

ORDINANCE NO. 3434

AN ORDINANCE to amend and reordain Section 7-6-287 (RECOMMENDATION OF PLANNING COMMISSION; ACTION BY COUNCIL; REFERENCE TO PLANNING COMMISSION FOR FURTHER STUDY) and Section 7-6-289 (LIMITATION ON FREQUENCY OF PUBLIC HEARINGS BEFORE COUNCIL AS TO CHANGES IN ZONE BOUNDARIES AND ZONING REGULATIONS), all of Article O (AMENDMENTS, ETC.), Chapter 6 (ZONING), Title 7 (PLANNING AND DEVELOPMENT) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 7-6-287 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. 7-6-287 Recommendation of planning commission; action by council; referral to planning commission for further study.

(a) After the public hearing by it, the planning commission shall either make a recommendation to the city council for or against adoption of the proposal to change the zoning classification of property or to amend, supplement or change the text of this chapter, and give its reasons therefor, or request, with or without such a recommendation, that the council refer the proposal back to the commission for further study. Such recommendation or request shall be sent to the city council the day after the hearing before the planning commission. The city council, at the time scheduled, shall conduct a full and impartial public hearing on each proposal, and thereafter it may grant such proposal by motion and proceed with the adoption of an ordinance effecting the change in zoning classification or the amendment, supplement or change to the text of this chapter, or it may deny such proposal by motion; provided, that if the planning commission shall disapprove or recommend against adoption of a proposal, it shall require a recorded three-fourths vote of all members of the city council to grant the proposal by motion and to adopt any ordinance effecting the change in zoning classification or the amendment, supplement or change to the text of this chapter against such recommendation; provided further, that the city council may also refer the proposal back to the planning commission for further study.

(b) City council shall grant, deny or refer the proposal back to the planning commission following its public hearing on the proposal but no later than at its next regular meeting; provided, that if the proposal is denied, it may also be referred back to the commission for further study; and provided further, that if a referral back is made, the city council may include such suggestions and modifications as it shall see fit.

(c) The planning commission shall hold at least one public hearing on any proposal referred back to it, notice of which hearing shall be given according to the provisions of article P of this chapter. The planning commission shall act on such proposal within 25 days of the date on which it was referred back 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 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 grant the proposal by motion, and may adopt an ordinance effecting the proposal, by a simple majority of its membership. The public hearing on any proposal referred back by the city council to the planning commission for further study may be continued by the city council over a period not to exceed 45 days, but the city council shall take final action on such a proposal on or before 45 days after such referral. Time, not to exceed 30 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 45-day referral period or the 60-day time period prescribed in section 7-6-289.

(d) The council, in determining the boundaries of zones, may adopt an ordinance for a zone change to a more restrictive zone than that originally applied for or moved, provided:

(1) that the planning commission recommends in favor of such more restrictive zone change at its first public hearing required by sections 7-6-284 or 7-6-285 of this code;

(2) that the applicant agrees to the more restrictive zone change at or before the said planning commission hearing in cases where the zone change procedure is initiated by other than the planning commission through comprehensive plan zoning or the council on its own motion; and

(3) that at least a 10-day notice of the more restrictive zone change and of the time and place of the public hearing before council required by sections 7-6-284 or 7-6-285 of this code shall be given by publication thereof in a newspaper of general circulation in the city. A protest under section 7-6-288 of this code against a less restrictive zone change shall not be effective against a more restrictive change. This shall not, however, preclude the filing of an effective new protest against a more restrictive zone change under section 7-6-288 of this code; nor shall it preclude the effectiveness of a protest filed against both a less restrictive and a more restrictive zone change.

Section 2. That Section 7-6-289 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. 7-6-289 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 determination of zone boundaries shall not be held more frequently than once every 60 days; provided, that more frequent rezoning ordinances may be enacted under the emergency ordinance provision of the charter. Public hearings before the city council in relation to the adoption, supplement, amendment, alteration or change of regulations and restrictions shall not be subject to these time constraints.

Section 3. That this ordinance shall become effective upon the date and at the time of its final passage.

JAMES P. MORAN, JR.
Mayor

Final Passage: January 20, 1990