

**ZONING ORDINANCE
ADOPTED
BY
THE BOARD OF SUPERVISORS
JULY 11, 1945**

July 11, 1945

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 11th day of July, 1945, at 2:00 o'clock p.m.

PRESENT:

W. H. Ferguson, Chairman
 Dr. Horace R. Hicks
 W. C. Schermerhorn, Jr.
 R. C. Longa, Members of the Board

OTHER OFFICIALS PRESENT:

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

 The meeting was called to order by the Chairman. On motion of W. C. Schermerhorn, Jr., seconded by Dr. Horace R. Hicks, the reading of the minutes of the meeting of June 13 was dispensed with and approved as written.

 The Board having considered argument for and against the proposed Amended Zoning Ordinance, as recommended by the Board of Zoning Appeals, same having been duly advertised as provided by law, on motion of R. C. Longa, seconded by W. C. Schermerhorn, Jr., the Zoning Ordinance was adopted as follows:

AN ORDINANCE: To divide the unincorporated area of Henrico County into districts and in such districts to regulate the use of land the use, construction, height and location of buildings and other structures, the open spaces about buildings and other structures, and the density of population, and to establish building lines; to provide for the enforcement of such regulations; and to provide penalties for the violation of this ordinance.

WHEREAS, it is provided by an Act of the General Assembly of Virginia approved April 11, 1927, (Chap. 15, Acts of 1927), as amended, that for the purpose of promoting the health, safety, morals and general welfare of the community, the Board of Supervisors in any of certain counties 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 purposes, and may prescribe the type of materials to be used in buildings and other structures, 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, reconstruction, alterations, repair or use of buildings, structures, or land;

THEREFORE, BE IT ORDAINED By the Board of Supervisors of Henrico County, Virginia, that the "Zoning Ordinance" adopted September 9, 1942, and thereafter amended from time to time, be now further amended and reenacted, at length, as follows:

SECTION I: DISTRICTS

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

- R-1 Residence Districts
- R-2 Residence Districts
- R-3 Residence Districts
- R-4 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 a map entitled "County of Henrico, Zoning Map" dated June 15, 1945, which said map represents a series of maps showing more detailed location of boundaries between districts, said series of maps being entitled "Zoning District Sectional Maps." 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 Zoning District Sectional 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. Alley: A passage or way open to public travel, affording generally a secondary means of vehicular access to abutting lots or upon which service entrances of buildings abut, and not intended for general traffic circulation.
3. Apartment house: A building containing three or more family dwelling units.
4. Automobile Service Stations: Any place of business, having pumps and storage tanks, at which fuels or oils for the use of motor vehicles are dispensed, sold or offered for sale at retail; minor repairs and inspections may be carried on incidental to the sale of such fuels and oils.
5. Block: That property abutting one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting streets and railroad right of way, un subdivided acreage, river, or live stream or other barrier of such size as to interrupt the continuity of development on both sides thereof.
6. Boarding House; A building other than a hotel where, for compensation meals, or lodging and meals, are provided for three or more, but not exceeding nine guests.
7. 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.
8. Building, Accessory: 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.
9. Building Height: The vertical distance measured from the level of the curb or the established street grade opposite the center of the front wall 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 building set back 15 feet or more from the street line the height may be measured from the finished ground surface at the center of the front wall of the building.
10. Building, Main: A building in which is conducted the principal use of the lot on which it is situated. In any residential or agricultural district, any dwelling shall be deemed to be a main building on the lot on which the same is situated.
11. Court: An open unoccupied space other than a yard on the same lot with a building.
12. Court, Inner: 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 is an enclosed court but may be considered as extending to the lot line.
13. Court, Outer: 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.
14. Dwelling, one family: A detached building containing one family dwelling unit.
15. Dwelling, two family: A detached building containing two family dwelling units, but having a single front entrance and all exterior characteristics of a one-family dwelling.
16. Dwelling, semi-detached: One of two one-family dwellings having a common party wall.
17. Family dwelling unit: A group of rooms including cooking accommodations occupied exclusively by one or more persons living as a single, non-profit housekeeping unit.
18. Garage, private: An accessory building occupied, or intended for occupancy, by the passenger motor vehicles of the families resident on the lot. If space for more than two vehicles in a garage having a capacity of not more than three vehicles, or if more than one-half the space in a garage having a capacity of more than three vehicles, is occupied by any vehicles of persons not resident on the lot, or if any garage is occupied by any commercial vehicle of more than five tons capacity, or by more than one commercial vehicle of a family resident on the lot, or by any other commercial vehicles, such garage shall be deemed to be a public garage.
19. Garage, public: Any building except a building herein defined as a private garage, used for the storage or care of motor vehicles or where any such vehicles are equipped for operating, or kept for remuneration, hire or sale.

