

ORDINANCE NO. 4798

AN ORDINANCE to amend and reordain Section 11-808 (PROTEST OF ZONING MAP AMENDMENT BY LANDOWNERS) of Division B (DEVELOPMENT APPROVALS), Article XI (DEVELOPMENT APPROVALS AND PROCEDURES) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by City Council as Text Amendment No. 2013-0006.

WHEREAS, the City Council finds and determines that:

1. The Planning Commission initiated on its own motion a text amendment to the Zoning Ordinance to revise the W-1 zone and having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval of Text Amendment No. 2013-0006 to the City Council on March 5, 2013 of, which recommendation was approved with amendment by the City Council at public hearing on March 16, 2013;
2. The City Council in adopting this ordinance expressly adopts, ratifies, affirms and concurs in the finding and action of the Planning Commission above stated;
3. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 11-808 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough, as shown in bold below:

11-808 - Protest of zoning map amendment by landowners.

- (A) Who may protest. A protest shall be signed by the owners of at least 20 percent of:
  - (1) The land proposed to be rezoned by the map amendment; or
  - (2) All land within 300 feet of the boundaries of the land proposed to be changed by the map amendment.
- (B) Deadline for protest. A protest must be filed with the city clerk no later than noon on the last working day before the day on which city council conducts its first public hearing on the proposed amendment.
- (C) Calculation of ownership. The director shall verify that those filing are legal property owners. Through mathematical calculation 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 shall not be included in computing the areas of ownership required.

- (D) Effect of protest. If a protest to a proposed ~~text or~~ map amendment is filed, the city council may not approve the proposed amendment except by an affirmative vote of three-fourths of its members.
- (E) Limitations.
  - (1) Once a protest has been filed, no changes by way of addition, substitution, amendment or withdrawal may be made to the protest after the deadline provided for the filing of a protest in section 11-808(B).
  - (2) A protest against a less restrictive change is not effective against a more restrictive change but a new protest may be filed against the more restrictive change and this paragraph does not prevent the filing of a protest against both a less and more restrictive change.
  - (3) The provisions of this section 11-808 shall not apply to city owned property or be effective in the case of a map amendment which is part of a comprehensive implementation of a new or substantially revised zoning ordinance.

Section 2. That the director of Planning and Zoning be, and hereby is, directed to record the foregoing text amendment.

Section 3. That Section 11-808, as amended pursuant to Section 1 of this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

Section 4. That this ordinance shall become effective on the date and at the time of its final passage, and shall apply to all applications for land use, land development or subdivision approval provided for under the City of Alexandria Zoning Ordinance which may be filed after such date, and shall apply to all other facts and circumstances subject to the provisions of the City of Alexandria Zoning Ordinance, except as may be provided in Article XII of the Zoning Ordinance.

WILLIAM D. EUILLE  
Mayor

Final Passage: April 13, 2013