

ORDINANCE NO. 3973

AN ORDINANCE to amend and reordain Section 12-302 (NONCOMPLYING USES), under Section 12-300 (NONCOMPLYING USES), of Article XII (NONCOMPLIANCE AND NONCONFORMITY) of the City of Alexandria Zoning Ordinance (TA NO. 97-0009).

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 12-302 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended by adding thereto new subsections (G), (H) and (I), to read as follows:

- (G) Any public building existing on January 24, 1998, and categorized immediately prior to such date as a nonconforming use, whether the use operates pursuant to a special use permit or not, shall not be deemed nonconforming. From and after January 24, 1998, such use shall be categorized as a legal use and, irrespective of the applicable zoning regulations, may continue indefinitely and may be expanded or replaced; provided, that any such expansion or replacement is approved by special use permit.
- (H) Any use existing in the W-1 or WPR zone on January 24, 1998, and categorized immediately prior to such date as a nonconforming use, shall not be deemed nonconforming. From and after January 24, 1998, such use shall be categorized as a noncomplying use, and may continue indefinitely subject to the requirements of this section 12-300; provided, that such use shall not be changed except to a use that is permitted, or that is allowed with an approved special use permit, in the zone in which it is located.
- (I) Any fraternal or private club existing on August 5, 1940, at the time of the adoption of the Alexandria City Code of 1940, that has existed continuously since that date, and that has been categorized immediately prior to January 24, 1998, as a nonconforming use, shall not be deemed nonconforming. From and after January 24, 1998, such use shall be categorized as a noncomplying use, and may continue indefinitely subject to the requirements of this section 12-300; provided, that only those specific fraternal or private clubs in existence on January 24, 1998, shall be deemed noncomplying, and that any change in use, management, ownership or operation of such use shall require approval by special use permit.

Section 2. That Section 12-302 of the City of Alexandria Zoning Ordinance, as amended by this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

Section 3. That this ordinance shall become effective upon the date 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 are on such date pending before any city department, agency or board, or before city council, or on judicial review; shall apply to all such applications 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.

KERRY J. DONLEY
Mayor

Introduction: 1/13/98
First Reading: 1/13/98
Publication: 1/14/98; 1/15/98
Public Hearing: 1/24/98
Second Reading: 1/24/98
Final Passage: 1/24/98