

**ZONING ORDINANCE
ADOPTED
BY
THE BOARD OF SUPERVISORS
SEPTEMBER 9, 1942**

- 1942 -

On motion of W. H. Ferguson seconded by Dr. Horace R. Hicks the time of the meeting of the Board of Supervisors is changed from 1 o'clock p. m. to 2 p. m.

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On motion of Dr. Horace R. Hicks seconded by W. Hugh Sanders \$100.00 was transferred from 1B-109 to 1B-220 for expenses of County Manager to attend I. C. M. meeting October 11-15 at French Lick Springs, Indiana.

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✓ 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 to comply with the 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 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 the 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 district 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 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
- "E" Airport 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 districts 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 the 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.

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 onto 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 a separate lot using a common party wall along the dividing lot line.

12. Duplex: 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 accessory 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 the 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 and sports, provided any such use is not primarily for gain.

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

9. Community buildings.

10. Hospitals and 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 tract, 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, provided that the sign is displayed behind the prevailing building line of the block, and further provides 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 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 house, 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 the 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 sale of 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.

Amendment added 21 here.

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 except as provided in paragraph 11 and provided that there are no curb pumps or any obstructions on the sidewalk and provided that the station shall be so arranged that sidewalk space and space between the street line set back 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 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.

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 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

Any building or process introduced

In case any such plant or process is started without first obtaining such a 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 district.

3. Duplex dwellings.

4. Farming, dairy farming, livestock and poultry-raising, and all uses commonly classed as agricultural with no restriction 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: "E" AIRPORT DISTRICT USES

1. The term "Airport" as used in this ordinance shall mean any place, either on land or on water, which is in actual use, or is designed or intended to be used, or is leased for the purpose of the operation of aircraft in the discharging or receiving of cargo and passengers from or by aircraft, or for the purpose of instruction in the operation of aircraft, or for the repair, service and storage of more than three aircraft, whether owned or operated privately, commercially for private gain or by a recognized governmental agency, but shall not include the manufacture of airplane accessories or the testing of aircraft by actual flight test. Every airfield, aerodrome, aviation school, flying school, flying field or any other place for the operation of aircraft, except an air passenger field as defined herein, and except a private hangar as provided for in Section 6 of this ordinance, shall be deemed to be an airport within the meaning of this ordinance.

2.- The term "air passenger field" as used in this ordinance shall mean any lot, area or place on land or water on which aircraft may receive and discharge passengers and mail only, and on which the servicing of aircraft shall include only such provisions as are necessary to provide fuel, oil and water to the aircraft for the continuance of their flight.

3. The term "air Passenger station" as used in this ordinance shall mean any lot, area, building or portion thereof at which passengers to be transported by aircraft may obtain tickets and information, or congregate to await transportation to an airport by a vehicle other than aircraft.

4. In addition to the four previous described classes of districts duly established herewith there shall also be classes of districts to be known as "airport districts" each of which shall be designated by the letter "E" followed by a numeral. Such districts shall be established as the locations and boundaries thereof may hereafter be set forth in amendments to the Henrico County Zoning Ordinance. The regulations applying in each airport district shall be those which are set forth in Section 5 of this ordinance as applying in all airport districts and in addition thereto those which may be set forth in amendments to the Henrico County Zoning Ordinance as applying to each class of airport district, respectively, and covering such matters as the nature and scale of operations, including incidental operation and size, area, and height of hangars, type of planes to be accommodated and location and orientation of runways.

5. The following regulations shall apply in and adjacent to all Airport Districts:

(a) Within any airport district no activity shall be conducted except as may be necessary, customary or accessory to the operation of an airport as defined in this ordinance, including such business or commercial activities as are customarily appurtenant or accessory to the operation of an airport, such as the sale of food, magazines and newspapers, the operation of restaurant facilities, the storage and sale of parts, materials and fuels for use in the operation of aircraft only and such residential accommodations as are necessary for the proper protection and operation of the airport only.

