

**ZONING ORDINANCE
ADOPTED
BY
THE BOARD OF SUPERVISORS
SEPTEMBER 5, 1933**

The Board doth fix the compensation to the members of the Zoning Commission at the sum of \$200.00 each for their services to be hereafter paid them.

RESOLVED, that the thanks of the Board be and the same are hereby extended to W. Frank Powers, T. C. Redd, A. J. Saville, George F. Stoneman and George F. Franck, members of the Zoning Commission for their arduous labors in the performance of their duties which have been discharged in a most intelligent and efficient manner, which the Clerk will communicate to them.

RESOLVED, that when the Board adjourn, it adjourned to meet at the Courthouse on Tuesday, the 5th day of September, 1933, at the hour of ten o'clock A.M.



COUNTY OF HENRICO, To-wit:

At an adjourned meeting of the Board of Supervisors of said County, held at the Courthouse on Tuesday, the 5th day of September, 1933.

Present:

Oscar N. Nuckols, Chairman,
C. W. Hechler,
A. R. Scott,
F. M. Yahley, Members of the Board.

The Board was called to order by the Chairman.

The committee appointed by the Board on the 9th day of August, 1933, to revise the draft of the proposed ordinance returned by the Zoning Commission and to put the same in legal and final form this day returned the said proposed ordinance as revised and amended by them for adoption: Whereupon it is resolved and ordained by the Board as follows:

AN ORDINANCE

TO PROVIDE FOR THE ZONING OF HENRICO COUNTY INTO BUSINESS AND RESIDENTIAL DISTRICTS; TO PROVIDE FOR THE OBTAINING OF A PERMIT FOR THE CONSTRUCTION OF BOTH BUSINESS AND RESIDENTIAL PROPERTIES; TO REGULATE THE CONSTRUCTION OF BUILDINGS THEREON, AND TO PROVIDE PENALTIES FOR THE FAILURE TO COMPLY WITH THIS ORDINANCE.

WHEREAS, by an Act of the General Assembly of Virginia, approved April 11, 1927 (Chap. 15, Acts of 1927), that for the purpose of promoting the health, safety, morals or the general welfare of the community, the board of supervisors in any county having a density of population of more than five hundred per square mile according to the last United States census, may by ordinance regulate and restrict the height, number of stories, and size of buildings and other structures, or percentage of lot that may be occupied, or size of yards, courts and other

open spaces, the density of population and the location and use of buildings, structures and land for trade, industry, residence or other specific use of the premises in said county, and for any or all of said purposes may divide the county into districts of such number, shape and area, as may be deemed best suited to carry out the purposes of the act and within such districts may regulate and restrict the erection, construction, re-construction, alteration, repair or use of buildings, structures, or land; and

WHEREAS, by an Act of the General Assembly of Virginia, approved March 24, 1930 (Chap. 317, Acts of 1930) section one of said Act of April 11, 1927, was amended so as to apply to any county of the Commonwealth adjoining a city having a population of one hundred and seventy thousand or more, as shown by the last United States Census; therefore

Be it ordained by the Board of Supervisors of Henrico County as follows:

SECTION 1: DISTRICTS

1. For the purpose of this ordinance Henrico County is hereby divided into four (4) classes of districts as follows:

- "A" Residence Districts
- "B" Business Districts
- "C" Industrial Districts
- "D" Agricultural Districts

2. The location and boundaries of the districts are hereby established as shown on the Building District Maps, numbered 1 to 6, inclusive, which accompany this ordinance and are hereby declared to be a part thereof. These district boundary lines are intended to follow street, alley, lot or property lines as they exist at the time of the passage of this ordinance unless such district boundary lines are fixed by dimensions shown on the Building District Maps. The said maps and all notations, dimensions and designations shown thereon shall be as much a part of this ordinance as if the same were all fully described herein.

SECTION 2: DEFINITIONS

For the purpose of this ordinance certain terms and words are herewith defined as follows:

1. Words used in the present tense include the future, words in the singular number include the plural number and words in the plural number include the singular number; the word "shall" is mandatory and not directory; the word "building" includes the word "structure".

2. Accessory Building: A subordinate building on the same lot with a main building, the use of which is incidental to that of the main building, such as a garage or stable.

3. Alley: A public thoroughfare less than twenty-five (25) feet wide.

4. Apartment House: A building used or intended to be used as the residence of three or more families living independently of each other.

