

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE to amend and reordain Section 1-700 (ESTABLISHMENT OF ZONES) of Article I (GENERAL REGULATIONS); Sections 2-138 (DWELLING, TOWNHOUSE), 2-140 (DWELLING, TWO-FAMILY), 2-145 (FLOOR AREA), 2-154 (HEIGHT OF BUILDING), 2-174 (MEDICAL CARE FACILITY), of Article II (DEFINITIONS); Sections 3-707 (CERTAIN STRUCTURES, LOTS AND USES INCONSISTENT WITH THESE PROVISIONS), 3-1108 (CERTAIN STRUCTURES, LOTS AND USES INCONSISTENT WITH THESE PROVISIONS), 3-1406 (FLOOR AREA RATIO), of Article III (RESIDENTIAL ZONE REGULATIONS); Sections 7-202 (PERMITTED OBSTRUCTIONS), 7-1701 (OPEN AND CLOSED FENCES LESS THAN SIX FEET IN HEIGHT), 7-1702 (CORNER LOTS), of Article VII (SUPPLEMENTAL ZONE REGULATIONS); Sections 11-804 (CONDITIONAL ZONING), 11-1008 (FINAL DECISIONS SUBJECT TO JUDICIAL REVIEW), 11-1103 (STANDARDS FOR VARIANCE), 11-1104 (CONDITIONS AND RESTRICTIONS), 11-1207 (WRITTEN NOTICE OR ORDER), 11-1302 (SPECIAL EXCEPTION ESTABLISHED), of Article XI (DEVELOPMENT APPROVALS AND PROCEDURES); Sections 12-101 (TERMS DEFINED) and 12-102 (NONCOMPLYING STRUCTURES) of Article XII (NONCOMPLIANCE AND NONCONFORMITY) and to add and ordain Section 7-1703 (THROUGH LOTS), of Article VII (SUPPLEMENTAL ZONE REGULATIONS) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2020-00005.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2020-00005, 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 September 1, 2020 of a text amendment to the Zoning Ordinance to adopt practical updates, which recommendation was approved by the City Council at public hearing on September 12, 2020;

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 1-700 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:

Sec. 1-700 - Establishment of zones.

(A) This ordinance establishes the following zones, listed below in the order of their restrictiveness, with the most restrictive zone listed first:

\*\*\*

RT/Townhouse Zone

RMF/Residential multifamily Zone

\*\*\*

Section 2. That Section 2-138 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:

2-138 - Dwelling, townhouse.

One of a series of three or more attached dwelling units separated from one another by continuous vertical ~~party~~ walls without openings from basement to roof or roofs.

Section 3. That Section 2-140 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:

2-140 - Dwelling, two-family.

A building designed for or intended to be occupied by not more than two families living independently of each other. This use shall include both duplex (one dwelling unit above another in a single detached building) and semi-detached (two dwelling units having a common vertical ~~party~~ walls) dwellings. In the case of a semi-detached dwelling, no less than 50 percent of the common ~~party~~ wall of one of the two dwelling units shall be opposite the common ~~party~~ wall of the other.

Section 4. That Section 2-145 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:

2-145 - Floor area.

- A. For residential dwellings in the R-20, R-12, R-8, R-5, R-2-5, and single-family and two-family dwellings in the RA and RB zones (not including property located within the Old and Historic Alexandria and Parker-Gray Districts), the floor area of the building or buildings on a lot or tract or tract of land (whether "main" or "accessory") is the sum of all gross horizontal areas under roof on a lot. It shall include all space seven feet or more in height. These areas shall be measured from exterior faces of walls or any extended area under roof and are to be measured from the shared lot line in the case of party walls. Floor

1 area with a ceiling height 15 feet or greater shall be counted twice. Floor area with a  
2 ceiling height 25 feet or greater shall be counted three times. This space shall be based on  
3 permanent construction whether or not provided with a finished floor or ceiling. Excluded  
4 from floor area shall be:

5 \*\*\*

6  
7 (11) Sheds and other small accessory buildings in accordance with section 7-  
8 202(B)(4)(C)(2).  
9

- 10 B. For properties except for those specified in subsection A. above, the floor area of the  
11 building or buildings on a lot or tract or tract of land (whether "main" or "accessory") is  
12 the sum of all gross horizontal areas under roof on a lot. These areas shall be measured  
13 from the exterior faces of walls or any extended area under roof and are to be measured  
14 from the shared lot line in the case of party walls. It shall include all space seven feet or  
15 more in height. It shall include all space within an above grade parking garage. This  
16 space shall be based on permanent construction whether or not provided with a finished  
17 floor or ceiling. Excluded from floor area shall be:

18 \*\*\*

19  
20 (12) Sheds and other small accessory buildings in accordance with section 7-202(B)(4)  
21 (C)(2).  
22

23 \*\*\*

24 Section 5. That Section 2-154 of the Zoning Ordinance be, and the same hereby is,  
25 amended by deleting the language shown in strikethrough and inserting new language shown in  
26 underline, as follows:

27  
28 2-154 - Height of building.

29  
30 The vertical distance measured from average finished grade to the highest point of the building,  
31 except that:

32 \*\*\*

33  
34 ~~(F) In the case of a building with ten feet or less horizontal distance between the~~  
35 ~~building setback line and the right of way line, height shall be measured from the~~  
36 ~~average finished grade or the curb grade, whichever is less.~~Reserved.  
37

38 \*\*\*

39 Section 6. That Section 2-174 of the Zoning Ordinance be, and the same hereby is,  
40 amended by deleting the language shown in strikethrough and inserting new language shown in  
41 underline, as follows:

42  
43 2-174 - Medical care facility.

