

City of Alexandria, Virginia

MEMORANDUM

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6-15-02

DATE: MAY 30, 2002
TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
FROM: PHILIP SUNDERLAND, CITY MANAGER *PS*
SUBJECT: CONSIDERATION OF AN ORDINANCE AMENDING PROCESSING FEES FOR ENCROACHMENTS

ISSUE: City Council consideration of an ordinance to amend the fee charged by the Department of Planning & Zoning for processing encroachment requests.

RECOMMENDATION: That City Council approve the proposed ordinance (Attachment 1) on first reading and schedule it for public hearing, second reading and final passage in Saturday, June 15, 2002.

DISCUSSION: Included in the proposed changes to the Planning & Zoning fee structure presented to Council as part of the FY 2003 budget process was a fee increase for the review of requests for encroachments upon public rights of way. The fee for encroachments is limited by State law, and requires an amendment to the City Code. This is the only Planning & Zoning fee which requires a Code amendment.

In the original Planning & Zoning fee proposal, the fee for encroachments was proposed to increase to \$250 from the current \$100 rate. Because State law limits the fee to \$150 the recommendation has been changed to conform with the State limitation making the new proposed fee for encroachments \$150. Both the Northern Virginia Building Industry Association (NVBIA) and The Alexandria Chamber of Commerce have been notified of this minor change in the Planning and Zoning fee proposal. The proposed increase would be effective on July 1, 2002.

FISCAL IMPACT: The estimated increase in revenue resulting from this fee change is \$500.

ATTACHMENTS:
Attachment 1: Proposed Ordinance

STAFF:
Barbara Ross, Deputy Director, Planning & Zoning
Gene Swearingen, Director, Office of Management and Budget

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Introduction and first reading: 6/11/2002
Public hearing: 6/15/2002
Second reading and enactment: 6/15/2002

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE to amend and reordain section 3-2-82 (PROCESSING FEE FOR ENCROACHMENTS) of Article G (FEE FOR PROCESSING REQUESTS FOR VACATION OF PUBLIC RIGHTS AND REQUESTS FOR ENCROACHMENTS AND CHARGE FOR COMMERCIAL ENCROACHMENTS), Chapter 2 (TAXATION), Title 3 (FINANCE, TAXATION AND PROCUREMENT), of The Code of the City of Alexandria, Virginia, 1981, as amended.

Summary

The proposed ordinance increases the fee for processing requests for encroachments from \$100 to \$150.

Sponsor

Department of Finance
Department of Planning and Zoning

Staff

Dan Neckel, Director of Finance
Eileen Fogarty, Director of Planning and Zoning
Steven L. Rosenberg, Senior Assistant City Attorney

Authority

§ 15.2-2012, Code of Virginia, 1950, as amended

Estimated Costs of Implementation

None

Attachments in Addition to Proposed Ordinance and its Attachments (if any)

None

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6-11-02

ORDINANCE NO. _____

AN ORDINANCE to amend and reordain section 3-2-82 (PROCESSING FEE FOR ENCROACHMENTS) of Article G (FEE FOR PROCESSING REQUESTS FOR VACATION OF PUBLIC RIGHTS AND REQUESTS FOR ENCROACHMENTS AND CHARGE FOR COMMERCIAL ENCROACHMENTS), Chapter 2 (TAXATION), Title 3 (FINANCE, TAXATION AND PROCUREMENT), of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That section 3-2-82 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is, amended and reordained to read as follows:

Sec. 3-2-82 Processing fee for encroachments.

A fee of ~~\$100~~150 shall be charged to process each request to be allowed to encroach upon any public way or right including, but not limited to, streets, alleys, sidewalks and public places; provided, however, that no fee shall be charged to process a request received after January 1, 1987, which involves an encroachment by residential property that existed as of December 31, 1986, and which seeks permission for the same or a lesser encroachment to continue to encroach upon a public way or right. Notwithstanding the first sentence of this section, the city manager or ~~her~~the manager's designee is authorized to grant a waiver of the ~~\$100~~150 fee when it is determined that the fee constitutes an undue hardship to the person requesting the encroachment or is disproportionate to the value of the requested encroachment or that a waiver of the fee is otherwise in the public interest.

Section 2. That this ordinance shall become effective on July 1, 2002.

KERRY J. DONLEY
Mayor

Introduction: 6/11/2002
First Reading: 6/11/2002
Publication: 6/13/02
Public Hearing: 6/15/02
Second Reading: 6/15/02
Final Passage:

N.B. Underlining is not part of the ordinance but denotes language that is new or amended. Strike-outs or dashes are not part of the ordinance, but denote material that is being deleted.

ORDINANCE NO. 4256

AN ORDINANCE to amend and reordain section 3-2-82 (PROCESSING FEE FOR ENCROACHMENTS) of Article G (FEE FOR PROCESSING REQUESTS FOR VACATION OF PUBLIC RIGHTS AND REQUESTS FOR ENCROACHMENTS AND CHARGE FOR COMMERCIAL ENCROACHMENTS), Chapter 2 (TAXATION), Title 3 (FINANCE, TAXATION AND PROCUREMENT), of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That section 3-2-82 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is, amended and reordained to read as follows:

Sec. 3-2-82 Processing fee for encroachments.

A fee of \$150 shall be charged to process each request to be allowed to encroach upon any public way or right including, but not limited to, streets, alleys, sidewalks and public places; provided, however, that no fee shall be charged to process a request received after January 1, 1987, which involves an encroachment by residential property that existed as of December 31, 1986, and which seeks permission for the same or a lesser encroachment to continue to encroach upon a public way or right. Notwithstanding the first sentence of this section, the city manager or the manager's designee is authorized to grant a waiver of the \$150 fee when it is determined that the fee constitutes an undue hardship to the person requesting the encroachment or is disproportionate to the value of the requested encroachment or that a waiver of the fee is otherwise in the public interest.

Section 2. That this ordinance shall become effective on July 1, 2002.

KERRY J. DONLEY
Mayor

Final Passage: June 15, 2002