(b) In addition to the foregoing permitted uses the testing of aircraft by flight test may take place in an airport district upon the securing of a permit therefor from the Board of Supervisors after a public hearing has been held on the question of the issuance of such permit. Public notice of any such hearing shall be given by at least one publication in a newspaper of general circulation in the County at least ten days before the date thereof. The testing of aircraft by flight test is hereby prohibited, unless and until a permit shall first have been obtained therefor, as provided herein.

(c) Within the zone of approach to any airport, and whether within an airport district or within any district adjacent thereto, as said zone of approach is indicated by the regulations of the Civil Aeronautics Authority and is either shown on the Henrico County Zoning Map or described in the Henrico County Zoning Ordinance or any amendment thereof, no building or structure shall be erected to a height of more than two and one-half stories or thirty five feet unless and until a permit therefor shall have been issued by the Board of Zoning Appeals. Said Board shall not issue any such permit if it shall find that the proposed structure would be a hazard to the safe approach to the airport from the airport from the air in accordance with the recommendations of the Civil Aeronautics Authority and the State Corporation Commission.

6. Hangars or other structures for the accommodation, protection or storage of aircraft may be erected or located only in the following areas within the County:

- a. in an airport district; or
- b. on any air passenger field; or
- c. on a parcel of land contiguous to air passenger field, providing however, (1) that access to such field by aircraft moving on the ground from such hangar or other structure shall be directly to that field and shall occur entirely within the boundaries of such parcel of land and (2) that a permit for the erection or use, or the erection and use, of such structure shall first have been obtained from the Board of Zoning Appeals, on which permit the conditions of location, design, capacity and orientation of such hangar or other structure shall be clearly set forth, which permit shall be revocable for any violation of any such condition, and which permit may be issued for a specified period of time; or
- (d) on a parcel of land occupied by a dwelling, if such hangar or other structure is a building accessory and incidental to the use of such parcel for dwelling purposes and is for the private use of the occupant thereof, provided that the landing and take off of aircraft in connection with the use of such hangar or other structure shall take place entirely within the boundaries of such parcel of land, and provided further, that no portion of such hangar or other structure and no point of the area used for landing or departure of aircraft in connection therewith shall be less than two hundred feet from any boundary of such parcel of land.

7. No airport shall hereafter be established in Henrico County except in the "Airport district", and subject to all the regulations prescribed therefor. No air passenger field shall hereafter be established in Henrico County unless and until a permit therefor shall first have been obtained from the Board of Zoning Appeals, in which permit the conditions of the extent of the operations, the location and orientation of runways and the location and design of buildings shall be clearly set forth, which permit shall be revocable for any violation ~~xxxxxx~~ of any such condition, and which permit may be issued for a specified period of time. Nothing in this ordinance shall be deemed to legalize the existence of operation of any activity constituting an airport or passenger field, as defined herein, which activity was existing at the time of the passage of this ordinance in violation of any provision of any law or ordinance, nor to relieve from liability for any penalty for any such violation any person, firm, or corporation thus prior to the passage of this ordinance.

8. The use for airport or air passenger field purposes of any land or structure in the county which at the time of the passage of this ordinance is devoted to such purposes in full compliance with all existing provisions of law and ordinance may continue as a non-conforming use for a period of not exceeding ten years beginning from the date of passage of this ordinance, at the expiration of which time such use shall cease unless such land shall have been designated as an airport district by amendment of the Henrico County Zoning Ordinance, or, in the case of an air passenger field which is not located in such an airport district, unless a permit therefor shall have been obtained from the Board of Zoning Appeals, as provided in Section 7 of this ordinance. Any activity existing legally in the county at the time of passage of this ordinance as an airport or air passenger field and continuing as a non-conforming use as herein provided shall not be increased beyond the extent, whether of land area covered or of intensity of operation or of size or extent, of existing buildings, or structures of of number, size or length of runways, at which it is now operating, but may continue as a non-conforming use until the expiration of the ten year period herein described or until, within such ten year period, such time as such operations as an airport or air passenger field shall have ceased for a continuous period of more than six months. Any airport district so designated under the terms of this ordinance in which all airport activity and operations have ceased for a period of not less than one year shall thereafter be deemed to be an "A" residence district ~~and shall~~ "A" residence district regulations shall apply therein.