5. Building: A structure having a roof supported by columns or walls for the shelter, support, or enclosure of persons, animals or chattels, and when separated by division walls from the ground up without openings each portion of such building shall be deemed a separate building.

6. Height of Building: The vertical distance measured from the level of the curb or the established curb grade opposite the middle of the front of the building to the highest point of the roof if a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge for a gable, hip or gambrel roof; for

buildings set back from the street line the height may be measured from the average elevation of the original ground surface along the front of the building, and if built on a terrace the height of the building may be increased by the height of the terrace but not to exceed five feet.

7. Court: An open unoccupied space other than a yard on the same lot with a building.

8. Enclosed Court: A court enclosed on all sides by walls or by walls and lot lines, other than street or public alley lines. A court opening on a side yard is an enclosed court but may be considered as extending to the lot line.

9. Outer Court: A court enclosed on three sides by walls or by two walls and a lot line and opening on to a street, alley, front or rear yard.

10. One Family Dwelling: A building having living accommodations for only one family and containing only one housekeeping unit.

11. Semi-Detached Dwelling: Two dwellings on separate lots using a common party wall along the dividing lot line.

12. Duplex Dwelling: A dwelling providing living quarters for two families, one on each floor with no communication between said quarters except that they may have a common entrance.

13. Private Garage: A building used for the housing or storing of motor-driven vehicles, in which no commercial repair work is done, and in which no space may be leased except as specifically provided for hereinafter.

14. Lot: Land occupied or to be occupied by a building and its necessary buildings and including such open spaces as are required by this ordinance, either shown on a plot of record or considered as a unit of property and described by metes and bounds.

15. Depth of Lot: The mean distance between the front and rear lot lines.

16. Street: A public thoroughfare twenty-five (25) feet or more wide. Where title to land extends to the center of a road, easement, or right-of-way, the side lines of such road, easement or right-of-way shall be considered as the side line of a street.

SECTION 3: "A" RESIDENCE DISTRICT USES.

1. In any "A" Residence District no building or premises shall be used and no building shall be hereafter erected or structurally altered unless otherwise provided in this ordinance, except for one or more of the following uses:

2. One-family detached dwelling; duplex dwellings for not over two families.

3. The office of a resident member of a recognized profession, such as a doctor or dentist.

4. Customary home occupations, such as dressmaking, preserving and home cooking; provided, that such occupations shall be engaged in only by residents on the premises, that not more than the equivalent of the area of one floor shall be used for such occupations, that no display of products made shall be visible from the street, and that no accessory building shall be used for such occupation.

5. Churches and other places of worship, including parish houses and Sunday Schools.

6. Schools, colleges, public libraries, public museums and art galleries.

7. Clubs and grounds for games or sports, provided any such use is not primarily for gain.

8. Municipal recreation buildings, playgrounds, parks and athletic fields.

9. Community buildings.

10. Hospitals or sanitariums, not treating contagious diseases and not for the care of epileptic or drug or liquor patients, charitable institutions which are not of a correctional nature and which are not intended for the care of insane or feeble-minded patients; provided that any building so used shall be set back not less than one hundred (100) feet from any lot line or street line.

11. Buildings which are used exclusively by the Federal, State or County Government for public purposes except penal and correctional institutions.

12. Railroad, trolley, bus, air, or boat passenger stations, not including car barns or garages. Railroad rights of way and tracts, not including railroad yards and shops other than for passenger purposes.

13. Static transformer stations, transmission lines and towers, and telephone exchanges, not including service and storage yards.

14. Small professional or announcement signs of professions or businesses permitted in this area, not over one square foot in area, fixed flat against the building, real estate signs not over four square feet in area, provided that such sign is displayed behind the prevailing building line of the block, and further provided that the sign is used for advertising only the premises upon which it is erected.

15. A private garage which shall not be used to house any commercial vehicle nor more than two non-commercial vehicles in excess of those used by residents on the premises on which the garage is located.

16. A private stable which shall be used to house only such vehicles as are permitted in paragraph 15 of this section and only such horses as are used by residents on the premises on which the stable is located.

17. Cemeteries, except as may be restricted by ordinance.

18. Apartment houses, provided that an apartment house not over forty (40) feet in height shall set back at least seventy-five (75) feet from the front street line and fifty (50) feet from all other boundary lines of this property, either street, alley or property lines; provided further that the front setback is as great as the average of the next two adjacent houses already built on the same side of the street and within five hundred (500) feet of the proposed building. Apartment houses over forty feet in height shall set back from all street lines or boundary property lines at least one hundred (100) feet.

