

Substandard Lots
Draft Legislation

This draft legislation addresses the following Infill Task Force recommendation:

- Require an SUP for teardown and new construction on developed substandard lots (E.1.)
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12-900 Developed Substandard Residential Lots

12-901 A residential dwelling on a lot in the R-20, R-12, R-8, R-5, R-2-5, RA or RB residence zones 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), may be demolished in its entirety and redeveloped with a new single-family dwelling, subject to the following provisions:

(A) A special use permit is granted under the provisions of section 11-500; and

(B) City council, upon consideration of the special use permit, finds that the proposed development will be compatible with the existing neighborhood character in terms of bulk, height and design.

12-902 Reconstruction allowed. Demolition and reconstruction of a residential dwelling on a substandard lot is not subject to the requirements of Sections 12-102 and 12-901 so long as the construction complies with the following requirements.

(A) Construction shall not increase any degree of noncompliance except as specified in this Section 12-902;

(B) Construction shall not exceed the pre-existing gross floor area by more than 10%, with gross floor area defined as the floor area of Section 2-145(A) without any exclusions;

(C) Construction shall not exceed the height of the pre-existing dwelling; and

(D) Construction shall not exceed the allowable floor area ratio for the zone.

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12-903 Expansion. An expansion of a residential dwelling on a substandard lot is not subject to the requirements of Section 12-901 so long as the construction complies with the following requirements.

(A) Construction complies with the requirements of Section 12-102(A);

(B) At least 50% of the existing first floor exterior walls in their entirety (measured in linear feet) must remain as adjoining exterior walls. The determination of first floor exterior walls is that the walls must have its finished floor surface entirely above grade.

12-102 *Noncomplying structures.* Noncomplying structures shall be permitted to continue indefinitely and shall be considered legal structures, but subject to the following restrictions:

- (A) *Expansion.* No noncomplying structure may be physically enlarged or expanded unless such enlargement or expansion complies with the regulations for the zone in which it is located.
- (B) *Reconstruction.* If a noncomplying structure is destroyed, demolished or otherwise removed, it may be reconstructed provided that there is no increase in the floor area ratio, density, height or degree of noncompliance which existed prior to such destruction.
- (C) *Repairs and maintenance.* A noncomplying building may be remodeled, renovated, maintained, repaired and altered so long as such work complies with section 12-102.
- (D) *Residential reuse.* A building which faces the unit through 1500 block of King Street, and which is a noncomplying structure because it exceeds the floor area ratio of the CD zone, may be converted from nonresidential to residential use, notwithstanding any requirement of the CD zone applicable to residential uses, provided that a special use permit is approved to allow such conversion.