9. Any person, firm or corporation aggrieved by the action taken pursuant to this ordinance may, within thirty days from the date of passage of this ordinance appeal to the Circuit Court of the County. Upon any such appeal said court shall enter such order in relation to the action appealed from as it may deem equitable.

10. Any person, firm or corporation which shall violate the provisions of this ordinance shall be subject to the same fine as applied to violation of the ordinance in other districts.

SECTION 8: 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-five feet high 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 and in section 7 Paragraph 5-c.

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., except as provided for in Section 7 paragraph 5-c.

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 structures shall not have an aggregate area greater than twenty-five percent of the ground floor, and provided in addition that all structures be in compliance with the height restrictions as adopted in Section 7 paragraph 5-c.

SECTION 9: SET BACK BUILDING LINES

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 if 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 cases 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 the street within a 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 line from such side line shall be five feet in any residence district or business district.

7. In any agricultural district no building 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 front yard 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.

12. Along all thoroughfares and highways where a future right of way has been adopted in excess of the present right of way for the purpose of future widening of these highways as provided under the Master Highway Plan adopted by the County, the setback line for all buildings constructed in the future shall be 35 feet to be measured from the property line to be established by the location of the future right of way, or beginning from a line at a distance equal to half the width of the future right of way measured from the center line of the existing right of way. This building setback line shall be so established regardless of the location of existing building on adjacent lots.

13. Where the center line of a future highway right of way has been established by proper engineering survey and has been put on record as a portion of the Master Highway Plan by adoption by the Board of Supervisors as provided by law, the setback line for all buildings constructed in the future along the line of this future right of way shall be not less than 60 feet to be measured from the center line of this future right of way where the future width of right of way has been adopted as 50 feet. Where the future right of way of the proposed highway is in excess of 50 feet and has been so adopted by the action of the Board of Supervisors the setback line for all buildings along this future right of way shall be established at one-half of that distance to be measured from the center line of the future highway, but in no case shall it be less than 60 feet to be measured from the center line of this future right of way.

14. Existing structures now located closer to a thoroughfare than is henceforth permitted under this ordinance shall be considered to be nonconforming structures and no additions, alterations or structural changes of a value exceeding \$50.00 shall be made unless approved by the Zoning Board of Appeals. In the event of the total destruction of any non-conforming structure or the partial destruction to the amount of 60% of the whole no structure shall be erected upon the lot hitherto occupied by such building unless it conforms to the provisions of this ordinance governing the erection of new structures.

SECTION 10: 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 11: SIDE YARDS

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 20% of the width of the lot. The least width of any such side yard shall be 10% 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 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 of property at the time of passage of this ordinance, no such 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 district.

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 12: 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 (4) 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:

<u>Number of stories above the lowest level served by court</u>	<u>Width of Outer Court</u>	<u>Width of Enclosed Court</u>
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 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 13: MINIMUM LOT SIZES

In all zoning districts in Henrico County no family residential building which is to be served by its own individual well and septic tank or outdoor privy or dry closet shall be erected on a lot, plot or a parcel of land having an area of less than 11,000 square feet in area, and having a street frontage of less than 65 feet along the principal thoroughfare upon which the building faces.

No more than one family dwelling unit per lot shall be permitted where the above described sanitary facilities are provided.

If a public water supply is provided and/or public sewerage facilities are available the lot frontage required may be less, but in no case where public sewerage facilities are not available shall the lot frontage be less than 55 feet nor the lot area less than 8,000 square feet.

SECTION 14: 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 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.

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

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 15: ACCESSORY BUILDINGS

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 projections 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; 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; 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 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.

