

ORDINANCE NO. 5222

AN ORDINANCE to amend and reordain Section 12-101 (TERMS DEFINED) of 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. 2019-0001.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2019-0001, 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 March 5, 2019 of a text amendment to the Zoning Ordinance to allow properties that meet certain criteria to revert to residential use if the property was previously residential and is currently a commercial use, which recommendation was approved by the City Council at public hearing on March 16, 2019;

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 12-101 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 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.

(B) 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;

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

(3) Since the most recent conversion to a commercial use, there has been no expansion to the structure and no changes to the lot of record that increase the degree of noncompliance for a residential use; and

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

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

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

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

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

Section 3. That Section 12-101, 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.

JUSTIN WILSON  
Mayor

Final Passage: April 13, 2019