44  
45 Any installation, place, building, or agency, whether or not licensed or required to be licensed by  
46 the State Board of Health or the State Hospital Board, by or in which facilities are maintained,

1 furnished, conducted, operated, or offered for the prevention, diagnosis or treatment of human  
2 disease, pain, injury, deformity or physical condition, whether medical or surgical, of ~~two or~~  
3 ~~more non-related~~ mentally or physically sick or injured persons, or for ~~the care of two or more~~  
4 ~~non-related~~ persons requiring or receiving medical, surgical or nursing attention or service as  
5 acute, chronic, convalescent, aged, or physically disabled; including but not limited to  
6 emergency medical treatment, health professional office, medical laboratory, intermediate care  
7 facility, extended care facility, mental hospital, mental retardation facility, medical school,  
8 outpatient surgery centers, birthing, diagnostic imaging, radiation therapy, dialysis,  
9 medical/physical rehabilitation, and trauma units, substance abuse outpatient or day programs;  
10 and other related institutions and facilities, whether operated for profit or nonprofit, and whether  
11 privately owned or operated by a local government unit. This term shall not include ~~a health~~  
12 ~~profession office, first aid station for emergency medical treatment,~~ housing for the elderly,  
13 ~~medical laboratory, hospital,~~ nursing home or a facility which has as its primary purpose  
14 residential accommodation. Nothing in this definition is intended to interfere with or restrict the  
15 use of a dwelling unit by a family as that term is defined in this article, wherever such use is  
16 allowed in the zones.

17  
18 Section 7. That Section 3-707 of the Zoning Ordinance be, and the same hereby is,  
19 amended by deleting the language shown in strikethrough and inserting new language shown in  
20 underline, as follows:

21  
22 3-707 - Certain structures, lots and uses inconsistent with these provisions.

23  
24 All land within the RB zone must be used and developed in compliance with the RB zone  
25 regulations unless otherwise provided in this ordinance or by the following exceptions:

26  
27 \*\*\*

28 (B) Any land zoned to RB prior to February 27, 1973 may be developed at a minimum lot size  
29 of 1,600 square feet per dwelling; provided however that if the lot was recorded prior to  
30 December 28, 1951, the lot may be developed with a ~~single-family~~ dwelling unit and accessory  
31 structures at the lot size shown on the recorded plat.

32  
33 \*\*\*

34 Section 8. That Section 3-1108 of the Zoning Ordinance be, and the same hereby is,  
35 amended by deleting the language shown in strikethrough and inserting new language shown in  
36 underline, as follows:

37  
38 3-1108 - Certain structures, lots and uses inconsistent with these provisions.

39  
40 All land within the RM zone shall be used and developed in compliance with the RM zone  
41 regulations unless otherwise provided by this ordinance or by the following exceptions, which  
42 exceptions shall nevertheless be subject to sections 3-1106(A)(1) and 3-1107.

43  
44 \*\*\*

1 (B) Any lot of record on February 10, 1953 which does not comply with the lot area or width  
2 regulations of the RM zone may be developed with a dwelling unit ~~single family residence~~ with  
3 accessory structures.

4 \*\*\*

5  
6 Section 9. That Section 3-1406 of the Zoning Ordinance be, and the same hereby is,  
7 amended by deleting the language shown in strikethrough and inserting new language shown in  
8 underline, as follows:

9  
10 3-1406 - Floor area ratio.

11  
12 The permitted floor area ratio of a development in the RMF zone shall be as follows:

13  
14 \*\*\*

15 (B) Special use permit. The floor area ratio may be increased to an amount not to exceed  
16 3.0 if the applicant commits to providing committed affordable housing in the building or project  
17 which is the subject of the permit application in compliance with the following requirements:

18 \*\*\*

19  
20 (3) Rents payable by households for the committed affordable units shall not, on  
21 average, exceed the maximum rents allowed under the Federal Low-Income Housing Tax Credit  
22 program for households with incomes at 40 percent of the area median income for the  
23 Washington D.C. Metropolitan Statistical Area. Average rents payable by households for the  
24 committed affordable units may be increased up to the maximum rents allowed under the Federal  
25 Low-Income Housing Tax Credit program for households with incomes at 50 percent of the area  
26 median income for the Washington D.C. Metropolitan Statistical Area subject to the submission  
27 of a revised affordable housing plan. Any existing housing assistance payment contract in effect  
28 as of ~~[effective date of the ordinance]~~ March 16, 2019 and any extension thereof or new contract  
29 which maintains the material aspects of the existing contract shall be deemed to be in compliance  
30 with this subsection.

31 \*\*\*

32  
33 Section 10. That Section 7-202 of the Zoning Ordinance be, and the same hereby is,  
34 amended by inserting new language shown in underline, as follows:

35  
36 7-202 - Permitted obstructions.

37  
38 The following obstructions shall be permitted when located in a required yard and placed so as  
39 not to obstruct light and ventilation and when otherwise permitted by law:

40  
41 \*\*\*

42 (E) For any residential lot, single-story front porches with a maximum depth of  
43 ten feet shall be permitted in any required front or side yard provided that the  
44 porch shall be located on the first floor or at ground level and the front yard  
45 shall not be reduced to less than ten feet. Front porches shall not extend into  
46 required side yards further than the walls that face the side yards of the existing

1 dwelling unless such extension complies with the regulations for the zone in  
2 which it is located.