19. Truck gardens, nurseries and greenhouses, including office.

20. Farming, dairy farming, livestock and poultry raising and all uses commonly classed as agricultural with no restrictions as to the operation of such vehicles or machinery as are incident to such uses and with no restrictions as to the sale or marketing of products raised on the premises provided that any building, structure or yard for the raising, housing or sale of livestock or poultry on a commercial scale shall be located not less than one hundred feet from any street, lot or property line. Amended

SECTION 4: "B" BUSINESS DISTRICT USES

1. In any business districts, no building or premises shall be used and no building shall be hereafter erected or structurally altered unless otherwise provided in this ordinance, except for one or more of the following uses:

2. Any use permitted in "A" residence districts.

3. Hotels, tea rooms, restaurants.

4. Theatres or assembly halls, not to be conducted as public dance halls.

5. Banks or offices.

6. Automobile filling stations in which no repair work is done and provided that there are no curb pumps or any other obstruction on the sidewalk, and provided that the station shall be so arranged that sidewalk space and space between street line and building line shall not be occupied by vehicles while being served.

7. Any retail trade or service, provided that no industry or manufacturing shall be permitted except the making of articles to be sold at retail on the premises.

8. A private garage which shall not be used to house more than two vehicles in excess of those used by residents on the premises, or used in connection with a business conducted on the premises, on which the garage is located.

9. A private stable which shall be used to house only such vehicles as are permitted in paragraph 8 of this section and only such horses as are used by residents on the premises, or used in connection with a business conducted on the premises on which the stable is located.

10. In any business district, any building or premises may be used for any use permitted in "A" residence district or for any other use except the following:

11. Automobile repair shops using over ten horse power in electric motive power for each 3,000 square feet of lot area occupied by the building.

12. Milk distributing stations.

13. Bottling works.

14. Carpet, rug or bag cleaning.

15. Dyeing and cleaning works employing more than five persons in the cleaning or dyeing process.

16. Stone yards or monument works.

17. Newspaper publishing establishments and printing shops using over twenty-five horse power in electric motive power for each 5,000 square feet or lot area occupied by the building, provided that in a permitted establishment or shop not over five horse power in electric motive power shall be on any floor above the ground floor.

18. Livery stable.

19. Blacksmith or horseshoeing shop.

20. Coal, coke or wood yard.

21. Carting express hauling or storage yard.

22. Contractors plant or storage yard.

23. Lumber yard.

24. Any kind of manufacture, process or treatment on the ground floor of a building other than that clearly incidental to a retail business or service conducted on the premises, provided that the permitted use is not obnoxious or offensive by reason of the emission of odor, dust, smoke, gas or noise.

25. Any kind of manufacture, process or treatment above or below the ground floor of a building using in excess of five horse power in electric active power for each 2,500 square feet of floor area so occupied, provided that the permitted use is not obnoxious or offensive by reason of the emission of odor, dust, smoke or noise.

26. Any use prohibited in Section 5 - Industrial District.

SECTION 5: "C" INDUSTRIAL DISTRICT USES

In the Industrial District no plant shall be built nor process introduced

that ordinarily produces noxious odors or fumes, dust or vapor without first obtaining a permit from the Board of Zoning Appeals. In every case of this nature written permission shall be requested from the Board of Zoning Appeals. The Board of Zoning Appeals shall have the right after ten (10) days' notice to have a public hearing but shall within thirty (30) days after such written permission is requested either grant or refuse or modify the permit.

In case any such plant or process is started without first obtaining such permit then the Board of Appeals may ask of the proper court an injunction restraining the building of such plant or process until such time as is necessary for public hearings and determination.

All uses prohibited in the heavy industrial district in the Zoning Ordinance of the City of Richmond shall be subject to the regulations as outlined in this section.

SECTION 6 : "D" AGRICULTURAL DISTRICT USES

1. In any agricultural district no building or premises shall be used and no building shall be hereafter erected or structurally altered unless otherwise provided in this ordinance, except for one or more of the following uses:

2. Any use hereinbefore permitted in "A" residence districts.

3. Duplex Dwellings.

4. Farming, Dairy farming, livestock and poultry-raising, and all uses commonly classed as agricultural with no restrictions as to the operation of such vehicles or machinery or buildings as are incident to such uses and with no restrictions as to the sale or marketing of products raised on the premises.

