

ARTICLE XII.  
NONCOMPLIANCE AND NONCONFORMITY

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12-210 Regulation of nonconforming uses in residential zones.

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(E) Notwithstanding the provisions of sections 12-201 through 12-209, any multi-unit ~~family~~ dwelling, which is classified as a nonconforming use as defined in section 12-201 may be reclassified as a noncomplying use, subject to the provisions of this section 12-210(E):

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(2) The granting of such special use permit shall constitute the reclassification of such multi-unit ~~family~~ dwelling from nonconforming use to noncomplying use status, subject to such terms and conditions as council may provide in granting the special use permit, and subject to section 12-300, to the extent adopted by city council in approving the special use permit; provided that no such permit may authorize any increase in the size or intensity of such multi-unit ~~dwelling family~~ use greater than that which existed on June 24, 1992, or any change to a less restrictive use than that which existed on June 24, 1992.

(3) When an application for a special use permit under this section 12-210(E) is considered, the following criteria shall apply in addition to those set forth in section 11-500:

(a) The degree to which the multi-unit ~~family~~ dwelling is compatible with existing uses in the nearby neighborhood; and

(b) The degree to which the multi-unit ~~family~~ dwelling provides diversity in the housing stock available within the city; and

(c) The degree to which the reclassification of such multi-unit ~~family~~ dwelling will serve to promote the retention of a use compatible with existing uses in the nearby neighborhood and the provision of diversity in the housing stock available within the city.

(4) City council may grant a special use permit under this section 12-210(E) if it determines that the multi-unit ~~family~~ dwelling is compatible with the existing uses in the nearby neighborhood; provides diversity in the housing stock available in the city; promotes the retention of a use compatible with existing uses in the nearby neighborhood and the provision of diversity in the housing stock available within the city; and complies with the requirements of section 11-500.

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12-211 ~~Reserved. Regulation of nonconforming rooming houses and boardinghouses.~~

~~Any rooming house or boardinghouse in existence on December 12, 1987, for which a special use permit has not been granted shall be deemed a nonconforming use and shall be discontinued~~

on or before June 30, 1992, unless it obtains a special use permit which authorizes its continuation subject to the following:

(A) ~~No later than May 1, 1992, the owner or operator of any such nonconforming rooming house or boardinghouse may seek from city council an extension of the date by which it must come into conformity with this section 12-211 by filing with the director a petition which sets forth in detail the reasons why a fair and reasonable return on the investment in such rooming house or boardinghouse made by the petitioner prior to December 12, 1987, cannot be obtained prior to June 30, 1992.~~

(B) ~~Council shall conduct a public hearing on any such petition, prior to which the director shall provide notice in accordance with the provisions of section 11-300 of this ordinance.~~

(C) ~~Following the hearing, council may extend the June 30, 1992, date only if it finds that a strict application of the date will deny the petitioner the opportunity to realize a fair and reasonable return on the investment in the nonconforming rooming house or boardinghouse made by the petitioner prior to December 12, 1987, in which case council shall extend the date to a time which it determines will provide such opportunity to the petitioner.~~

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Sec. 12-400 Substandard residential lots.

The following regulations apply to substandard residential lots where the lack of conformity existed prior to June 24, 1992.

12-401

Any lot in the R-20, R-12, R-8, R-5, or R-2-5 ~~or RA~~ residence zones, which lot was of record on December 28, 1951, and continuously thereafter, but which lot has less area or less width at the front lot line or front building line than the minimum required for use in the zone where it is situated (referred to hereafter in this section as a substandard lot), may be developed only with a residential use in compliance with the zone where it is situated ~~single family dwelling and its accessory buildings~~, subject to the following provisions:

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12-402

Notwithstanding the provisions of section 12-401, a substandard lot which complied with the provisions of this ordinance or other prior law in effect on the date such lot was recorded, and which has continuously been of record since such date, may be developed only with a residential use in compliance with the zone where it is situated ~~single family dwelling and its accessory buildings~~, subject to the following provisions:

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Sec. 12-900 Developed substandard residential lots.

12-901 ~~[Requirements.]~~ A residential dwelling on a lot in the R-20, R-12, R-8, R-5, or 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)~~ which lot has less lot

area, lot width, or lot frontage than the minimum required for use in the zone where it is situated (referred to hereafter in this section as a substandard lot), is subject to the following requirements.

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Sec. 12-902 Any lot of record prior to [DATE OF ADOPTION] in the CL, CSL, CD, CD-X, OC, OCM(50), OCM(100), OCH, CRMU/L, CRMU/H, CRMU/X, RA, RB, or RM zone which exceeds the maximum density permitted or has less area, width, or frontage than the minimum required for the use in the zone where it is situated, may be developed with a single-unit, two-unit, or townhouse dwelling and its accessory structures subject to the following requirements:

(A) Bulk and open space requirements. The dwelling shall comply with the bulk and open space regulations of the zone in which it is situated except that, regardless of the maximum floor area ratio otherwise established, the maximum permitted floor area ratio shall be 1.50.

(B) Off-street parking. The provisions of Article VIII of this ordinance shall apply.