3 (F) Open and closed fences which do not exceed ten feet in height shall be  
4 permitted in any required side or rear yard between residential properties that  
5 abut a property developed with a public or private academic school.  
6

7 Section 11. That Section 7-1701 of the Zoning Ordinance be, and the same hereby  
8 is, amended by deleting the language shown in strikethrough and inserting new language shown  
9 in underline, as follows:  
10

11 7-1701 – Open and closed fences less than six feet in height. ~~Front yards and secondary front~~  
12 ~~yards.~~  
13

14 ~~For purposes of this section only, the front yard of a corner lot which contains a building's~~  
15 ~~architectural main entrance shall be considered a front yard and shall occupy the area between~~  
16 ~~the front property line and the main building line. The other front yard on the corner lot shall be~~  
17 ~~considered a secondary front yard and shall, a~~ Notwithstanding any other provisions of this  
18 ordinance save the permitted obstructions listed in section 7-200 and vision clearance  
19 requirements of section 7-800, open and closed fences not exceeding six feet in height shall be  
20 subject to the provisions of permitted on corner and through lots in required secondary front  
21 yards when in compliance with this section 7-1700. with regard to permitted fences.  
22

23 Section 12. That Section 7-1702 of the Zoning Ordinance be, and the same hereby  
24 is, amended by deleting the language and diagram shown in strikethrough and inserting new  
25 language shown in underline and the diagrams following subsections (A) and (B), as follows:  
26

27 Sec. 7-1702 – Corner lots. ~~Fences in secondary front yards.~~  
28

29 ~~A. Open fences which do not exceed three and one half feet are permitted in any location within~~  
30 ~~a secondary front yard.~~

31 ~~B. A fence not exceeding six feet in height may be located in a secondary front yard if it complies~~  
32 ~~with the following:~~

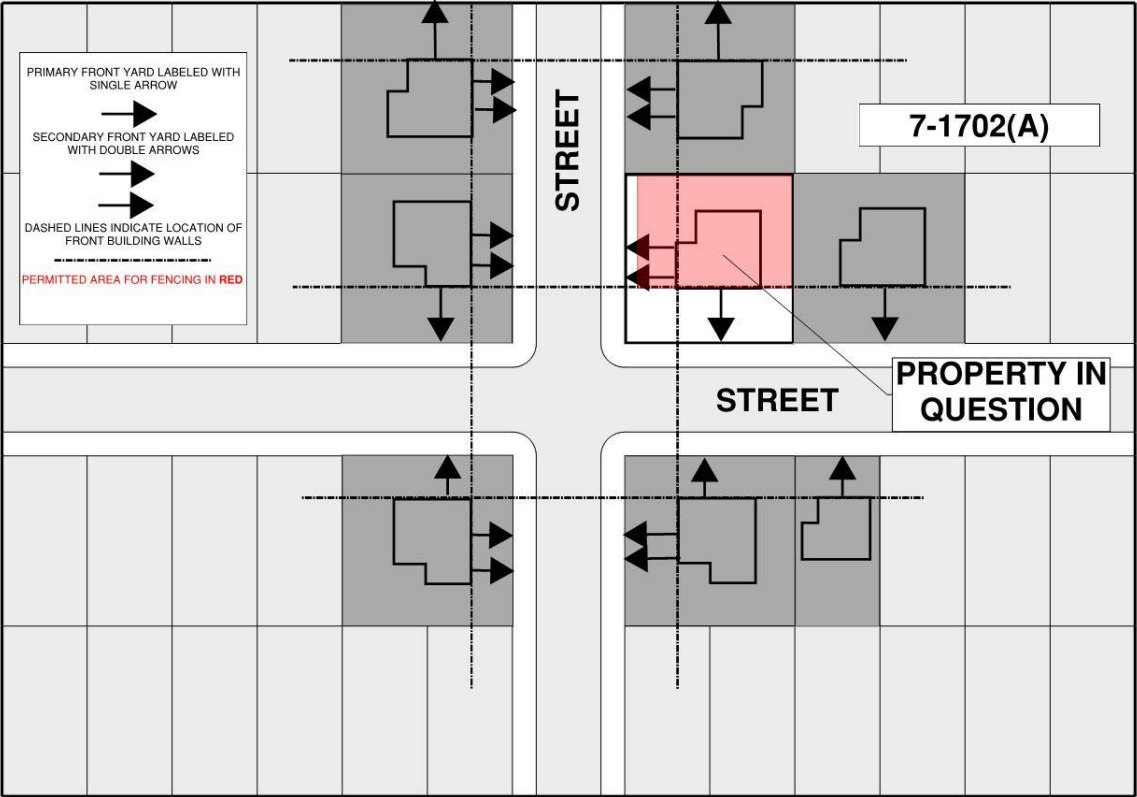
33 ~~(1) Corner lots.~~

34 ~~(a) It is located no closer to the front secondary yard property line than the rear~~  
35 ~~building wall that adjoins the secondary front yard.~~  
36