SECTION 7: HEIGHT OF BUILDINGS

1. In any residence or local business district, no building shall exceed thirty-five feet in height, except that any building may be erected to not more than fifty feet in height, provided that the portion of such building more than thirty-five feet high shall set back from all required front, side and rear yards, one foot for each two feet of such additional height, and except as provided for in Section 3, Paragraph 18.

2. The provisions of this section shall not apply to church spires, belfries, cupolas, domes, monuments, water towers, chimneys, flues, flag poles, or radio poles, nor to parapet walls extending not more than four feet above the limiting height of the building on which it rests.

3. In any business or industrial district no building shall exceed one and one-half times the width of the street on which it fronts and the limiting height on any street shall be seventy-five feet. Provided that the provisions of this paragraph shall not apply to bulkheads, elevator pent houses, water tanks, monitors or similar structures provided such structure shall not have an aggregate area greater than 25 per cent of the ground floor.

SECTION 8: SET BACK BUILDING LINES

1. In any residence or business districts no building shall be erected, reconstructed or altered nearer to the street line on which it faces than the average set back observed by the buildings on the same side of the street and fronting thereon, within the same block at the time of the passage of this ordinance.

2. The side line of a building on a corner lot shall not be a factor in establishing the set-back line.

3. Provided that no building shall be required to set back from the street a greater distance than the set back line observed by that one of two existing buildings

on the immediate adjoining lots on either side, which is the further removed from the street line.

4. Provided further that in no case shall the required set back be more than sixty feet, except as heretofore and hereinafter provided.

5. Where there are buildings on only one side of a street within the block at the time of the passage of this ordinance, the set-back line for the unoccupied side shall be the same as that established on the occupied side as hereinbefore provided.

6. Where there is no building on either side of the street within a block at the time of the passage of this ordinance, the set-back line shall be not less than thirty-five feet in "A" residence districts and "B" business districts, and where a street line is a side line for a corner lot the minimum set back from such side line shall be five feet in any residence district or business district.

7. In any agricultural district no buildings shall be erected, reconstructed or altered nearer to the side line of a street or road than twenty-five feet nor nearer to the center line than fifty feet.

8. Uncovered porches or covered but not enclosed porches may project not more than ten feet beyond the front wall of the building into a required frontyard in "A" residence districts.

9. In any business district which within a block is adjacent on one or more sides to a residence or business district, the set-back line shall be established respectively as provided herein for residence districts. Otherwise no set-back line shall be required in business districts.

10. No set-back line shall be required in industrial districts.

11. On any corner lot there shall be no planting, structure or obstruction to vision more than three and one-half feet higher than the curb level within twenty feet of the intersection of any two street lines in "A" residence districts and within fifteen feet in business districts.

SECTION 9: REAR YARDS

1. In any "A" residence district a rear yard not less than fifteen feet deep shall be required on every lot and every such yard shall extend from the rearmost portion of the building or structure to the rear line of the lot and be the full width of the lot between sidelines, provided that in any "A" residence district, if the depth of the lot is greater than 75 feet, the required depth of the rear yard shall be increased by an amount equal to one-third of the excess depth over 75 feet; however, no rear yard shall hereby be required to be more than 35 feet deep.

SECTION 10: SIDE YARDS

Amended

1. In any residence district there shall be a side yard along each side of each building and the sum of the widths of the two side yards shall not be less than 25 per cent of the width of the lot. The least width of any such side yard shall be 10 per cent of the width of the lot, provided that no such side yard shall be less than five (5) feet in width, and provided further, that in any case where the total required width of the two side yards is more than twenty-five (25) feet, one of such side yards need not be more than ten (10) feet in width.

Exceptions to Paragraph 1.

2. For lots less than fifty (50) feet in width, existing as a unit or property at the time of passage of this ordinance, no such side yard shall be less than

three (3) feet in width.

3. In any business district, if a building to be erected is intended or designed to be used entirely for residential purposes, the side yard requirements shall be the same as hereinbefore provided for in residence districts.

4. In any business or industrial district along any boundary line between such districts and residence districts such boundary line being not a street line, a side yard shall be required which shall be 10 per cent of the lot width, provided that no such side yard shall be less than three (3) feet in width and shall not be required to be more than ten (10) feet in width.

5. Side yards shall not be required in any business or industrial district, except as provided for in this section and in Section 12.

SECTION 11: COURTS

1. When a window in any residence district in any room used as living quarters does not open on a street, alley, side or rear yard as required in this ordinance; it shall open on a court conforming with the provisions hereinafter contained in this section. The court need not extend below the lowest story it is required to serve.