20. Guest Room: A room which is designed or intended for occupancy by, or which is occupied by, one or more guests for compensation, but in which no provision is made for cooking, and not including dormitories for sleeping purposes.

21. Hotel: Any building or portion thereof which contains guests rooms which are designed or intended to be used, let or hired out for occupancy by, or which are occupied by, ten or more individuals for compensation, whether the compensation be paid directly or indirectly.

22. House Trailer: A vehicle designed for movement on a public highway, and designed or arranged to provide living accommodations.

23. Lot: Land occupied or to be occupied by a main building and its accessory buildings, together with such open spaces as are required under the provisions of this ordinance, having not less than the minimum area required by this ordinance for a lot in the district in which such lot is situated, and having its principal frontage on a street.

24. Lot Depth: The mean distance between front and rear lot lines.

25. NonConforming Use: Use of a building or of land that does not conform to the regulations as to use for the district in which it is situated.

26. Rooming House: Any building or portion thereof which contains guest rooms which are designed or intended to be used, let or hired out for occupancy by, or which are occupied by, three or more, but not exceeding nine, individuals for compensations, whether the compensation be paid directly or indirectly.

27. Story: That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is not floor above it, then the space between the floor and the ceiling next above it. A basement shall be counted as a story if its ceiling is over five feet above the level from which the height of the building is measured or if it is used for business purposes or if it is used for dwelling purposes by other than a janitor or domestic servants employed in the same building.

28. Street: A public or private thoroughfare which affords the principal means of access to abutting property, including road, highway, drive, land, avenue, place, boulevard and any other thoroughfare except an alley.

29. Structural Alteration: Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

30. Tourist Court: A building or group of buildings containing one or more guests rooms having separate outside entrances for each such room or suite or rooms and for each of which rooms or suites of rooms automobile parking space is provided on the premises.

31. Tourist Home: A Dwelling otherwise permitted in the district in which it is situated in which less than ten guest rooms are provided for the accommodation of transient guests.

32. Trailer Camp: A parcel of land on which are located or intended to be located two or more house trailers occupied for living purposes.

33. Use: The purpose for which land or a building thereon is designed, arranged or intended or for which it is occupied or maintained.

34. Use, Accessory: A use incidental and accessory to the principal use of a lot or of a building located on the same lot with accessory use.

35. Yard, Front: A yard lying between the front line of the lot and the nearest line of the building and extending across the full width of the lot.

36. Yard, Rear: A yard lying between the rear line of the lot and the nearest line of the Building and extending across the full width of the lot.

37. Yard, side: A yard lying between the side line of the lot and the nearest line of the building and extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front or rear lot line, as may be.

SECTION 3: R-1 RESIDENCE DISTRICT USES

A. In any R-1 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:

1. One Family Dwellings:

2. The office of a resident member of a recognized profession, provided that the office is located in a dwelling.

3. 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.

4. Churches and other places of worship, including parish houses and church schools.

6. Clubs and grounds for games and sports, upon special permit from Board of Zoning Appeals.

7. Community buildings and community recreational facilities.

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

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

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

11. Small professional or announcement signs of profession or business, not over one square foot in area, and temporary real estate signs placed not closer than fifteen feet to any street or property line nor closer than fifty feet to the intersection of any two street lines and advertising only the premises upon which erected. Signs advertising single buildings or lots shall not exceed eight square feet in area. Signs advertising subdivisions, developments and tracts of five acres or more shall not exceed twenty-five square feet in area and shall be placed at least one thousand feet apart. All signs shall be maintained in a good state of repairs at all times and shall be kept painted so as to present a neat appearance. Real estate signs shall be removed as soon as the property is sold. Signs existing at the time of passage of this ordinance shall be removed or made to conform to this ordinance within six months after its passage.