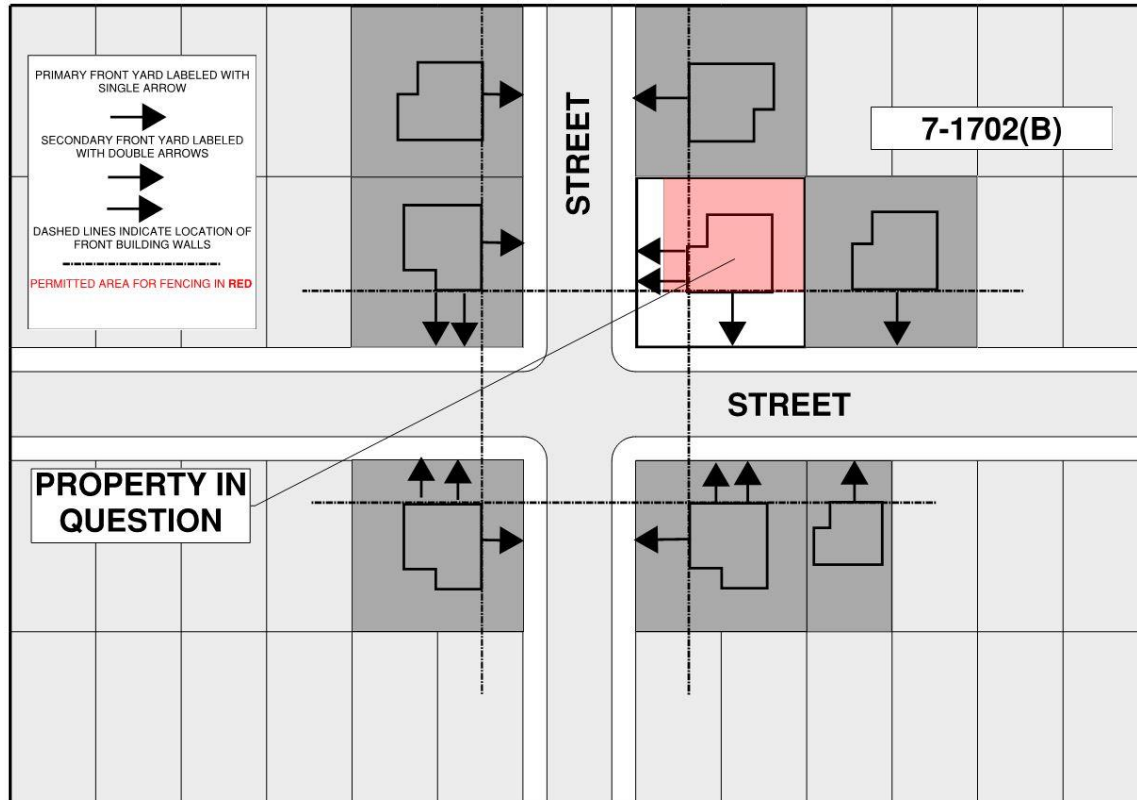
37 On corner lots, open and closed fences not exceeding six feet in height shall be located behind  
38 the front building wall facing the primary front yard. These fences shall be setback a minimum  
39 horizontal distance from the secondary front lot line established by either (A) or (B), below:  
40

41 ~~(b)~~ (A) Except for cases governed by section 7-1702(B)(1)(e) fences shall be it is setback  
42 from the edge of the sidewalk by two feet or if there is no sidewalk at least two feet from the  
43 secondary front lot property line.  
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(e) (B) Where the secondary front yard of the property in question is located on a block face on which the principal structures on the abutting properties face the street, fences of between four and six feet in height shall be permitted if located no closer to the secondary front lot property line than half the distance between the secondary front lot property line and the front building wall facing the secondary front yard.

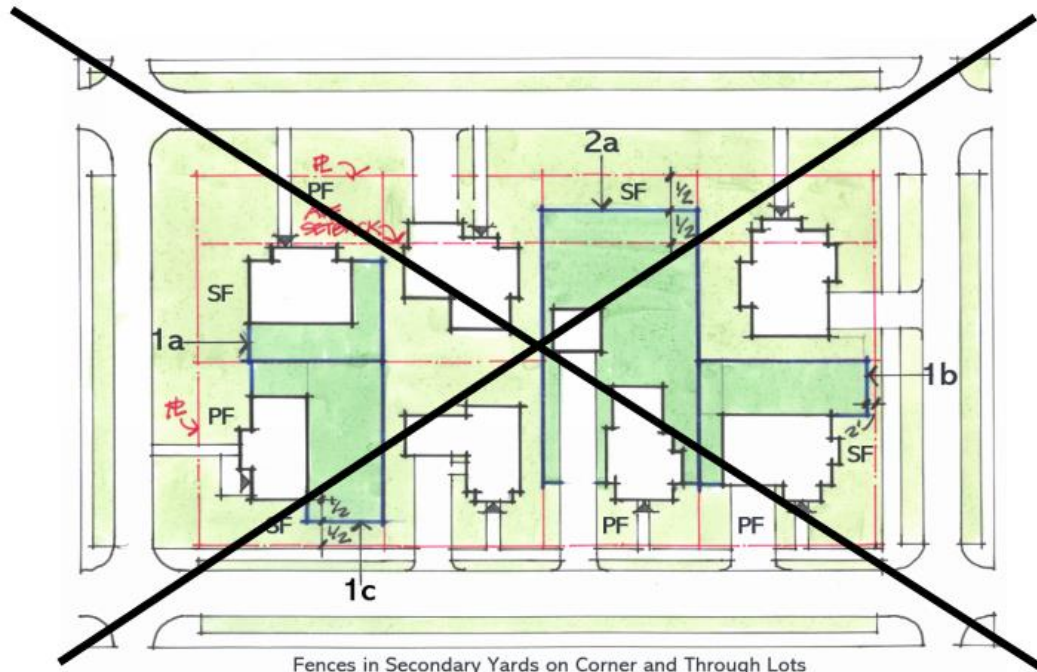


(2) Through lots.