2. In any residence district no accessory building shall be located within any required court.

3. Within the limits of any outer court, no fence nor wall more than 50 per cent solid shall be more than four feet high.

4. In any residence district the minimum widths of courts at the levels of the lowest window sill of the story served by such court shall be as follows:

Number of stories above the lowest level served by the court	Width of Outer Court	Width of Enclosed Court.
1	4 ft.	6 ft.
2	6 ft.	10 ft.
3	6 ft.	14 ft.

For each story over three, if permitted, add two feet.

5. In no case shall an outer court be less than two inches wide for each foot of building length from the enclosed end.

6. The length of an enclosed court shall be at least twice the required width of the court or such court shall have an area equivalent to the product of the said required dimensions.

7. In business districts or industrial districts, no courts shall be required, except as provided in Section 12.

SECTION 12: EXCEPTIONS AND REGULATIONS IN VARIOUS DISTRICTS

1. Except as specified in this section, yards and courts required by this ordinance shall be open, unobstructed to the sky.

2. Cornices and eaves may project not to exceed three feet over any minimum required yard. Provided that any such projection shall not be less than two feet from any lot line.

3. Sills, leaders, belt courses and similar ornamental features may project six inches over any minimum yard or court. An open fire balcony, fire escape or fire tower may project five feet over any yard.

4. A bay window, oriel or balcony which is not more than ten (10) feet wide may project not more than three feet into any front yard or rear yard, provided it does not come nearer the side lot line than three feet, and into any rear yard ten feet, provided it does not come nearer the rear line than ten feet.

5. The setback and yard requirements of this ordinance shall not apply to any necessary retaining wall, or to any fence or wall which is less than five feet high and providing nothing herein shall prevent the construction of a rear line fence or wall to a height not exceeding seven feet. The provisions of sections in reference to setback and areas shall not apply to terraces, steps and uncovered porches which are not in any part more than three feet above the floor level of the first story and not within five feet of any party lot line.

6. Every room in which one or more persons live, sleep, work, or congregate, except storage rooms or other rooms where the nature of the occupancy does not require direct light and air from the outside, shall have a total window area equal to or greater than one-tenth of the floor area of the room. Such windows shall open directly upon a street or alley not less than ten (10) feet in width or upon a rear yard, side yard, outer court or enclosed court or other open space located upon the same lot and conforming to the requirements prescribed for these by this ordinance as to minimum area and lease dimensions.

7. No lot or plot shall hereafter be so reduced in area as to cause any open space required by this ordinance to be less in any dimension than is herein required for the district and lot in question.

SECTION 13: ACCESSORY BUILDINGS

Amended

1. Accessory buildings permitted by this ordinance shall be placed in rear yards only. The aggregate ground area covered by accessory buildings, including the ground area covered by any projection or encroachments hereinbefore permitted, shall not exceed 30 per cent of the rear yard area in residence districts.

2. No accessory building in any residence or business district which is within ten (10) feet of any party lot line shall be more than one story high. No accessory building shall exceed thirty-five (35) feet in height.

3. Within the limitations hereinbefore recited in this section any accessory building on a corner lot in residence, or business districts shall be distant as far as possible from all street lines, excepting that this shall not require the distance from any street lines to exceed thirty (30) feet; but when the rear of any corner lot abuts any lot facing on a street which is a side street with reference to said corner lot, any accessory building on the corner lot shall not be built nearer the rear line of the corner lot than six per cent of the depth of the corner lot.

SECTION 14: INTERPRETATION AND PURPOSES

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements adopted for the promotion of health, safety, morals, comfort, prosperity, or general welfare of the public. It is not intended by this ordinance to repeal, abrogate, annul or in any way to impair or interfere with any existing provisions of law or ordinance, or any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use or construction of buildings or premises; provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises or upon heights of buildings, or requires larger yards, courts or other open spaces than are imposed or required by such existing provisions of law or ordinance or by such rules, regulations or permits, the provisions of this ordinance shall control.

SECTION 15: GENERAL REGULATIONS

Except as hereinafter provided for existing non-conforming uses in Section 16

no building, structure or premises shall be used and no building or part thereof, or other structure shall be erected, reconstructed, enlarged, or altered except in conformity with the regulations prescribed by this ordinance; excepting that nothing in this ordinance shall affect the height, setback building line, yards or courts of any building as such exist at the time of the passage of this ordinance.