SECTION 16: 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 17: 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 18: 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 or manner of use or purpose may be continued, and not change of title or 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 19: 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 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 20: VIOLATIONS 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 21: 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 22: 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 hear and decide appeals where it is alleged there is error in any order, requirement decision, or determination made by an administrative official in the enforcement of this act or of any ordinance adopted pursuant thereto, and hear and decide special exceptions to the terms of this or any subsequent ordinance upon which such Board is required to pass under any such ordinance, and to authorize upon appeal in specific cases such variance with the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions a literal enforcement of the provisions of such ordinance will result in unnecessary hardship, and so that the spirit of such ordinance shall be observed and substantial justice done, 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 23: AMENDMENTS

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, tracts, 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 24: BUILDING PERMITS NOW IN FORCE

**AMENDMENTS
TO
1942 ZONING ORDINANCE**

following salary adjustments were made in the departments indicated:

Finance Department:

Agnes M. Badenoch	Office Manager	\$140.00	\$150.00
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Recording Department:

Alice Vasko	Bookkeeper	100.00	110.00
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Buildings and Grounds Department:

C. W. Bowles	Plumber	150.00	155.00
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Welfare Department:

Mary J. Vaden	Senior Social Worker	145.00	150.00
Mildred G. Davis	Senior Social Worker	145.00	150.00
Dorothy M. Lowery	Senior Social Worker	145.00	150.00

And nothing further remaining to be done, it is ordered that the Board adjourn.



COUNTY OF HENRICO, To-wit:

At a regular meeting of the Board of County Supervisors of Henrico County, held at the Courthouse, 22nd and Main Streets, Richmond, Virginia, on Wednesday, the 12th day of July, 1944, at the hour of 2:00 o'clock p.m.

PRESENT:

W. H. Ferguson, Chairman
W. C. Schermerhorn, Jr.
R. C. Longan, Members of the Board.

ABSENT:

Dr. Horace R. Hicks

OTHER OFFICIALS PRESENT:

Carlton C. Massey, County Manager
Helen D. Clevenger, Clerk
H. M. Ratcliffe, Commonwealth Attorney
J. A. Gates, Director of Finance.

The meeting was called to order by the Chairman. On motion of R. C.

Longan, seconded by W. C. Schermerhorn, Jr., the reading of the minutes of the former meetings of June 14 and 28, was dispensed with and approved as written.

On motion of W. C. Schermerhorn, Jr., seconded by R. C. Longan, the following ordinance was amended to read, as follows:

AN ORDINANCE licensing and regulating automobile graveyards as defined in this ordinance and providing penalties for its violation.

Be It Ordained by the County Board of Supervisors of Henrico County, as follows:

Section 1. The term "automobile graveyard" as used in this ordinance shall mean any lot or place which is exposed to weather, upon which more than five motor vehicles of any kind, incapable of being operated, are placed.

Section 2. No automobile graveyard shall be established and/or operated unless a certificate of approval shall have first been procured from the Zoning Board of Appeals. Any person, firm or corporation proposing to establish and/or operate an automobile graveyard shall make application to the Zoning Board of Appeals for a hearing thereon. Before such hearing is had notice of same shall be published once a week for two successive weeks in some newspaper in general circulation within the County of Henrico, copy of which notice shall be mailed to the applicant. Applicant shall deposit with his application a sum to be determined by the County Engineer to pay the costs of said publication.

Section 3. Upon the granting of said certificate applicant shall pay a license fee to the Department of Finance of Henrico County in the sum of \$100.00 per annum, which license shall be non-transferable and which shall run from January 1st to December 31st and there shall be no pro-rata for any portion of the year.