12. Farming, Dairy Farming, livestock and poultry raising and all uses commonly classed as agricultural with no restrictions as to the operating 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 rabbits or poultry on a commercial scale shall be located not less than one hundred feet from any street, lot or property line and on a noncommercial scale not less than 15 feet from any street, lot or property line, except, where the rear lot line is an alley, and not less than 50 feet from any other dwelling, and in rear yards only; and provided further that all livestock, rabbits or poultry shall be kept in approved enclosures and shall not be permitted to run at large.

13. Accessory buildings and accessory uses, including private garages, servants' quarters, and noncommercial guest houses, nurseries or greenhouses.

SECTION 4: R-2 RESIDENCE DISTRICT USES

A. In any R-2 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:

1. Any use permitted in R-1 Residence Districts. Amendment added R-2A

SECTION 5: R-3 RESIDENCE DISTRICT USES

A. In any R-3 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:

1. Any use permitted in R-2 Residence Districts.
2. Two family dwellings, provided that one of the two dwelling units is occupied by the owner at all times.

SECTION 6: R-4 RESIDENCE DISTRICT USES

A. In any R-4 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:

1. Any use permitted in R-3 Residence Districts
2. Two Family dwellings.
3. Semi-detached dwellings.
4. Cemeteries except as may be restricted by ordinance.
5. 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.

6. Apartment Houses: 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 tentative plans of proposed building, plan of lot showing location of building thereon, and any additional information which the Board may request. The Board of Zoning Appeals may,

after a thorough investigation as to location, type of building, layout of grounds 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. 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 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 (40) feet in height shall set back from all the street lines or boundary property lines at least one hundred (100) feet.

Amendment added R-4A

7. 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 tentative plans of proposed building, plan of lot showing location of building thereon, and any 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, layout 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 set-back 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 street 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.

SECTION 7: "B" BUSINESS DISTRICT USES

A. 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:

1. Any use permitted in R-4 Residence Districts.
2. Tea Rooms, restaurants, boarding and rooming houses and tourist homes.
3. Theatres, assembly halls, hotel, tourist courts, trailer camps, public dance halls, and bowling alleys and similiar commercial recreational uses, subject to the securing of a use permit therefor from the Board of Zoning Appeals.
4. Banks or offices.
5. Carpenter, plumbing and electrical shops
6. Signs.
7. Automobile service stations, provided that all pumps, tanks and accessories are placed not less than 10 feet back of the street line and so that cars may be serviced without obstructing the sidewalk.
8. Public garages, subject to the securing of a use permit therefor from the Board of Zoning Appeals, and provided that all work be done within the building and that no storage of wrecked cars or wrecking of cars be permitted on the premises.
9. Any retail trade or service, not otherwise prohibited in this section, provided that no industry or manufacturing shall be permitted except the making of articles to be sold at retail on the premises.
10. Accessory buildings and accessory uses.

B. In any business district, the following uses are specifically prohibited.

Milk distributing stations.

Bottling works.

Carpet, rug or bag cleaning.

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

Stone yards or monument works.

Livery stable.

Blacksmith or horseshoeing shop

Carting express hauling or storage yard.

Contractors plant or storage yard.

Lumber yard.

Any kind of manufacture, process or treatment 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.

Any use prohibited in industrial districts.

SECTION 8 "C" INDUSTRIAL DISTRICT USES

A. In any industrial district, any building or premises may be used for any purpose not otherwise prohibited by ordinance, provide, however, that none of the following uses shall be established unless and until a use permit for each such use shall first have been obtained therefor from the Board of Zoning Appeals.

1. Distillation of bones
2. Dump
3. Fat rendering
4. Hog farm
5. Livestock feed yard
6. Manufacturing of acid, cement, explosives or fireworks (or storage of same), fertilizer, gas, glue, gypsum, lime or plaster of paris
7. Reduction, canning, processing or treatment of fish or of animal products of any kind.
8. Refining of petroleum or its products.
9. Smelling of copper, iron, tin, zinc or other ores
10. Stock yard or slaughter of animals (except poultry and rabbits)
11. And all other uses which, in the opinion of the Board of Zoning Appeals are similar to the foregoing and might be objectionable by reason of odor, dust, smoke, fumes, gas or noise.