SECTION 16: EXISTING NON-CONFORMING USES

1. If, at the time of enactment of this ordinance, any lot, building or structure is being used in a character or manner or for a purpose which does not conform to the provisions of this ordinance, and which is not prohibited by some other ordinance, such character of manner of use or purpose may be continued, and no change of title or possession or rights to possession of any such lot, building or structure shall be construed to prevent the continued non-conforming use of such lot, building or structure as hereinbefore provided. Any such non-conforming use which is not otherwise unlawful may be hereafter extended throughout any part of a building or structure which was manifestly arranged or designed for such use at the time of enactment of this ordinance. The Board of Appeals may grant in their discretion the privilege of an extension of twenty-five per cent of the area of the present building.

2. No building, structure or premises in which a non-conforming use is abandoned for a period exceeding two years or is superseded by a permitted use, subsequent to the enactment of this ordinance, shall again be devoted to any prohibited use.

3. Any non-conforming building or structure which is hereinafter damaged to an extent exceeding 50% per cent of its then reproduction value exclusive of foundations, by fire, flood, explosion, earthquake, war, riot, storm or so-called act of God, may not be restored, reconstructed and used for any other than a purpose permitted under the provisions of this ordinance governing the district in which the building or structure is located.

4. Nothing in this ordinance shall prevent the strengthening or restoration to a safe or lawful condition of any part of a building or structure declared unsafe or unlawful by the Building Inspector, the Chief of Fire Department or any other duly authorized county official.

SECTION 17: ENFORCEMENT

1. This ordinance shall be enforced by the County Engineer, or such officer as may be designated by the Board of Supervisors, who shall in no case grant any permit for the construction or alteration of any building, if the building as proposed to be constructed or altered would be in violation of any of the provisions of this ordinance. All applications for building permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact sizes and locations of the buildings and accessory buildings, then existing and the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or housekeeping units the building is designed to accommodate, and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this ordinance. One copy of such plans shall be returned to the owner when such plans shall have been approved by the County Engineer.

2. It shall be unlawful to use or permit the use of any building or premises, or part thereof, hereafter created, erected, changed, converted, altered or enlarged, wholly or partly in its use or structure, until a certificate of Occupancy shall have

been issued therefor by the County Engineer. Such certificate shall show that such building or premises or part thereof and the proposed use thereof are in conformity with the provisions of this ordinance.

3. Any person who proposes to construct or alter any building or to make some use of a lot, building or structure of any kind shall file with the County Engineer his application therefor, which application shall furnish such information to the County Engineer as may be necessary to enable him to pass on such applications intelligently. If such proposed structure, alteration or use is in conflict with the provisions of this ordinance, the County Engineer shall refuse a permit for such construction, alteration or use, and from such decision of the County Engineer an appeal shall lie in the Board of Zoning Appeals.

4. It is the intention of this ordinance that all questions arising in connection with the enforcement of this ordinance shall be presented first to the County Engineer; that such questions shall be presented to the Board of Appeals only on appeal from the County Engineer; and that from the decision of the Board of Appeals recourse shall be had as provided by law. It is further the intention of the ordinance that the duties of the Board of Supervisors of Henrico County in connection with the ordinance shall not include the hearing and passing upon disputed questions that may arise in connection with the enforcement thereof, but that the procedure for determining such question shall be as hereinbefore set out in this section; and that the duties of the Board of Supervisors in connection with the ordinance shall be only the duty of considering and passing upon any proposed amendment or repeal of the ordinance, as provided by law, and as hereinbefore mentioned in this ordinance.

SECTION 18: VIOLATION AND PENALTIES

Any person who violates any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$10.00 and not more than \$100.00 if the offense be not wilful; or not more than \$250.00 if the offense be wilful, and in every case \$10.00 for each day after the first day that such violation shall continue.

SECTION 19: EFFECT ON INVALIDITY OF ONE SECTION

Should any section or provision of this ordinance be decided by the courts to be unconstitutional or invalid, such decisions shall not affect the validity of the ordinance as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

SECTION 20: BOARD OF ZONING APPEALS

A Board of Zoning Appeals to be appointed by the Judge of the Circuit Court of Henrico County may, in appropriate cases and subject to appropriate conditions and safeguards vary the application of the terms of this ordinance in harmony with its general purpose and intent and in accordance with general specific rules contained herein, and shall adopt rules, hold meetings and have powers, all as provided in an act of the General Assembly of Virginia Chapter 15, Approved April 11, 1927, and amendment thereto, Chapter 317, Approved March 24, 1930.