(a) Where the secondary front yard is located on a block face on which the principal structures on the abutting properties on the same side of the street face that street, a fence of between four and six feet in height shall be permitted if located no closer to the property line than half the distance between the property line and the average setback utilizing the two abutting properties.

(b) Where the secondary front yard is located on a block face on which the principal structures on the abutting properties on the same side of the street do not face such street or there is no abutting house(s), a fence of between four and six feet in height shall be permitted if located three feet from the property line.





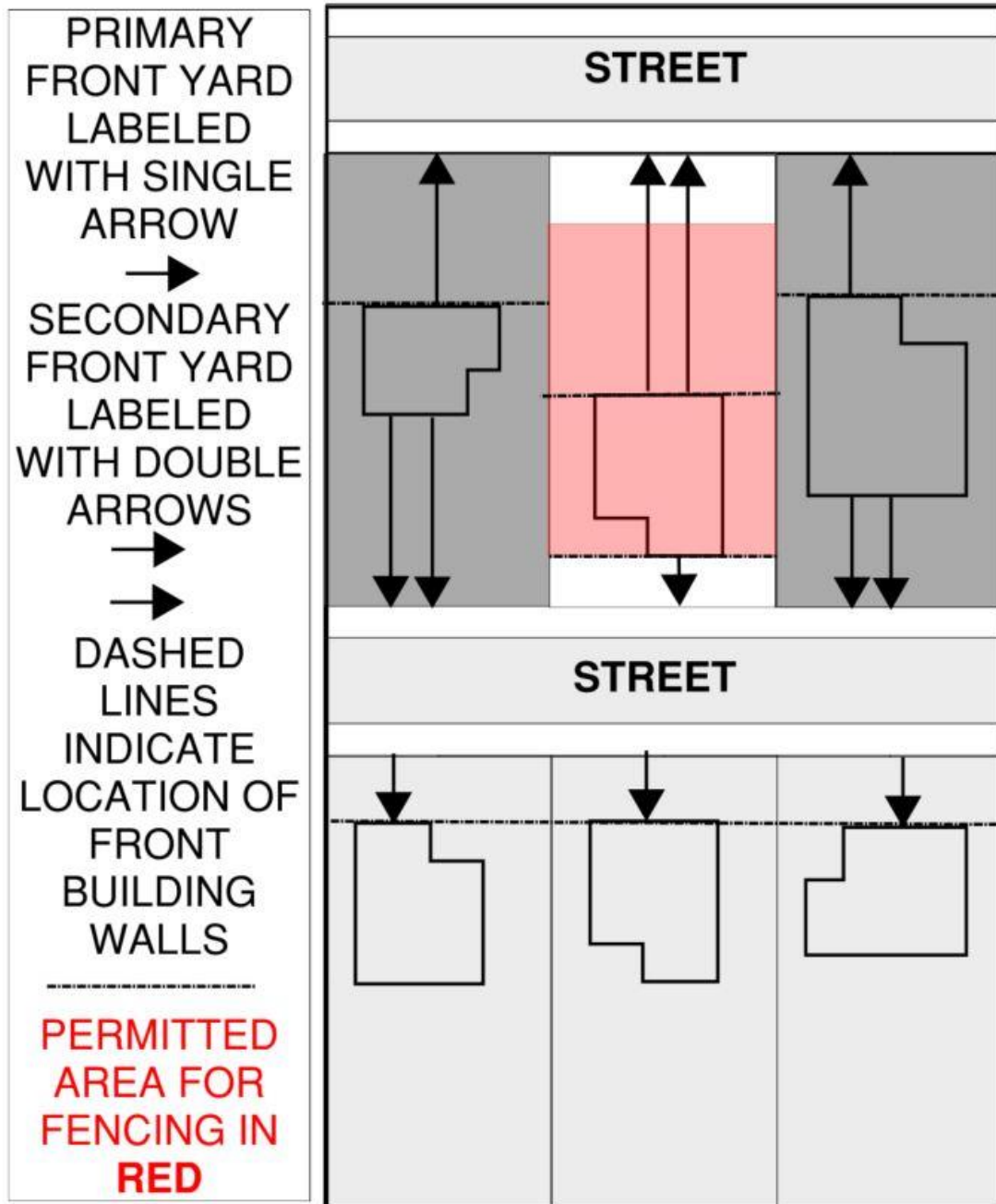
Section 13. That Section 7-1703 of the Zoning Ordinance be, and the same hereby is, added and ordained, as shown:

Sec. 7-1703 – Through lots.

On through lots, open and closed fences not exceeding six feet in height shall be setback a minimum horizontal distance from the secondary front lot line established by either (A) or (B), below:

