

Ordinance No. 780

AN EMERGENCY ORDINANCE to amend and reordain Article XV Chapter 28 of the Code of the City of Alexandria, Virginia, enacted as a whole July 2, 1940, and made effective August 5, 1940, as amended by ordinance No. 798, which Chapter 28 relates to zoning, which Article VX relates to zoning procedure and which ordinance No. 708 relates to Zoning.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Article XV 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, as amended by ordinance No. 708, be and the same hereby is amended and reordained to reads as follows.

ARTICLE XV

PROCEDURE

Sec. 1. 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 the Code of Virginia (1950), Section 15.823 and amendments thereto, the Charter of the City of Alexandria and amendments thereto, and to the provisions of this chapter.

Sec. 2. Except when a comprehensive zoning plan is adopted or amended as a whole, no change in zone boundaries shall be made so as to include less than the entire area fronting on the same street in one block, but such change need not include such portions of corner lots as may be within one hundred feet of the street line of the intersecting streets which bound the block, and in blocks where the frontage on the same street is seven hundred fifty feet or more the change need not include more than five hundred continuous feet thereof. Changes involving lesser areas than the above may be made when the change consists of (a) the inclusion of the balance of the frontage on the same street in any one block in the same zone in which the major portion of such frontage is already included; and (b) the inclusion of the balance of a continuous parcel in single ownership in the same zone in which the major portion of such parcel is already included; provided, however, that such zone change does not extend more than fifty feet beyond the original zone boundaries and provided that a further extension of an already extended zone in single ownership shall not be granted in the two year period following the original zone change.

Sec. 3 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 time, date and place of a proposed hearing before both the Commission and the Council, the nature of the amendment, supplement or change, and the location of property, if property is to be zoned; and further has caused said advertisement to be published two times in a newspaper of general circulation in the City, one of which publications shall be at least five days before the proposed hearings before the Commission and the other publication shall be after that hearing and

at least ten days before the proposed hearing before the City Council. Except in the case of comprehensive changes in the zoning plan, like notice of the hearings shall also be given by mail to the owner, abutting property owners, and owners directly opposite when the property borders on a street or right-of-way. Placing in the mail shall be sufficient service of this notice.

Sec. 4. Applications for amendment, supplement or change in this ordinance made by the owner of property or parties in interest shall be addressed to the City Council and shall be filed with the Director of Planning. 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.

Upon the filing of such application or applications, the Director of Planning shall confer with the City Manager for the purpose of scheduling hearing dates before the 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 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 a newspaper of general circulation in the City, 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. Except in the case of comprehensive changes of the zoning law, 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 (10) Dollars to cover costs, the City Manager shall cause to be mailed to each 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 Commission and shall state the dates, places and nature.

The City Planning Commission shall meet at such times arranged in relation to the meetings of Council as will permit of proper maturing of the publications hereinbefore provided for.

Sec. 5. 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 reason. 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 may grant such application by the adoption of an ordinance effecting such amendment, supplement or change, or it

may deny such application by motion; provided however, that if the City Planning Commission shall disapprove or recommend against adoption of any change in zoning classification of property, or amendment, supplement or change in this chapter, it shall require a recorded three-fourth vote of all members of council to adopt any ordinance effecting the change against such recommendation; provided further however, that the council may also refer the matter to the commission for further study.

In any event at this point the council shall either approve such application, reject such application, or refer it to the Commission; provided however, if such application is rejected it may also be referred to the Commission for further study. If a referral is made the Council may include such suggestions and modifications as it shall see fit.

The Commission shall hold at least one public hearing on any such referral, notice of which hearing shall be advertised once in a daily newspaper of general circulation published in the City, and which publication shall be at least five (5) days before the proposed hearing. The Commission shall act on such referral within fifteen (15) days and submit its reviewed recommendations to Council. If adopted by a vote of two-thirds of the entire membership of the Commission at the referral meetings, such recommendations may be modified only by a three-fourths vote of all members of the Council. If the Commission fails to act within the prescribed period or by a two-thirds vote, the Council may adopt said application by a simple majority of its membership. The public hearing on any matter referred by Council to the Planning Commission for further study may be continued by the Council over a period not to exceed thirty (30) days, but the Council shall take final action on or before thirty (30) days after such referral.

Sec. 6. If a protest is filed with the city clerk against such amendment, supplement or repeal signed by the owners of twenty per cent or more of the total area of the lots included in such proposed change or of the total area of the lots outside of the proposed change any point in which is within two hundred feet of any point on the boundary of such area, the council shall not adopt the ordinance making such amendment, supplement or repeal, by less than three-fourths affirmative votes of the members of Council.

Sec. 7. Public hearings before the Council in relation to the adoption, supplement, amendment, alteration or change of regulations and restrictions and determination of zone boundaries, shall not be held more frequently than one every three months; provided however, that more frequent rezoning ordinances may be enacted under the emergency ordinance provision of the Charter of the City of Alexandria.

Sec. 8. The subject matter of any application for amendment, supplement, or change in this chapter which is denied by the Council shall not be considered thereafter by the City Planning Commission or the Council for a period of one year.

Sec. 9. Applications for amendment, supplement or change in the ordinance may be withdrawn at any time, but where the withdrawal is after the City Planning Commission has made its recommendation and there is opposition to the withdrawal by a citizen or a party in interest, the subject matter of the withdrawn application shall not be considered by the City Planning Commission or the Council for a period of one year after such withdrawal. Any such opposition to a

withdrawal shall be made not later than the time at which the application is first considered by the Council on its docket.

Sec. 10. After the City Planning Commission has heard an application and made its recommendation to the Council, such application shall not be referred back to the Commission by the Council, except as provided in Section 5.

Sec. 11. The subject matter of an application for amendment, supplement, or change in this ordinance which has been denied by the Council, or withdrawn with opposition, may be reconsidered by the City Planning Commission and Council after a period of six months if the new application differs in a material respect from the application denied or withdrawn.

Section 12. That in the opinion of Council an emergency exists and this ordinance is hereby declared "AN EMERGENCY ORDINANCE" for the reason that it is necessary to resolve the conflict between the City Charter and the Zoning laws at the earliest possible date so that the proper law may be included within the proposed recodification of the city code.

Section 13. That this ordinance shall be published in a newspaper of general circulation in the City not later than five days following its introduction together with a notice containing the time and place for a public hearing. The clerk of the Council shall note the date of introduction and first reading, the date of publication, the date of the public hearing, and the date of the second reading and final passage in the minutes of the meeting. This ordinance shall become effective the date of its final passage.

Marshall J. Beverley
Mayor

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