SECTION 21: AMENDMENT

1. The Board of Supervisors of Henrico County may from time to time on its own motion or on petition, after public notice and hearing, amend, supplement or change the regulations and districts herein established. Every such proposed amendment, supplement or change shall be referred by the Board of Supervisors to the Board

of Zoning Appeals for report before the above public hearing.

2. No plat of division of land into villa sites, lots, streets or alleys, that lies in an agricultural district as herein established shall be admitted to record in the office of the County Clerk unless the same shall have been first redistricted into one or more of the classes of districts, other than agricultural, that are provided for by this ordinance. The procedure for such redistricting shall be the same as provided herein to amend, supplement or change the regulations and districts herein established.

SECTION 22: BUILDING PERMIT
NOW IN FORCE

Nothing herein contained shall require any change in the plans, construction, size or designated use of any building, structure, or part thereof for which a building permit has been granted or for which plans were on file with the Board of Supervisors before this ordinance becomes effective, and the construction of which from such plans shall have been started within ninety days after this ordinance becomes effective; except that if the building operation in question is discontinued for a period of not less than six months, any further construction shall be in conformity with the provisions of this ordinance. This is intended to include the addition of extra stories to a building where provision has heretofore been made in the existing foundations, columns and walls.

SECTION 23: DATE EFFECTIVE.

The date of effect of this ordinance shall be from and after its passage and legal publication, and its provisions shall be in force thereafter until repealed.

All conflicting ordinances or parts thereof which are inconsistent with the provisions of this ordinance are hereby repealed.

The boundaries for said zoning districts are shown on a map or plat filed herewith and made a part of this ordinance.

An emergency existing, this ordinance shall be in force from its passage and approval by the Judge of the Circuit Court of Henrico County, Virginia.

Which is ordered to be certified to the Judge of the Circuit Court of the County of Henrico, for approval.

The following accounts were this day examined by the Board, allowed and made payable as follows:

R O A D S

Tuckahoe

To amount brought forward	\$5,644.94
To Tazewell Ellett, Exp. & Payroll a/c Roads, Aug. 1933 #45882	2,185.68
	<u>\$7,830.62</u>

Brookland,

To amount brought forward	\$2,778.09
To Tazewell Ellett, Exp. & Payroll a/c Roads, Aug. 1933 #45880	1,210.02
	<u>\$3,988.11</u>

Fairfield

To amount brought forward	\$6,019.50
To Tazewell Ellett, Exp. & Payroll a/c Roads, Aug. 1933 #45879	3,630.96
	<u>\$9,650.26</u>

**AMENDMENTS
TO
1933 ZONING ORDINANCE**

P. P. Lipscomb

COUNTY OF HENRICO, To-wit:

At an adjourned meeting of the Board of Supervisors of Henrico County, held at the Court House on Tuesday, the 10th day of September, 1935, at the hour of 10 o'clock a.m.

PRESENT:

P. P. Lipscomb, Chairman
W. Gordon Hately
A. A. Harvey
George F. Franck, Members of the Board

The Board was called to order by the Chairman. And thereupon the orders of the 13th, 20th and 22nd days of August, 1935, were read and approved.

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The following amendment to the zoning ordinance was adopted;

Be It Ordained, By the Board of Supervisors of the County of Henrico, that Section 10 of the Zoning Ordinance adopted by the Board on the 5th day of September, 1933, be amended and re-enacted to read as follows:

Section 10: Side Yards.

1. In any residence district there shall be a side yard along each side building and the sum of the widths of the two side yards shall not be less than 20 per cent of the width of the lot. The least width of any such side yard shall be 10 per cent of the width of the lot, provided that no such side yard shall be less than three (3) feet in width, and provided further, that in case where the total required width of the two side yards is more than twenty-five (25) feet, one of such side yards need not be more than ten (10) feet in width.

Which is ordered to be certified to the Circuit Court of the County for its approval.

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Oct 9 1940

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✓ On motion of W. H. Ferguson seconded by Dr. Horace R. Hicks the following supplemental budget appropriation for the current year is as follows: From Federal Government Grants 401 Revenue Fund to Sanitary District No. 1 Sewer Construction Fund: P. W. A. Docket #1337-F \$20,858.61.

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On motion of W. Hugh Sanders seconded by W. H. Ferguson the following transfer of budget appropriations for the current year was approved as follows:

From 10H-323 to 10J-205 Sanitary District No. 1 Operating Fund \$170.00.