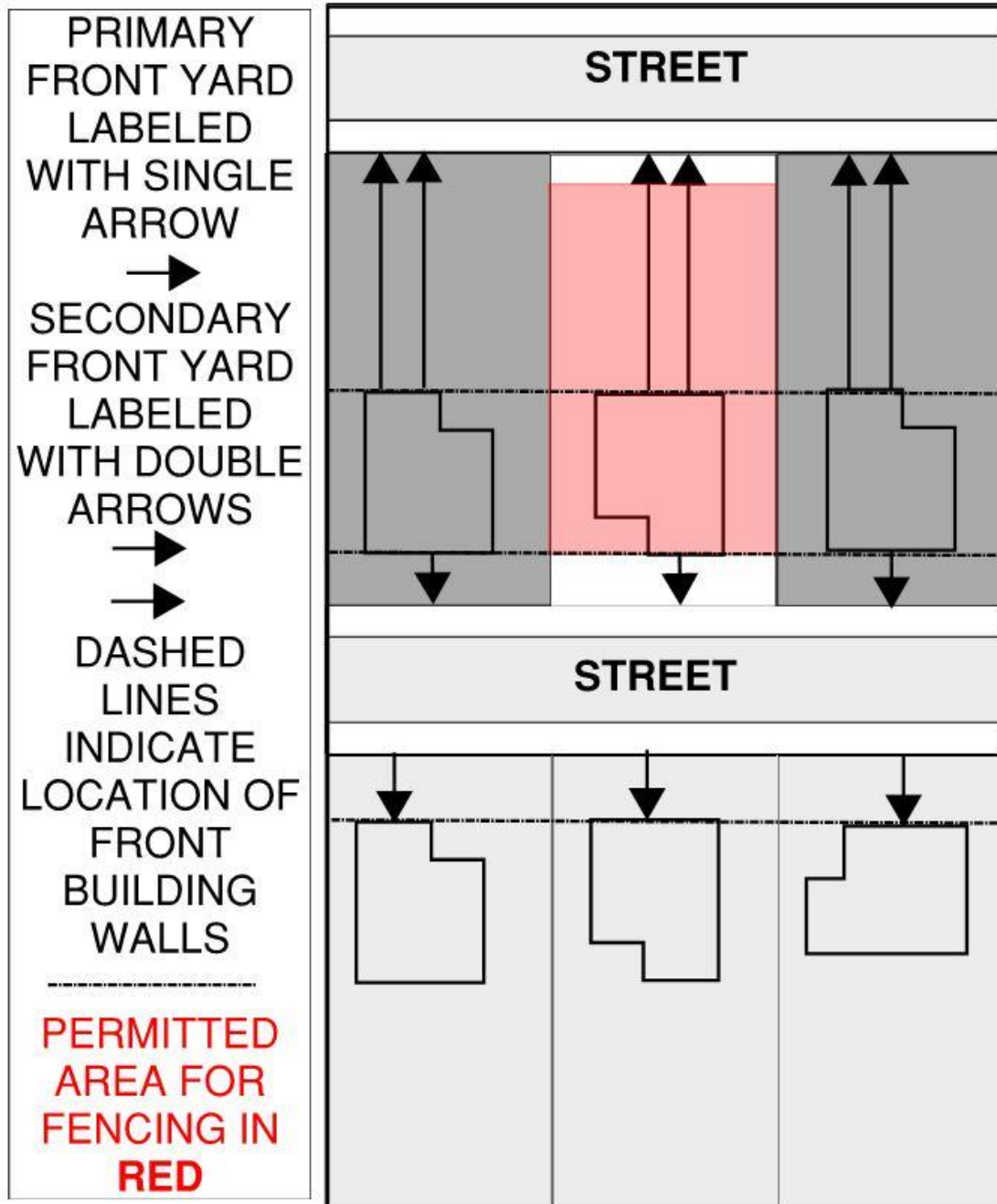
- (A) Where the secondary front yard of the property in question is located on a block face on which the principal structures on the abutting properties on the same side of the street face that street, fences shall be permitted if located no closer to the secondary front lot line than half the distance between the secondary front lot line and the average setback utilizing the two abutting properties.

## SECTION 7-1703(A)



(B) Where the secondary front yard of the property in question is located on a block face on which the principal structures on the abutting properties on the same side of the street do not face such street or there is no abutting house(s), a fences shall be permitted if located at least three feet from the secondary front lot line.

## SECTION 7-1703(B)



Section 14. That Section 11-804 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:

11-804 - Conditional zoning.

1 As part of an application for a map amendment a property owner may proffer in writing the  
2 provision of reasonable conditions to apply and be part of the rezoning sought to be approved by  
3 said application. Proffered conditions shall include written statements, development plans,  
4 profiles, elevations, and/or other demonstrative materials and shall be subject to the following  
5 procedures and regulations:

6  
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8 (C) Such proffered conditions shall become a part of the zoning regulations applicable to  
9 the property in question, unless changed by a subsequent map amendment which is not part of  
10 the comprehensive implementation of a new or substantially revised zoning ordinance, and such  
11 conditions shall be in addition to the specific regulations set forth in this ordinance for the zone  
12 in question. ~~Unless a contrary provision has been proffered by the applicant and accepted, any~~  
13 ~~change in the zone applicable to land on which proffers have been accepted shall comply with~~  
14 ~~the provisions of Code of Virginia, § 15.1-491(a).~~

15  
16 \*\*\*

17  
18 Section 15. That Section 11-1008 of the Zoning Ordinance be, and the same hereby  
19 is, amended by deleting the language shown in strikethrough and inserting new language shown  
20 in underline, as follows:

21  
22 11-1008 - Final decisions subject to judicial review.

23  
24 All final decisions of the board shall be subject to judicial review in the following manner.

25  
26 \*\*\*

27 (C) Upon the presentation of such petition, the court shall allow a writ of certiorari to  
28 review the decision of the board and shall prescribe therein the time within which a return thereto  
29 must be made and served upon the secretary of the board or, if no secretary exists, the chair of  
30 the board, which shall not be less than ten days and may be extended by the court. Once the writ  
31 of certiorari is served, the board of zoning appeals shall have 21 days or as ordered by the court  
32 to respond. The allowance of the writ shall not stay proceedings upon the decision appealed  
33 from, but the court may, on application, on notice to the board and on due cause shown, grant a  
34 restraining order.