Section 4. Any person, firm, or corporation aggrieved by the action taken pursuant to this ordinance may, within thirty days from the date of the refusal or issuance of the certificate, appeal to the Circuit Court of the County. Upon any such appeal, said court shall enter such order in relation to the action appealed from as it may deem equitable.

an automobile graveyard shall make application to the Zoning Board of Appeals for a hearing thereon. Before such hearing is had notice of same shall be published once a week for two successive weeks in some newspaper in general circulation within the County of Henrico, copy of which notice shall be mailed to the applicant. Applicant shall deposit with his application a sum to be determined by the County Engineer to pay the costs of said publication.

Section 3. Upon the granting of said certificate applicant shall pay a license fee to the Department of Finance of Henrico County in the sum of \$100.00 per annum, which license shall be non-transferable and which shall run from January 1st to December 31st and there shall be no pro-rata for any portion of the year.

Section 4. Any person, firm, or corporation aggrieved by the action taken pursuant to this ordinance may, within thirty days from the date of the refusal or issuance of the certificate, appeal to the Circuit Court of the County.

Upon any such appeal, said court shall enter such order in relation to the action appealed from as it may deem equitable.

Section 5. Any person, firm or corporation that shall violate the provisions of this ordinance shall be subject to a fine of not less than \$5.00 nor more than \$100.00 or by imprisonment for a period of not more than ten days or by both in the discretion of the court or jury trying the case.

Section 6. This ordinance shall be in force and effect after its passage by the Board of Supervisors and its publication in full once a week for two successive weeks, in some newspaper published or having a general circulation in Henrico County and the Clerk of the Board of Supervisors is hereby directed to publish said ordinance.

July 12, 1944

✓On motion of R. C. Longan, seconded by W. C. Schermerhorn, Jr., the Zoning Ordinance was amended, to read as follows:

AN ORDINANCE to amend and re-enact Section 22 of the Henrico County Zoning Ordinance providing for the appointment of a Board of Zoning Appeals and authorizing said Board to issue permits varying the terms of the Zoning Ordinance to prevent a hardship and authorize issuing of emergency permits.

Be It Ordained By the Board of County Supervisors of Henrico County, as follows:

That Section 22 of the Henrico County Zoning Ordinance be and the same is hereby amended and re-enacted to read as follows: 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 hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this act or of any ordinance adopted pursuant thereto, and hear and decide special exceptions to the terms of this or any subsequent ordinance upon which such Board is required to pass under any such ordinance, and to authorize upon appeal in specific cases such variance with the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions a literal enforcement of the provisions of such ordinance will result in unnecessary hardship, and so that the spirit of such ordinance shall be observed and substantial justice done; and to grant such special limited permits as they may deem necessary to meet war time emergencies, for the operation of businesses

the same is hereby amended and re-enacted to read as follows:
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 hear and decide appeals
where it is alleged there is error in any order, requirement,
decision, or determination made by an administrative official
in the enforcement of this act or of any ordinance adopted
pursuant thereto, and hear and decide special exceptions to
the terms of this or any subsequent ordinance upon which such
Board is required to pass under any such ordinance, and to
authorize upon appeal in specific cases such variance with the
terms of the ordinance as will not be contrary to the public
interest, where, owing to special conditions a literal enforce-
ment of the provisions of such ordinance will result in un-
necessary hardship, and so that the spirit of such ordinance
shall be observed and substantial justice done; and to grant
such special limited permits as they may deem necessary to
meet war time emergencies, for the operation of businesses
and industrial plants in agricultural and residential
districts, such special limited permits to be issued for a
period not to exceed six (6) months after the cessation of
hostilities in the present war, 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.

An emergency existing this ordinance shall be in effect from
its passage.

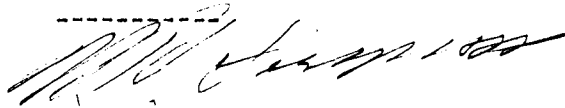
On motion of W. C. Schermerhorn, Jr., seconded by R. C. Longan, the
following supplemental budget appropriation was allowed, which is to be reim-
bursed by the Federal Government:

From Revenue 121 - Cannery Receipts	\$2830.00
To 17E-119 - Compensation of Janitor	\$ 600.00
134 - Compensation of Instructors	1200.00
207 - Electric current	125.00
215-Repair and replacement of equipment	125.00
220 - Travel of supervisors	250.00
306 - Cleaning material and supplies	100.00

surveying an island in the James River near Westham Bridge.

