

Ordinance No. 558

AN ORDINANCE to amend and reordain Section 25, as said section is amended by an ordinance designated as No. 534 adopted March 26, 1948, of 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, place and purpose 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 said section is amended by an ordinance designated as No. 534 adopted March 26, 1948, of 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 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, as amended, and to the provisions of this chapter.

(2) No amendment, supplement or change in this chapter initiated 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.

(3) Applications for amendment, supplement or change in this chapter made by the owner of property or parties in interest shall be addressed to the City Council and shall be filed with the clerk of the City Planning Commission. Each such application for change in zoning classification of property 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 owners directly opposite the property across such street, public way or public service company right of way. Each such application shall be accompanied by a check or money order in at least the sum of Twenty-five dollars to cover costs in connection with the application and it shall be the duty of the City Manager to ascertain in any case whether or not such sum will cover the costs in connection therewith, and if not, he shall require such additional sum as will actually cover such costs.

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Upon the filing of any such application or applications, the clerk of the City Planning Commission shall confer with the City Manager for the purpose of scheduling hearing dates before the City Planning Commission and before the City Council, respectively. The City Manager shall then cause to be prepared an advertisement stating the dates and time of the proposed hearings before the Planning Commission and the Council and the nature of each proposed amendment, supplement or change in this chapter, and the location of the property, if any, to be rezoned; and he shall further cause said advertisement to be published two times in the Alexandria Gazette, one of which publications shall be at least five days before the proposed hearing before the Planning Commission and the other publication shall be after that hearing and at least ten days before the proposed hearing before the Council. Like notice of the hearings 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 through the City Manager the sum of Ten Dollars to cover costs, the City Manager shall cause to be mailed to such person or organization for a period of one year notice of the respective public hearings on all zoning matters, which notice shall be mailed at least five days before the hearing of the Planning Commission and shall state the dates, places and nature.

The City Planning Commission shall meet at least once in each calendar month at such time arranged in relation to the meetings of Council as will permit of proper maturing of the publications hereinbefore provided for. The Planning Commission shall fix its own rules for hearing, but it shall conduct a full and impartial public hearing on as informal a basis as may be.

(4) After the public hearing by it, the City Planning Commission shall make its recommendation to the Council either for or against adoption of the proposed amendment, supplement or change and give its reasons. Such recommendation shall be sent to the Council the day after the hearing before the Planning Commission. The Council at the time scheduled shall conduct a full and impartial public hearing on each application, and it shall grant such application by adoption of an ordinance effecting such amendment, supplement or change, or it shall deny such application by motion or resolution; provided however, that if the City Planning Commission shall recommend against adoption of any change in zoning classification of property, it shall require a three-fourths vote of all members of Council to adopt an ordinance effecting the change against such recommendation.

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(5) 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.

(6) 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 the day after its publication.

William T. Wilkins
Mayor

November 12, 1948