35  
36 \*\*\*

37 (G) Costs shall not be allowed against the city or council, unless it shall appear to the  
38 court that ~~it the city or council~~ acted in bad faith or with malice. In the event the decision of the  
39 board is affirmed and the court finds that the appeal was frivolous, the court may order the  
40 person or persons who requested the issuance of the writ of certiorari to pay the costs incurred in  
41 making the return of the record pursuant to the writ of certiorari. If the petition is withdrawn  
42 subsequent to the filing of the return, the locality may request that the court hear the matter on  
43 the question of whether the appeal was frivolous.

44  
45 Section 16. That Section 11-1103 of the Zoning Ordinance be, and the same hereby  
46 is, amended by deleting the language shown in strikethrough and inserting new language shown

1 in underline, as follows:

2  
3 11-1103 - Standards for variances.

4  
5 The board of zoning appeals shall not vary the regulations of this ordinance as authorized  
6 above unless it finds that:

7  
8 \*\*\*

9 (B) The strict application of the terms of the ordinance would unreasonably restrict the  
10 utilization of the property, ~~or~~ that the granting of the variance would alleviate a hardship due to a  
11 physical condition relating to the property or improvements thereon at the time of the effective  
12 date of the ordinance, or alleviate a hardship by granting a reasonable modification to a property  
13 or improvements thereon requested by, or on behalf of, a person with a disability;

14  
15 \*\*\*

16  
17 Section 17. That Section 11-1104 of the Zoning Ordinance be, and the same hereby  
18 is, amended by deleting the language shown in strikethrough and inserting new language shown  
19 in underline, as follows:

20  
21 11-1104 - Conditions and restrictions.

22  
23 The board may impose such conditions and restrictions upon the premises benefitted by a  
24 variance as may be necessary to reduce, minimize, or mitigate the effect of such variance upon  
25 other property in the neighborhood, and better to carry out the general intent of the ordinance.  
26 The board may require a guarantee or bond to ensure that the conditions imposed are being and  
27 will continue to be complied with. In addition, a variance shall specify whether it is granted  
28 generally for all potential uses or whether its effect is limited to specific uses of the property.  
29 Any variance granted to provide a reasonable modification to a property or improvements  
30 thereon requested by, or on behalf of, a person with a disability may expire when the person  
31 benefited by it is no longer in need of the modification to such property or improvements  
32 provided by the variance, subject to the provisions of state and federal fair housing laws, or the  
33 Americans with Disabilities Act of 1990 (42 U.S.C. § 12131 et seq.), as applicable. If a request  
34 for a reasonable modification is made to a locality and is appropriate under the provisions of  
35 state and federal fair housing laws, or the Americans with Disabilities Act of 1990 (42 U.S.C. §  
36 12131 et seq.), as applicable, such request shall be granted by the locality unless a variance from  
37 the board of zoning appeals under this section is required in order for such request to be granted.  
38 Failure to comply with any such conditions and restrictions shall constitute a violation of this  
39 ordinance. Violations of this ordinance may be enforced and penalized in accordance with  
40 section 11-200.

41  
42 Section 18. That Section 11-1207 of the Zoning Ordinance be, and the same hereby  
43 is, amended by deleting the language shown in strikethrough and inserting new language shown  
44 in underline, as follows:

45  
46 11-1207 - Written notice or order.

1  
2 Any written notice of a zoning violation or a written order of the director shall include a  
3 statement informing the recipient that he may have a right to appeal the notice of a zoning  
4 violation or a written order within 30 days in accordance with section 11-1200 and that the  
5 decision shall be final and unappealable if not appealed within 30 days. The zoning violation or  
6 written order shall include the applicable appeal fee and a reference to where additional  
7 information may be obtained regarding the filing of an appeal. ~~[Effective until 7/1/17—The~~  
8 ~~appeal period shall not commence until the statement is given. A written notice of a zoning~~  
9 ~~violation or a written order of the director that includes such statement sent by registered or~~  
10 ~~certified mail to, or posted at, the last known address of the property owner as shown on the~~  
11 ~~current real estate tax assessment books or current real estate tax assessment records shall be~~  
12 ~~deemed sufficient notice to the property owner and shall satisfy the notice requirements of this~~  
13 ~~section.] [Effective on 7/1/17—The appeal period shall not commence until the statement is~~  
14 ~~given and the written notice of a zoning violation or a written order of the director is sent by~~  
15 ~~registered or certified mail to, or posted at, the last known address or usual place of abode of the~~  
16 ~~property owner or its registered agent, if any. There shall be a rebuttable presumption that the~~  
17 ~~property owner's last known address is that shown on the current real estate tax assessment~~  
18 ~~records, or the address of a registered agent that is shown in the records of the Clerk of the State~~  
19 ~~Corporation Commission.]~~

20  
21 Editor's note— {See} Code of Virginia § 15.2-2311.

22  
23 Section 19. That Section 11-1302 of the Zoning Ordinance be, and the same hereby  
24 is, amended by deleting the language shown in strikethrough and inserting new language shown  
25 in underline, as follows:

26  
27 11-1302 - Special exception established.