Mr. P. C. Abbott appeared before the Board in regard to water supply in Monumental Floral Gardens, and was advised by the Board, with the concurrence of the Commonwealth's Attorney, that this was a matter between the residents of Monumental Floral Gardens and Mr. C. F. Sauer.

And nothing further remaining to be done, it is ordered that the Board adjourn.



COUNTY OF HENRICO, To-wit:

At a regular meeting of the Board of County Supervisors of Henrico County, held at the Courthouse, 22nd and Main Streets, Richmond, Virginia, on Wednesday, the 9th day of August, 1944, at the hour of 2:00 o'clock p.m.

PRESENT:

W. H. Ferguson, Chairman
W. C. Schermerhorn, Jr.
R. C. Longan, Members of the Board.

ABSENT:

Dr. Horace R. Hicks.

OTHER OFFICIALS PRESENT:

Carlton C. Massey, County Manager
Helen D. Clevenger, Clerk
H. M. Ratcliffe, Commonwealth Attorney
J. A. Gates, Director of Finance.

The meeting was called to order by the Chairman. On motion of W. C. Schermerhorn, Jr., seconded by R. C. Longan, the reading of the minutes of the former meeting of July 12, was dispensed with and approved as written.

On motion of R. C. Longan, seconded by W. C. Schermerhorn, Jr., the following ordinance was adopted:

AN ORDINANCE to amend Section 3-A of Henrico County Zoning Ordinance, Residence District Uses, by adding thereto an

AUGUST 9, 1944

additional paragraph, number 21, authorizing the Board of Zoning Appeals to grant permits for the Erection of office buildings in residential districts with certain facilities therein, and providing for set back lines and height of structures.

Be It Ordained By the Board of County Supervisors of Henrico County that Section 3-A of Henrico County Zoning Ordinance, Residence District Uses, be and the same is hereby amended by adding thereto an additional paragraph, number 21, reading as follows:

OFFICE BUILDINGS: Provided a permit is granted by the Board of Zoning Appeals. Before any such permit shall be granted by the Board of Zoning Appeals, written application shall be made to said Board and there shall be filed with said application plans, specifications, material of which building is to be constructed, size of lot or parcel of land, plan of lay-out of lot and any other additional information which the Board of Zoning Appeals may request. The Board of Zoning Appeals may after making a thorough investigation as to location, use, type of building, lay-out of grounds, building plans and general effect on the surrounding property, either grant, modify or refuse to issue a permit; and there shall be no appeal from the action of the Board in granting, modifying or refusing such permit. No such permit shall be issued except upon the following requirements: That such building shall be used only for offices for business administration, or offices of members of a recognized profession such as doctors, dentists or lawyers; said building may have a restaurant, cafeteria, or refreshment stand operating within the building for use by the regular occupants of the building only. Any such office building not over forty feet in height shall set back at least seventy-five feet from the front street line and fifty feet from all other boundary lines of the property upon which it is constructed; 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 feet of the proposed building. Any office building constructed over forty feet in height or covering more than ten thousand square feet of ground area shall be set back from all streets and property lines at least one hundred feet. Ample parking space shall be provided on the premises and in the rear of the front building line for vehicles of all occupants of the building and for persons calling at the building to transact business.

On motion of R. C. Longan, seconded by W. C. Schermerhorn, Jr., the request of R. E. Holland to re-zone the northeast corner of Old Hilliard and Staples Mill Roads, from residential to business zone, was referred to the Board of Zoning Appeals.

A copy of the minutes of the School Board were received by the Board and ordered filed.

A copy of the minutes of the Board of Zoning Appeals was received by the Board and ordered filed.