

ORDINANCE NO. 3609

AN ORDINANCE to amend Article XI (DEVELOPMENT APPROVALS AND PROCEDURES) of the City of Alexandria Zoning Ordinance by adding thereto a new Division D (CITY PLANNING COMMISSION), and to repeal Article A (CITY PLANNING COMMISSION) of Chapter 1 (PLANNING COMMISSION), 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 Article XI of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended by adding thereto a new Division D to read as follows:

Division D
City Planning Commission

Sec. 11-1500 Establishment and Authority.

Sec. 11-1501 Purpose and General Authority.

The planning commission is established to perform such duties as are set forth in, and exercised the authority conferred by, chapter 9 of the city charter, this ordinance and other applicable law. In general, the commission shall have such powers as may be necessary to enable it to fulfill its function, promote planning and carry out the purposes of this ordinance.

Sec. 11-1502 Composition of Planning Commission.

(A) The city planning commission shall consist of seven members, who shall be qualified resident voters of the city who hold no office of profit under the city government, appointed by the city council for terms of four years. The city manager shall designate an officer or employee to sit with the commission with the right to discuss and advise but without the right to vote. Vacancies shall be filled by council for the unexpired portion of the term.

(B) Members of the city planning commission shall serve as such without compensation, but may receive reimbursement for travel and expenses incurred by attendance at conventions, meetings and such other travel as they may perform in the interest of the City of Alexandria in the performance of the duties and activities of the planning commission.

(C) Any member of the planning commission may be removed from office by the city council after public hearing, of which such member shall receive at least 10 days notice in writing, for inefficiency, neglect of duty or malfeasance in office.

Sec. 11-1503 Organization and Staff.

(A) The commission shall elect a chairman and vice-chairman from among its members, for a term of one year and appoint a secretary. The officers shall be eligible for reelection. The commission shall adopt rules for the transaction of its business, and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record. The commission shall make an annual report to the council concerning its activities.

(B) The city manager may appoint such employees as the manager may deem necessary for the work of the commission and may enter into contracts with planners, engineers, architects and other consultants for services that the commission may require. All expenditures, exclusive of gifts to the commission, shall not exceed the sums appropriated by the city council therefore.

(C) All public officials shall, upon request, furnish to the commission within a reasonable time such available information as it may require for its work. The commission, its members, officers and employees in the performance of their duties may enter upon any land in the city and make examinations and surveys and place and maintain necessary monuments and markers thereon, and shall have the right to apply to an appropriate court for the issuance of a warrant for same.

Sec. 11-1504 Powers and Duties with Respect to Master Plan and Zoning.

(A) It shall be the duty of the commission to make and adopt a master plan which, with the accompanying maps, plats, charts, and descriptive matter, shall show the commission's recommendations for the development of the territory covered by the plan.

(B) The commission may adopt the plan as a whole by single resolution or may by successive resolutions adopt successive parts of the plan, said parts corresponding to major geographical sections or geographical or topographical divisions of the city or with functional subdivisions of the subject matter of the plan. The commission also may adopt any amendment or extension thereof or addition thereto and from time to time, at intervals not exceeding five years, shall prepare and submit to the council such changes in or revisions of said plan as changing conditions may make necessary.

(C) The commission shall the power to promote public interest in and understanding of the plan and to that end may publish and distribute copies of the plan or any report relating thereto, and may employ such other means of publicity and education as it may determine.

(D) It shall be the duty of the planning commission to prepare and submit to the council from time to time, at intervals not exceeding two years, such changes in or revisions of this ordinance as changing conditions may make necessary.

Sec. 11-1505 Miscellaneous Actions Requiring Planning Commission Approval.

(A) No street, square, park or other public way, ground or open space, or public building or structure shall be authorized or constructed in the city unless and until the general location, character and extent thereof has been submitted to and approved by the commission as being substantially in accord with the master plan.

(B) No widening, extension, narrowing, enlargement, vacation or change in the use of any street, square, park and other public way, ground or open space place within the city, and no sale of any land held by the city, shall be authorized to take place unless and until such transaction has been submitted to and approved by the commission as being substantially in accord with the master plan.

(C) No public utility, whether publicly or privately owned, shall be authorized or constructed in the city unless and until its general location, but not its character and extent, has been submitted to and approved by the commission as being substantially in accord with the master plan.

(D) In case of disapproval by the commission in any of the instances enumerated above in this section, the commission shall communicate its reasons to the city council which shall not have the power to overrule such action except by a recorded affirmative vote of three-fourths of the members of the council.

(E) In any of the instances enumerated above in this section, the failure of the commission to act within 60 days from the date of the official submission to it shall be deemed approval.

(F) The foregoing provisions of this section shall not be deemed to apply to the pavement, repavement, reconstruction or improvement, to the laying of underground pipes and conduits for normal service extension or drainage, or to other similar work in or upon any existing street or other existing public way.

Sec. 11-1600 Meetings and Procedures.

Sec. 11-1601 Meetings.

The planning commission shall meet at least once each month at such time and place as may be designated. Special meetings shall be upon the call of the chairman consented to by a majority of the members.

Sec. 11-1602 Attendance of applicants.

(A) The applicant for any site plan, subdivision plat or special use permit approval, or for any change in zone boundaries, or for any vacation of or encroachment upon any public right-of-way, or an authorized representative of such applicant, shall appear at and attend, at the time and place designated, the public hearing on and the consideration of such application by the planning commission.

(B) In the event such applicant or representative fails to so appear and attend, the planning commission may deny and dismiss such application without prejudice to the right of the applicant to refile the application, or the commission may defer public hearing and consideration of such application until the next regularly scheduled meeting of the commission; provided, that the commission shall not defer public hearing and consideration of any application if deferral would result in the approval of the application by virtue of the inaction by the commission within the time provided by law for approval or denial of such application.

(C) If the commission defers an application, it shall cause written notice of the time and place of its next regularly scheduled meeting to be mailed, first class, postage prepaid to the applicant at the address indicated on the application form, not less than 10 days in advance of the date of such meeting, and the applicant or his representative shall appear and attend at the time and place designated in such notice. In the event the applicant or his representative fails to appear at and attend the deferred public hearing and consideration of such application, the application shall be denied and dismissed by the planning commission and the subject matter thereof shall not be considered by the commission or city council for a period of six months from the date of such denial and dismissal.

(D) Notwithstanding any provision in this ordinance to the contrary, no appeal shall lie to city council from the denial and dismissal of any application pursuant to the provisions of this section, and any application which has been so denied and dismissed by the planning commission shall forthwith be stricken from the city council docket.

(E) The director of the department of planning and community development shall append a statement setting forth the provisions of this section to all application forms to which this section is applicable.

Section 2. That Article A of Chapter 1, Title 7 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, repealed.

Section 3. That this ordinance shall become effective upon the date and at the time of its final passage, and shall apply to all applications for land use or land development approval provided under the City of Alexandria Zoning Ordinance which on such date are pending before any city department, agency or board, or before city council, or are on judicial review, and to all applications which may be filed after such date.

PATRICIA S. TICER
Mayor

Final Passage: December 12, 1992