

ORDINANCE NO. 3395

AN ORDINANCE to amend and reordain Section 7-6-110 (DISCONTINUANCE OF NONCONFORMING BUILDINGS OR STRUCTURES IN RESIDENTIAL ZONES), of Article F (NONCONFORMING USES AND STRUCTURES), Chapter 6 (ZONING), Title 7 (PLANNING AND DEVELOPMENT) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 7-6-110 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 7-6-110 Regulation of nonconforming buildings or structures in residential zones.

(a) In all residential zones, every nonconforming building or structure used for commercial or industrial purposes shall be removed or converted and the building or structure thereafter used only for such uses as are permitted in the zone in which the building or structure is located, within 40 years of December 28, 1951, or within 40 years of the date on which such building becomes nonconforming.

(b) Notwithstanding the provisions of subsection (a), any nonconforming commercial use in a building or structure zoned for residential use may continue following December 28, 1991, subject to the provisions of this subsection:

(1) The owner or operator of such nonconforming commercial use may apply for a special use permit to continue such use, as provided in sections 7-6-191 through 7-6-195 of this code and this subsection.

(2) The granting of such special use permit shall constitute authority for the applicant and any other persons expressly authorized therein to continue the commercial use beyond December 28, 1991, subject to such terms and conditions as council may provide in granting the special use permit; provided, that no such permit may authorize any increase in the size or intensity of the commercial use greater than that which existed on June 27, 1989, or any change to a less restrictive use than that which existed on June 27, 1989, or excuse compliance with the provisions of section 7-6-102 of this code.

(3) When an application for a special use permit under this subsection is considered, the following criteria shall apply in addition to those set forth in section 7-6-192:

a. the degree to which the commercial use serves the nearby neighborhood;

b. the degree to which the commercial use is compatible with existing uses in the nearby neighborhood; and

c. the degree to which the commercial use enhances the nearby neighborhood.

(4) City council may grant a special use permit under this section if it determines that the commercial use serves the nearby neighborhood, is compatible with existing uses in the nearby neighborhood, enhances the nearby neighborhood, and complies with the standards for approval set forth in section 7-6-192 of this code.

(c) Any nonconforming commercial use for which a special use permit has been approved pursuant to this subsection may be changed to another commercial use authorized, by right or with a special use permit, in the zone classification in which such nonconforming commercial use is first permitted (i.e., in the most restrictive zone classification in which such use is a permitted use) or to a more restrictive use only if, city council, after making the determinations required by subsection (b)(4), grants a special use permit authorizing the changed use.

(d) To the extent that any other provisions of this chapter are inconsistent with the provisions of this section or with the terms and conditions of any special use permit granted hereunder, the provisions of this section or the terms and conditions of such permit, as the case may be, shall be controlling.

Section 2. That this ordinance shall become effective upon the date and at the time of its final passage.

JAMES P. MORAN, JR.
Mayor

Final Passage: June 27, 1989