

ORDINANCE NO. _____

AN ORDINANCE to amend and reordain Article XII (NONCOMPLIANCE AND NONCONFORMITY) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2025-00009.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2025-00009, 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 January 6, 2026 of a text amendment to the Zoning Ordinance to adopt provisions establishing the process for considering commercial to residential conversions, which recommendation was approved by the City Council at public hearing on January 24, 2026;

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 Article XII of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

12-101 – Terms defined.

- (A) Noncomplying structure means any building or structure that:
- ~~(1)~~ Existed prior to the effective date of any change in the zoning regulations or restrictions, but which thereafter, by reason of such change, is not in compliance with the zoning regulations or restrictions then in effect or
 - ~~(2)~~ Changed in use pursuant to section 12-1100 and, by reason of such change, is not in compliance with applicable zoning regulations or restrictions.
- (B) ~~Reserved. A building on a lot that does not meet the current zoning requirements for residential use, that was originally constructed or principally used prior to June 24, 1992 as a residence, may be reverted from commercial use to a residential use and shall be a noncomplying structure provided that:~~
- ~~(1) The proposed residential use is permitted in the zone or is located~~

1 in a building which faces the north side of the 1400 or 1500 block
2 of King Street, or the south side of the 1600 block of King Street,
3 which is setback from the front property line and has a first floor
4 at least three feet above grade at the front building wall;

5 (2) — The proposed residential use contains a number of dwelling units
6 equal to or less than previously existed on the property;

7 (3) — ~~Since the most recent conversion to a commercial use, or since~~
8 ~~June 24, 1992, whichever is more recent, there has been no~~
9 ~~expansion to the structure and no changes to the lot of record~~
10 ~~that increase the degree of noncompliance for a residential use;~~
11 ~~and~~

12 (4) — ~~Since the building was last a residential use, the number of parking~~
13 ~~spaces has not been reduced notwithstanding the requirements to~~
14 ~~provide parking in section 8-200.~~

15
16 12-102 – Noncomplying structures.

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18 Noncomplying structures shall be permitted to continue indefinitely and shall be considered
19 legal structures, but subject to the following restrictions:

20 ***

- 21 (D) Use of noncomplying structures. A noncomplying structure may be
22 used for or occupied by any use that is listed as a permitted or special
23 use in the zone or is permitted pursuant to section 12-200 or 12-300
24 provided that the proposed use does not increase the existing
25 structure's noncompliance. If the proposed use increases a structure's
26 existing noncompliance or would not otherwise comply with this
27 ordinance, it may only be permitted pursuant to section 12-1100.
28 Residential reuse. A building which faces the unit through 1400 block
29 of King Street and which is a noncomplying structure because it
30 exceeds the floor area ratio of the KR zone, may be converted from
31 nonresidential to same residential use, notwithstanding any
32 requirement of the KR zone applicable to residential uses, provided
33 that a special use permit is approved to allow such conversion.

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37 Sec. 12-1100 – Residential re-use of existing buildings.

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39 Any nonresidential building or portion thereof may be changed from nonresidential to
40 residential use provided that such residential use is listed as a permitted or special use in
41 the zone or permitted pursuant to section 12-200 or 12-300 and subject to this section 12-
42 1100.

43
44 12-1101 – Nonresidential to residential conversions.

45
46 Any change in use other than pursuant to 12-102(D) may be permitted with special use

1 permit approval pursuant to section 11-500 and the following:
2

3 (A) Reductions to minimum requirements. In approving a special use permit
4 under the provisions of this section 12-1101, city council may reduce
5 minimum yards, open space, off-street parking, and other minimum
6 requirements imposed by this ordinance subject to the following:
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8 (1) The applicant shall demonstrate that meeting these requirements
9 would be infeasible.

10
11 (2) The remedy provided by this section shall be the exclusive
12 remedy for reductions from these requirements.
13

14 (B) Floor area ratio and height. The special use permit approval shall not
15 authorize any increase to the existing floor area ratio or height unless
16 such increase would comply with applicable floor area ratio and height
17 requirements.
18

19 12-1102 – Residential reversion.
20

21 Any nonresidential building, that was originally constructed or used as a residence may
22 be reverted to a residential use subject to the following:
23

24 (A) A residential reversion of any building on the north side of the 1400 or
25 1500 block, or south side of the 1600 block of King Street, may be
26 permitted regardless of the first-floor residential use prohibitions
27 established by the KR zone.

28 (B) Since the most recent conversion to a nonresidential use, or since June 24,
29 1992, whichever is more recent, there has been no expansion to the
30 building or changes to the lot of record that increase the degree of
31 noncompliance for a residential use.

32 (C) The proposed residential use would comply with the zone's density
33 limitations, except that where these limitations would result in fewer
34 dwelling units than previously existed, the proposal may provide up to the
35 previous number of units.
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37 Section 2. That the director of planning and zoning be, and hereby is, directed to
38 record the foregoing text amendment.
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40 Section 3. That Article XII, as amended pursuant to Section 1 of this ordinance, be,
41 and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.
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