To 10J-218 Sanitary District No. 1 Operating Fund \$100.00 from 10G-323.

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✓ On motion of Dr. Horace R. Hicks seconded by W. Hugh Sanders the bill for \$60.00 rendered by J. R. Gondolfo for fire service June 24, 1940 was allowed, but Mr. Gondolfo was to henceforth have official notice before responding to fires.

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✓ On motion of W. Hugh Sanders seconded by W. H. Ferguson it was ordered that the committee that is considering the consolidation of bonds to further study bonds and consider how this distribution shall be made, and to report to Board for their decision.

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✓ The Zoning Ordinance Amendment which was approved by the Board of Supervisors on June 9, 1936 has not been approved by the Circuit Court, therefore, it is ordered that this amendment be advertised as required by law, and then presented to the Court for approval.

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An ordinance to provide a county license tax on slot machines, music machines, and vending machines, was presented by the Commonwealth's Attorney, for the consideration of the Board of Supervisors.

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The Board having received a resolution passed by the Board of Zoning Appeals dated March 9, 1936, recommending certain changes in the Zoning Ordinance on motion of Dr. B. H. Martin, seconded by J. W. Wilber the following amendment was unanimously adopted:

(1) Section 13, paragraph 3, after the words "thirty (30) feet", add, "except in cases where there are no lots facing the side street on either side of the side street within the block, in which case accessory buildings may be built on the street line, provided there are no projections or doors to swing over the street line."

(2) Section 13, paragraph 3, (end of paragraph) add, "except where an alley is provided, then the accessory building may be built on the rear line of the lot, provided there are no projections or doors to swing over the alley line," which is this day approved by the Board and the Clerk is ordered to advertise the said proposed change for hearing before the Court of this County during the January term.

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WHEREAS, L. C. Williams is constructing a road from the Cary St. Road south to the Milton Road, and

WHEREAS, a petition has been received requesting certain changes in the names of roads in this vicinity.

On motion of Mr. Wilber, seconded by Dr. Martin, the following changes in names of roads involved are hereby ordered if and when the said road constructed by Mr. Williams is taken into the County system of roads and there is no opposition to the change:

DEC. 17, 1936.

COUNTY OF HENRICO, To-wit:

At an adjourned meeting of the Board of Supervisors of said County, held at the Court House on Tuesday, the 9th day of June, 1936, at the hour of 10 o'clock a.m.

PRESENT: W. Gordon Hatley, Chairman
George F. Franck
J. W. Wilber
B. H. Martin, Members of the Board

The Board was called to order by the Chairman. And thereupon the orders of the 12th day of May, 1936, were read, approved and signed by the Chairman.

J. A. Baird, President of the Richmond-Ashland Railway Company, appeared and requested the Board of Supervisors to recommend to the State Corporation Commission a reduction of assessment on road bed from \$3000.00 to \$1000.00 per mile, on account of the company's inability to pay the present tax assessment.

On motion of Mr. Wilber, seconded by Dr. Martin, the Board granted the request of the Richmond-Ashland Railway Company.

The following resolution was unanimously adopted:

RESOLVED: That the Board of Supervisors of Henrico County, following inspection on May 13, accept from J. B. McCrary Company, Inc., the water main, tanks, foundation, pump and pump houses in Sanitary District No.3, known as Part of FWA project 5324-Virginia.

The Board adopted the following change in the Zoning Ordinance, as recommended by the Board of Zoning Appeals, after having advertised the same once a week for two successive weeks;

The following resolution was unanimously adopted:

RESOLVED: That the Board of Supervisors of Henrico County, following inspection on May 13, accept from J. B. McCrary Company, Inc., the water main, tanks, foundation, pump and pump houses in Sanitary District No.3, known as Part of FWA project 5324-Virginia.

The Board adopted the following change in the Zoning Ordinance, as recommended by the Board of Zoning Appeals, after having advertised the same once a week for two successive weeks;

"Section 4 "B" - Business District Uses.

Eliminate paragraph 11, "Automobile repair shops using over ten horse power in electric motive power for each 3000 sq. ft. of lot area occupied by the building, and amend this paragraph so as to read as follows:

"11. Automobile repair shops in connection with a filling station, for minor repairs only and not equipped with motive power in excess of ten horse power and provided further that all repair work be done within the building and provided further that no storage of wrecked cars or wrecking of cars be permitted on the premises." Which is ordered to be presented to the Judge of the Circuit Court for his approval.
