

Ordinance No. 534

AN ORDINANCE to amend and reordain Section 25, as said Section is amended by Ordinance No. 463, Chapter 28, of the Code of the City of Alexandria, Virginia, enacted as a whole July 2, 1940 and made effective August 5, 1940, which Section relates to zoning procedure.

WHEREAS, pursuant to due and timely notice of the time and place of hearing published in a paper of general circulation in the City of Alexandria, Virginia, a public hearing was held in relation to the amendment and change hereinafter set forth, at which public hearing parties in interest and citizens had an opportunity to be heard,

THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALEXANDRIA, VIRGINIA:

Section 1. That Section 25, as amended by Ordinance No. 463, Chapter 28, of the Code of the City of Alexandria, Virginia, enacted as a whole July 2, 1940 and made effective August 5, 1940, be and the same hereby is amended and reordained to read as follows:

Sec. 25. Procedure.

(1) The regulations, restrictions and boundaries prescribed by this chapter may be amended, supplemented or changed from time to time, subject to the provisions of chapter 197 of the Acts of the General Assembly of Virginia of 1926, as amended (Secs. 3091(1)-3091(26) Michie's Code of 1942), and to the provisions of this chapter.

(2) No amendment, supplement or change in this chapter by the Council on its own motion shall be made unless and until the City Manager has caused to be prepared an advertisement stating the date of the proposed hearing by Council, the nature of the amendment, supplement, or change, and the location of the property, if property is to be rezoned; and further has caused said advertisement to be published two times in the Alexandria Gazette, one of which publications shall be at least fifteen days before the hearing date, and further has caused said advertisement to be posted by placard on the property, if property is to be rezoned.

Applications for amendment, supplement or change in this chapter shall be addressed to the City Planning Commission, and shall be accompanied by cash, check or money order in the sum of Twenty-five Dollars to cover necessary costs in connection with the application. Each application for change in zoning classification shall correctly list the names and addresses of all abutting property owners, and when the property borders on a street, public way or public service company right of way, the names and addresses of the property owner directly opposite the property across such street, public way or public service company right of way. The City Planning Commission shall meet once in each calendar month, at a time to be fixed by the City Planning Commission, for the purpose of holding public hearings on such applications. The City Planning Commission shall fix its own rules but shall conduct a full and impartial public hearing on as informal a basis as may be appropriate.

At least fifteen days prior to each public hearing, the City Planning Commission shall cause to be prepared an advertisement stating the date of the proposed hearing and the nature of each proposed amendment, supplement or change in this chapter, and the location of the property or properties, if any, to be re-

zoned, and shall cause said advertisement to be published two times in the Alexandria Gazette, one of which publications shall be at least fifteen days before the hearing date. Notice of the hearing shall also be given by mail to the applicant and to each of the property owners listed in each application for change in zoning classification as required by this subsection. Placing in the mail shall be sufficient service of this notice.

If any person or organization shall pay to the City Planning Commission the sum of ten dollars to cover the cost thereof, the City Planning Commission shall for a period of one year notify such person or organization of each of its public hearings on zoning matters by mailing to each such person or organization, at least fifteen days before such hearing, a statement of each zoning matter to be considered at such hearing.

(3) After public hearing, as provided in (2) above, the City Planning Commission shall make its recommendation to the Council either approving or disapproving the amendment, supplement or change proposed and the Council at its regular meeting next after the receipt of such recommendation, shall grant or deny the application; Provided that if the City Planning Commission shall recommend against any application for change in zoning classification, it will not be approved by City Council except by the favorable vote of three-fourths of all the members of the Council. The City Planning Commission may recommend that any change in zoning classification be on condition that if the use described in the petition for such change in zoning classification shall not have begun within a period of twelve months from the date of such change, then such change shall be null and void and the property shall revert to the zoning classification in effect for such property immediately prior to such change. There shall be no public hearing by the Council on the applications unless such hearing is recommended by at least three of the members of the City Planning Commission or unless a majority of all the Council indicates a desire for such hearing. In either case, the City Manager shall cause to be prepared an advertisement stating the date of the proposed hearing by Council, the nature of the amendment, supplement or change, and the location of the property, and further shall cause said advertisement to be published two times in the Alexandria Gazette, one of which publication shall be at least fifteen days before the hearing date; and notice of hearing shall also be given by mail to the applicant and to each of the property owners listed in the application.

(4) In the event of a protest against any petition for rezoning signed by the owners of twenty per centum or more either of the area of the lots included in such proposed rezoning or of the lots within 300 feet of the boundary of the lots included in such proposed rezoning, the petition shall not be granted except by the favorable vote of three-fourths of all the members of the Council.

(5) No application for amendment, supplement or change in this chapter which is denied by the Council shall be reconsidered by the City Planning Commission or the Council for a period of one year.

Section 2. That this ordinance shall be published in the Alexandria Gazette and it shall become effective on the first day of May, 1948.

William T. Wilkins
Mayor

March 26, 1948