

ORDINANCE NO. 3287

AN ORDINANCE to amend Article A, Chapter 5, Title 7 of The Code of the City of Alexandria, Virginia, 1981, as amended, by adding thereto a new Section 7-5-12; which Title 7 relates to PLANNING AND DEVELOPMENT, which Chapter 5 relates to SUBDIVISIONS, which Article A relates to GENERAL PROVISIONS and which new Section 7-5-12 relates to ADMINISTRATIVE ENFORCEMENT.

WHEREAS, the City Council of the City of Alexandria finds and determines that:

1. Under existing law the director of planning and community development, under the city manager, is charged with the enforcement of the provisions of Chapter 5 of Title 7 of The Code of the City of Alexandria, Virginia, 1981, as amended, including the enforcement of compliance with the terms and conditions of approval of plats of subdivision issued under the said provisions; and

2. Under existing law the director of planning and community development, under the city manager, has authority to enforce the terms and conditions of approval of plats of subdivision and to suspend or revoke subdivision approval upon a material failure to comply with the terms and conditions of such approval; and

3. Under existing law the planning commission has jurisdiction to review and affirm, reverse or modify a decision or action by the director of planning and community development suspending or revoking subdivision approval; and

4. Under existing law no appeal or review of the decision of the planning commission in such enforcement cases lies to the City Council of the City of Alexandria; and

5. In order to afford the citizens of the city and the parties to such enforcement cases the procedural right to have such decisions reviewed by the city council in a manner similar to that provided for city council review of other land use and land development decisions by city boards, commissions and agencies, and in order to provide a uniform and clear procedure for such enforcement actions and appeals, and based upon the foregoing findings and all other facts and circumstances of which the city council may properly take notice in its capacity as the legislative body of the City of Alexandria, adoption of this ordinance is necessary and desirable in order to carry into force and effect the provisions of sections 9.24 et seq. of the city charter, and to further the public health, safety and welfare of the residents of the city; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Article A, Chapter 5, Title 7 of The Code of the City of Alexandria, Virginia, 1981, as amended, be amended by adding thereto a new Section 7-5-12 to read as follows:

Sec. 7-5-12 Administrative enforcement.

(a) In the event the applicant or his successor in interest materially fails to comply with any statute, code, ordinance or regulation pertaining to the development of the parcel or lot for which subdivision approval has been granted under the provisions of this article, or materially fails to comply with any condition proffered by the applicant or required by the subdivision committee, planning commission or city council, as the case may be, as part of such subdivision approval, the director of planning and community development may suspend or revoke such approval in whole or in part and on such terms and conditions as he deems necessary to effect the cure of such failure to comply.

(b) In the event the director of planning and community development suspends or revokes any subdivision approval which has been granted under the provisions of this article, the applicant or his successor in interest may appeal such suspension or revocation to the planning commission, by filing a written notice of appeal with the director, within 15 days of such suspension or revocation, which notice of appeal shall set forth in detail the grounds, if any there be, why such suspension or revocation should be modified or reversed. The director shall schedule a public hearing on such appeal before the planning commission, and shall cause notice of such public hearing to be given in accordance with the provisions of article P of chapter 6 of this title. The commission may affirm, reverse or modify the director's action, or may return the matter to the director for further consideration. —

(c) In the event the planning commission affirms or modifies any suspension or revocation of subdivision approval entered by the director of planning and community development, the applicant or his successor in interest may appeal the decision of the planning commission to the city council. In the event the planning commission reverses or modifies the suspension or revocation, the city manager or the owners of at least 20 percent of the area of land within 300 feet of the boundaries of the subdivision may appeal the decision of the planning commission to the city council. Following the filing of an appeal by such owners, 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 20 percent area. Streets, alleys and land dedicated to public use or owned by the city, state or federal government or public agency shall not be included in computing said area.

(d) Any appeal under subsection (c) shall be made in writing and filed with the city clerk within 15 days from the date of the decision of the planning commission. In the event such an appeal is filed, the city council shall schedule at least one 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. Public notice of the public hearing before council on any such appeal shall be given in accordance with the provisions of article P of chapter 6 of this title.

(e) Pending the outcome of any appeal filed under subsection (b), and pending the expiration of the appeal period provided in subsection (c) or the outcome of any appeal filed under subsection (c), as the case may be, the decision of the director of planning and community development shall remain in force and effect.

Section 2. That the procedures of subsections (c), (d) and (e) of Section 7-5-12 as herein provided shall be applicable to any decision of the planning commission which affirms, reverses or modifies any suspension or revocation of subdivision approval entered by the director of planning and community development or the city manager, which decision of the planning commission may have been rendered within a period of 15 days prior to the effective date of this ordinance.

Section 3. 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 requests. 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 when recorded in the office of the clerk of the Circuit Court of the City of Alexandria.

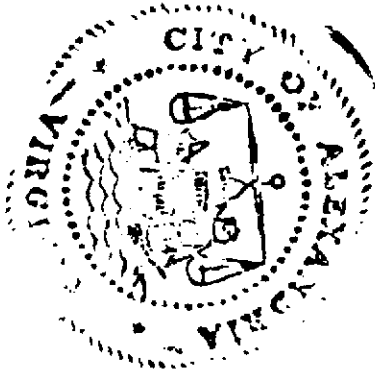
JAMES P. MORAN, JR.
Mayor

Final Passage: April 16, 1988

15629 A

I, Helen Holleman, Clerk of the City of Alexandria, Virginia, do hereby certify that the attached is a true copy of Ordinance No. 3287 which was passed by the Alexandria City Council at its Meeting held on April 16, 1988.

Dated this 18th day of April, 1988.



Helen Holleman
Mrs. Helen Holleman, Clerk of the City of Alexandria, Virginia

*April 19-88
2:04 P.M.*

VIRGINIA:
In the Clerk's Office of the Circuit Court-City of Alexandria this deed was received and the taxes imposed by Sec. 58-54.1 in the amount of \$ have been paid & with the Annexed certificate admitted to record on

Edna S. Semmes

Clerk

RECORDED
MAY 3 1988
CITY ATTORNEY