), (b) and (c) of Section 5-5-9, subsection (a) of Section 5-5-10, and Sections 5-5-15 and 5-5-19, all of Chapter 5, Title 5 of The Code of the City of Alexandria, Virginia, 1981, as amended; which Title 5 relates to TRANSPORTATION AND ENVIRONMENTAL SERVICES, which Chapter 5 relates to SITE PLANS, which Section 5-5-19 relates to APPEALS, which Section 5-5-15 relates to COORDINATION OF CITY DEPARTMENT ACTION ON SITE PLANS, which Section 5-5-10 relates to FINAL SITE PLANS, which subsection (a) relates to SUBMISSION OF FINAL SITE PLAN, which Section 5-5-9 relates to PRELIMINARY SITE PLANS, which subsection (c) relates to TIME OF FILING NOTICE, which subsection (b) relates to ACTION BY COMMISSION and which subsection (a) relates to SUBMISSION OF PRELIMINARY SITE PLANS.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That subsection (a), Section 5-5-9, Chapter 5, Title 5 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

(a) The owner, developer, contract purchaser, lessee, or any other party having a legal interest in the subject property (hereinafter "applicant"), shall submit a preliminary site plan, prepared by a person authorized to do so by the provisions of sections 54-17.1 to 54-41 of the Code of Virginia, in accordance with the provisions of this chapter, to the director for submission to the commission. Not less than 20 prints of the preliminary plan at a scale of not less than 100 feet to the inch shall be submitted to the director, together with such other information as may be required under subsection (d) of this section. Print size shall not generally exceed 24 by 36 inches.

Section 2. That subsection (b), Section 5-5-9, Chapter 5, Title 5 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

(b) The commission shall consider the preliminary site plan in light of the provisions of this chapter and approve or disapprove the plan or approve the same with modifications, noting thereon any changes that will be required. Two (2) copies shall be returned to the applicant for the development or his authorized representative with the date of approval or disapproval noted thereon over the signature of the chairman or vice chairman.

Section 3. That subsection (c), Section 5-5-9, Chapter 5, Title 5 of The Code of the City of Alexandria, Virginia, 1981,

as amended, be and the same hereby is amended and reordained to read as follows:

(c) Preliminary site plans shall be filed with the director not later than 30 city working days prior to the meeting of the commission at which consideration of the plan is desired. 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 commission on each application. Notice of such hearing shall be given in accordance with the provisions of sections 5-5-15, 7-6-302 and 7-6-303.

Section 4. That subsection (a), Section 5-5-10, Chapter 5, Title 5 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

(a) In case the preliminary site plan is approved, or approved with modifications, and no appeal as provided in this chapter is taken, the applicant shall cause a final site plan to be prepared by a person duly certified by the state and licensed to practice under the provisions of sections 54.17.1 to 54-41 of the Code of Virginia, and to be submitted to the director for consideration. Final site plans shall be on reproducible permanent base material and shall be on sheets which shall not exceed 24 by 36 inches in size. The plan may show only part of the land designated on the preliminary site plan if desired. The original tracing and 15 prints of the final site plan shall be filed with the director. The final site plan shall be at a scale not smaller than one (1) inch to 40 feet, unless in the opinion of the director one (1) inch to 50-foot scale would be satisfactory where detail is not necessary.

Section 5. That Section 5-5-15, Chapter 5, Title 5 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 5-5-15. Coordination of city department action on site plans.

(a) Prior to the time that the commission first considers any preliminary site plan, the city site plan coordinator, who shall be designated by the director, shall call a coordinating committee meeting at which there shall be a representative from each of the following: the department of transportation and environmental services, the fire department, the planning and community development department, and any other department that the director deems necessary or desirable.

(b) The city site plan coordinator shall give notice of the coordinating committee meeting to each individual who, and each

group which, has registered with his office and indicated a desire to receive notice of all site plan coordinating committee meetings. The cost of receiving such notices shall be \$25.00 per year, paid in advance at the time of registration. The notice to such registered individuals and groups shall be sent by regular mail by the city site plan coordinator within five (5) working days following the site plan filing deadline set forth in section 5-5-9(c). The notice shall state the date, time and place of the coordinating committee meeting, shall provide a brief identification of the site plans to be considered at the meeting and shall state the date, time and place of the planning commission meeting at which the site plans are scheduled to be considered. The notice shall further provide that any person so notified may file with the city site plan coordinator written comments relating to any site plan to be considered at the coordinating committee meeting, that any such comments must be received in the office of the city site plan coordinator at least three (3) working days prior to the meeting and that any person submitting timely written comments on any site plan shall be permitted to speak briefly regarding the plan at the coordinating committee meeting, in person or through a designee identified in writing.

