

1 ORDINANCE NO. _____

2
3 AN ORDINANCE to amend and reordain Section 12-101 (TERMS DEFINED) of Article XII
4 (NONCOMPLIANCE AND NONCONFORMITY) of the City of Alexandria Zoning
5 Ordinance, in accordance with the text amendment heretofore approved by city council as
6 Text Amendment No. 2019-0001.
7

8 WHEREAS, the City Council finds and determines that:
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10 1. In Text Amendment No. 2019-0001, the Planning Commission, having found that
11 the public necessity, convenience, general welfare and good zoning practice so require,
12 recommended approval to the City Council on March 5, 2019 of a text amendment to the Zoning
13 Ordinance to allow properties that meet certain criteria to revert to residential use if the property
14 was previously residential and is currently a commercial use, which recommendation was
15 approved by the City Council at public hearing on March 16, 2019;
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17 2. The City Council in adopting this ordinance expressly adopts, ratifies, affirms and
18 concurs in the finding and action of the Planning Commission above stated;
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20 3. All requirements of law precedent to the adoption of this ordinance have been
21 complied with; now, therefore,
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23 THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:
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25 Section 1. That Section 12-101 of the Zoning Ordinance be, and the same hereby is,
26 amended by deleting the language shown in strikethrough and inserting new language shown in
27 underline, as follows:
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29 12-101. - Terms defined.
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31 (A) Noncomplying structure means any building or structure that existed prior to the
32 effective date of any change in the zoning regulations or restrictions, but which thereafter, by
33 reason of such change, is not in compliance with the zoning regulations or restrictions then in
34 effect.
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36 (B) A building on a lot that does not meet the current zoning requirements for residential use,
37 that was originally constructed or principally used prior to June 24, 1992 as a residence, may be
38 reverted from commercial use to a residential use and shall be a noncomplying structure
39 provided that:
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41 (1) The proposed residential use is permitted in the zone;
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43 (2) The proposed residential use contains a number of dwelling units equal to
44 or less than previously existed on the property;
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1 (3) Since the most recent conversion to a commercial use, there has been no
2 expansion to the structure and no changes to the lot of record that increase the
3 degree of noncompliance for a residential use; and

4
5 (4) Since the building was last a residential use, the number of parking spaces
6 has not been reduced notwithstanding the requirements to provide parking in
7 section 8-200.

8
9 ~~(B)~~ (C) The term noncomplying structure does not include a structure that was grandfathered
10 under prior law.

11
12 ~~(C)~~ (D) In the event a nonconforming use is located in a noncomplying structure, the
13 provisions of sections, 12-204, 12-205, 12-207, 12-208, and 12-209 shall apply.

14
15 ~~(D)~~ (E) A structure located on a parcel that is reduced in size by virtue of the exercise of
16 eminent domain shall be considered a noncomplying structure if the reduction in parcel size is
17 the cause of such noncompliance and the structure preexisted the reduction in size.

18
19 Section 2. That the director of planning and zoning be, and hereby is, directed to
20 record the foregoing text amendment.

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22 Section 3. That Section 12-101, as amended pursuant to Section 1 of this ordinance,
23 be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

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25 Section 4. That this ordinance shall become effective on the date and at the time of
26 its final passage, and shall apply to all applications for land use, land development or subdivision
27 approval provided for under the City of Alexandria Zoning Ordinance which may be filed after
28 such date, and shall apply to all other facts and circumstances subject to the provisions of the
29 City of Alexandria Zoning Ordinance, except as may be provided in Article XII of the Zoning
30 Ordinance.

31 JUSTIN WILSON
32 Mayor

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34 Introduction: 4/9/2019
35 First Reading: 4/9/2019
36 Publication:
37 Public Hearing: 4/13/2019
38 Second Reading: 4/13/2019
39 Final Passage: 4/13/2019