

ORDINANCE NO. 3781

AN ORDINANCE to amend and reordain Section 11-301 (REQUIRED NOTICE), Section 11-302 (NOTICE REQUIREMENTS FOR PARTICULAR HEARINGS) and Section 11-303 (ADDITIONAL NOTICE REQUIRED), all under Section 11-300 (NOTICE OF PUBLIC HEARINGS) (TA NO. 94-014), of the City of Alexandria Zoning Ordinance.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That subsections (A) and (B) of Section 11-301 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows:

Sec. 11-301 Required notice.

Except as provided in section 11-302 below, written notice, placard notice and newspaper notice shall be given before each public hearing before the planning commission, the city council, the board of zoning appeals, the subdivision committee and the board of architectural review.

(A) Written notice. For hearings before the planning commission, the city council, the board of zoning appeals and the subdivision committee, the applicant shall, by registered or certified mail, send written notice at least ten and no more than 30 days prior to the hearing. Restricted delivery or return receipt is not required. For hearings before the board of architectural review, the applicant shall, by first class mail, send written notice at least ten and no more than 30 days prior to the hearing.

(1) Recipients of written notice. Written notice shall be sent to the owner of the subject property, if different from the applicant, and to the owners of all abutting property. In the case of a condominium, written notice may be sent to the president of the board of the unit owners' association instead of to each individual unit owner.

(2) Contents of written notice. Written notice shall contain the following information:

(a) The time, date and place of all hearings scheduled; and

(b) A description of the matter being heard, including the tax map number of the property and complete street address of the property.

(3) Certification. At least five days prior to the hearing, the applicant shall supply the director with a copy of the notice, the names of those persons to whom notice has been given, and copies of the post office receipts for registered or certified mail, if registered or certified mail is required, and shall certify that notice has been sent to those to whom notice

is required to be given. The applicant shall use the records and maps maintained by the city's office of real estate assessments to determine the proper recipients of notice and reliance upon such records shall constitute compliance with the requirements of this section 11-301(A).

(4) Waiver of notice. A person's actual notice of, or participation in, the proceedings for which written notice is required to be provided by this section shall waive the right of that person to challenge the validity of the proceedings based on a failure to receive such written notice. Any person entitled to receive notice under this section may waive the right to notice by filing a waiver in writing with the director prior to the hearing. No waiver shall be accepted for an applicant's failure to file or to timely file a required certificate.

(5) Failure to receive notice. Failure to receive any notice required by this section shall not by itself invalidate any action taken at the hearing for which notice was given.

(B) Placard notice. The city shall post placards at least ten days and no more than 30 days prior to the hearing.

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Section 2. That subsection (C) of Section 11-302 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended, and the said Section 11-302 be, and the same hereby is, amended by adding thereto new subsections (E) and (F), all to read as follows:

Sec. 11-302 Notice requirements for particular hearings.

The following particular public hearings require only the following form of notice:

* * *

(C) New zoning ordinance or map. Public hearings on the adoption of a new zoning map, a substantially revised zoning map (one which revises the zoning of 500 or more parcels of land), or new or substantially revised regulations for the city as a whole or for the territory included within a small area plan adopted as part of the official master plan of the city require that the city provide newspaper notice of the hearing.

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(E) Rezoning of 25-500 parcels. Public hearings on a rezoning that involves more than 25 but fewer than 500 parcels of land require that written notice be sent by first class mail.

(F) City initiated applications. Public hearings on a matter initiated by the city, for which the city sends written notice, require that written notice be sent by first class mail, provides that the responsible city employee shall make an affidavit that such mailing has been made, and file same with the papers in the case.

Section 3. That subsection (A) of Section 11-303 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows:

Sec. 11-303 Additional notice required.

(A) Deferral or continuance. For hearings before the planning commission, the city council, the board of zoning appeals and the subdivision committee, if an item is deferred or continued at the time of the public hearing, then all notices required by this section 11-300 shall be given prior to any subsequent public hearing as if it were a new item. For hearings before the board of architectural review, if an item is deferred or continued at the time of the public hearing for a period which exceeds 30 days, then all notices required by this section 11-300 shall be given prior to any subsequent public hearing as if it were a new item.

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Section 4. That Sections 11-301, 11-302 and 11-303 of the City of Alexandria Zoning Ordinance, as amended by this ordinance, be, and the same hereby are, reordained as part of the City of Alexandria Zoning Ordinance.

Section 5. That this ordinance shall become effective on April 1, 1995, and shall apply to all public hearings subject to its provisions conducted on and after that date.

PATRICIA S. TICER
Mayor

Final Passage: February 25, 1995