(c) The applicant shall give notice of the coordinating committee meeting at which the applicant's site plan is to be considered to the owners of all abutting properties, as that term is defined in section 7-6-301 of this code; provided, however, if there are less than ten (10) abutting properties, the applicant shall notify additionally the owners of adjacent properties in the immediate vicinity of the site plan property. In no case shall the notice be sent to the owners of less than ten (10) abutting or adjacent properties. In the case of a condominium, such written notice may be mailed to the unit owners' association in lieu of each individual unit owner. The notice shall be sent by regular mail within five (5) working days following the site plan filing deadline set forth in section 5-5-9(c) of this chapter. The notice shall state the date, time and place of the coordinating committee meeting and shall provide a brief identification of the applicant's site plan, including the tax map number and the complete street address of the property in question. Further, the notice shall state the date, time and place of the planning commission meeting at which the site plan is scheduled to be considered. The notice shall also provide that any person so notified may file with the city site plan coordinator written comments relating to the applicant's site plan to be considered at the coordinating committee meeting, that any such comments must be received in the office of the city site plan coordinator at least three (3) working days prior to the coordinating committee meeting and that any person submitting timely written comments on the site plan shall be permitted to speak briefly regarding the plan at the coordinating committee meeting, in person or through a designee identified in writing. Notwithstanding the foregoing provisions of this subsection, the

applicant may mail a notice of the planning commission meeting at which the site plan is to be considered separate from the notice of the meeting of the coordinating committee as required above, in which case the notice of the commission meeting shall conform strictly with the provisions of subsections (a), (b), (c) and (d) of section 7-6-301 of this code.

(d) Any individual or group entitled to notice of a site plan coordinating committee meeting pursuant to this section shall be considered to have waived such entitlement only if a written waiver has been filed with the city site plan coordinator prior to the meeting.

(e) Failure of any individual or group to receive any notice required by this section, shall not, in and of itself, invalidate any action taken at the meeting for which notice was given.

(f) At the coordinating committee meeting, the preliminary site plan shall be examined and discussed in light of the provisions of this chapter, and recommendations concerning the plan may be made. The city site plan coordinator shall make a report of any recommendations on the site plan and forward a copy to the applicant. The city site plan coordinator shall also report any recommendations to the commission on or before the time it first considers the plan.

Section 6. That Section 5-5-19, Chapter 5, Title 5 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 5-5-19. Appeals.

(a) In case the commission approves or disapproves any preliminary site plan or combined site plan properly submitted under the provisions of this chapter, there may be an appeal from the decision to the council by the applicant, by the owner of property located within 500 feet of the boundaries of the site plan property, and by an individual or representative of a group notified pursuant to section 5-5-15(b) who submitted in a timely manner written comments to the city site plan coordinator relating to the site plan, who attended the coordinating committee meeting at which the site plan was discussed, who spoke at such meeting and who is an owner of property located in the city; provided that the appeal is made in writing and filed with the city clerk within 15 calendar days after the decision is announced. Following the filing of such an appeal, the director shall verify that each person filing the appeal has the right of appeal as set forth in this subsection. In the event an appeal is filed, the city council shall schedule at least one (1) public hearing on the matter. The council may affirm, reverse or modify

the decision of the commission or return the matter to the commission for further consideration.

(b) Whenever an appeal is filed, the commission shall forward its reasons for approval or disapproval to the city council and shall designate at least one (1) member of the commission to appear before the city council at the public hearing.

(c) An appeal shall be limited to items at issue at the site plan coordinating committee or at the commission meeting. The proposed use or the density of the use shall not be grounds for appeal.

Section 7. 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 on and apply to all site plans filed after March 10, 1987.

JAMES P. MORAN, JR.  
Mayor

Final Passage: February 24, 1987