ORDINANCE NO. 4849

AN ORDINANCE to amend and reordain Section 11-808 (Protest of zoning map amendment by landowners) of Section 11-800 (Zoning amendment) of 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. 2013-0003. (Implementing Ordinance for Text Amendment to update Section 11-808 approved by City Council on December 14, 2013)

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2013-0003, the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on December 3, 2013 of a text amendment to the Zoning Ordinance to update the protest petition provision to address new technology and condominium unit ownership of land, which recommendation was approved by the City Council at public hearing on December 14, 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 text shown in strikethrough and inserting new language shown as underlined as follows:

11-800 Zoning Amendments

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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 **and that there are sufficient legal property owners signing to constitute the required 20 percent, subject to the following:** ~~**Through mathematical calculation and the use of a planimeter, the department of transportation and environmental services shall verify said 20 percent area.**~~

(1) 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.

(2) If land included in the computation is owned by a Condominium Unit Owners Association then the square footage of the land shall be divided evenly by the number of units in the Condominium Unit Owners Association and each owner of a unit shall be entitled to sign for his or her allocated portion of the land.

(D) Effect of protest. If a protest to a proposed 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: January 25, 2013