28  
29 A lot developed with a single family, two family, or townhouse dwelling may be the subject of a  
30 special exception from the following zoning requirements pursuant to this section 11-1300:

31  
32 \*\*\*

33 (C) – Yard and setback requirements for a front porch subject to the following requirements:

34 (1) The applicant for a front porch shall demonstrate by clear and convincing evidence  
35 that the proposed front porch is compatible with the existing building architecture,  
36 neighboring properties and neighborhood character. ~~and will comply with the following~~  
37 ~~requirements:~~

38 ~~(a) A front porch shall not extend into required side yards further than the walls~~  
39 ~~that face the side yards of the existing dwelling portion of the front porch shall~~  
40 ~~extend beyond either end of the front building facade unless such extension~~  
41 ~~complies with the regulations for the zone in which it is located.~~

42 ~~(b) The roof line of the porch shall be in scale with the existing building~~  
43 ~~architecture.~~

44  
45 \*\*\*

46 Section 20. That Section 12-101 of the Zoning Ordinance be, and the same hereby

1 is, amended by deleting the language shown in strikethrough and inserting new language shown  
2 in underline, as follows:

3  
4 12-101. - Terms defined.

5  
6 \*\*\*

7 (B) A building on a lot that does not meet the current zoning requirements for residential  
8 use, that was originally constructed or principally used prior to June 24, 1992 as a  
9 residence, may be reverted from commercial use to a residential use and shall be a  
10 noncomplying structure provided that:

11 (1) The proposed residential use is permitted in the zone or is located in a building  
12 which faces the north side of the 1400 or 1500 block of King Street, or the south side of  
13 the 1600 block of King Street, which is setback from the front property line and has a  
14 first floor at least 3.00 feet above grade at the front building wall;

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

17 (3) Since the most recent conversion to a commercial use, or since June 24, 1992,  
18 whichever is more recent, there has been no expansion to the structure and no changes to  
19 the lot of record that increase the degree of noncompliance for a residential use; and

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

22 \*\*\*

23  
24 Section 21. That Section 12-102 of the Zoning Ordinance be, and the same hereby  
25 is, amended by deleting the language shown in strikethrough and inserting new language shown  
26 in underline, as follows:

27  
28 12-102 - Noncomplying structures.

29  
30 Noncomplying structures shall be permitted to continue indefinitely and shall be  
31 considered legal structures, but subject to the following restrictions:

32  
33 \*\*\*

34 (D) Residential reuse. A building which faces the unit through ~~1500~~ 1400 block of  
35 King Street and which is a noncomplying structure because it exceeds the floor area ratio  
36 of the CD zone, may be converted from nonresidential to same residential use,  
37 notwithstanding any requirement of the CD zone applicable to residential uses, provided  
38 that a special use permit is approved to allow such conversion.

39  
40 Section 22. That the director of planning and zoning be, and hereby is, directed to  
41 record the foregoing text amendment.

42  
43 Section 23. That Section 1-700 (ESTABLISHMENT OF ZONES) of Article I  
44 (GENERAL REGULATIONS); Sections 2-138 (DWELLING, TOWNHOUSE), 2-140  
45 (DWELLING, TWO-FAMILY), 2-145 (FLOOR AREA), 2-154 (HEIGHT OF BUILDING), 2-  
46 174 (MEDICAL CARE FACILITY), of Article II (DEFINITIONS); Sections 3-707 (CERTAIN

1 STRUCTURES, LOTS AND USES INCONSISTENT WITH THESE PROVISIONS), 3-1108  
2 (CERTAIN STRUCTURES, LOTS AND USES INCONSISTENT WITH THESE  
3 PROVISIONS), 3-1406 (FLOOR AREA RATIO), of Article III (RESIDENTIAL ZONE  
4 REGULATIONS); Sections 7-202 (PERMITTED OBSTRUCTIONS), 7-1701 (OPEN AND  
5 CLOSED FENCES LESS THAN SIX FEET IN HEIGHT), 7-1702 (CORNER LOTS), of Article  
6 VII (SUPPLEMENTAL ZONE REGULATIONS); Sections 11-804 (CONDITIONAL  
7 ZONING), 11-1008 (FINAL DECISIONS SUBJECT TO JUDICIAL REVIEW), 11-1103  
8 (STANDARDS FOR VARIANCE), 11-1104 (CONDITIONS AND RESTRICTIONS), 11-1207  
9 (WRITTEN NOTICE OR ORDER), 11-1302 (SPECIAL EXCEPTION ESTABLISHED), of  
10 Article XI (DEVELOPMENT APPROVALS AND PROCEDURES); Sections 12-101 (TERMS  
11 DEFINED) and 12-102 (NONCOMPLYING STRUCTURES) of Article XII  
12 (NONCOMPLIANCE AND NONCONFORMITY) and to add and ordain Section 7-1703  
13 (THROUGH LOTS), of Article VII (SUPPLEMENTAL ZONE REGULATIONS), as added or  
14 amended pursuant to Sections 1 through 21 of this ordinance, be, and the same hereby are,  
15 ordained or reordained as part of the City of Alexandria Zoning Ordinance.  
16

17 Section 24. That this ordinance shall become effective on the date and at the time of  
18 its final passage, and shall apply to all applications for land use, land development or subdivision  
19 approval provided for under the City of Alexandria Zoning Ordinance which may be filed after  
20 such date, and shall apply to all other facts and circumstances subject to the provisions of the  
21 City of Alexandria Zoning Ordinance, except as may be provided in Article XII of the Zoning  
22 Ordinance.  
23

24 JUSTIN WILSON  
25 Mayor  
26

27 Introduction: 10/6/2020  
28 First Reading: 10/6/2020  
29 Publication:  
30 Public Hearing: 10/17/2020  
31 Second Reading: 10/17/2020  
32 Final Passage: 10/17/2020