SECTION 9: "D" AGRICULTURAL DISTRICT USES

A. 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:

1. Any use hereinbefore permitted in R-4 residence district.
2. Farming, dairy farming, livestock rabbit 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.
3. Forestry operations and sawmills.
4. Signs, when appurtenant to the use of the property on which displayed, and "Outdoor Advertising Signs" provided they are erected in accordance with Virginia State Law Governing same.

SECTION 10: "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 hereinafter, 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. The following regulations shall apply in and adjacent to all airport districts:

(a) Within any airport district no activity shall be conducted except such 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 the 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 or departure from the airport by air in accordance with the recommendations of the Civil Aeronautics Authority and the State Corporation Commission.

5. 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 any airport district; or
- (b) On any air passenger field; or

(c) 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.

6. No airport shall hereafter be established in Henrico County except in an "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 or runways and the location and design of buildings 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. Nothing in this ordinance shall be deemed to legalize the existence or 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 operating prior to the passage of this ordinance.

7. 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 from September 9, 1942, 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 10 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 of extend, of existing buildings or structures or 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 years 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 R-4 Residence district and all R-4 residence district regulations shall apply therein.

SECTION II: REQUIRED LOT AREAS

A. Residence Districts

1. In Residence Districts each dwelling, together with its accessory buildings, hereafter erected shall be located on a lot having an area and an average width of not less than the following:

- (a) R-1 Residence District
Minimum Area - 25,000 square feet
Minimum average width - 100 feet
- (b) R-2 Residence District
Minimum Area - 15,000 square feet
Minimum Average width - 80 feet
- (c) R-3 Residence Districts
Minimum Area - 10,000 square feet (see D.1. of this Section)
Minimum average width - 65 feet

- (d) R-4 Residence Districts
Minimum Area - 5,000 Square feet (see D.1. of this Section)
Minimum Average width - 40 feet
For two family dwellings these requirements shall be increased 50%

B. Business and Industrial Districts

1. No minimum area or width requirements except that a lot on which a dwelling is hereafter erected shall conform to the area and width requirements of R-4 Residence Districts and except as hereinbefore or hereinafter provided. (See D.1. of this section)

C. Agricultural Districts

1. Agricultural Districts

Minimum area - 1 acre
Minimum average width - 150 feet

D. Requirements applicable to all districts

1. The following regulations shall apply in addition to the area requirements for any district.

- (a) No building which is to be served by its own well and septic tank, outdoor privy or dry closet shall be erected on a lot or parcel of land having an area of less than 11,000 square feet, and having an average width of less than 65 feet.

Where either, but not both community water supply or community sewerage is available and use, the lot shall have an area of not less than 8,000 square feet and an average width of not less than 50 feet.

- (b) For two-family dwellings the requirements in (a) above shall be increased 50 per cent.

- (c) For apartment buildings where neither community water nor sewerage is available the lot shall have an area of not less than 6,500 square feet for each family dwelling unit provided for, and where community water, but not sewerage is available and used the lot shall have an area of not less than 5,000 square feet per family dwelling unit.

E. Exceptions: The Board of Zoning Appeals may, in appropriate cases, modify the requirements of A B and C of this section, and the area and width requirements of D.1. (a) (b) and (c) of this section may be reduced upon recommendation of the Health Officer of Henrico County

SECTION 12: HEIGHT OF BUILDINGS

1. In any residence district, no building shall exceed thirty five feet in height, except that any building may be erected to not more than fifty-five 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 6, paragraphs 6 and 7 and in Section 10 paragraph 4-c.

2. The provisions of this section shall not apply to church spires, bell-towers, cupolas, domes, monuments, water-towers, chimneys, flues, flag poles, or radio poles, or 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 10 paragraph 4-c.

3. In any business or industrial district no building shall exceed in height three times the distance from the front of the building to the center line of the street on which it fronts. 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 10 paragraph 4-c.

SECTION 13: SET BACK BUILDING LINES

A. Residence Districts

1. In any residence district no building shall be erected, reconstructed or altered nearer to the street line on which it faces than the average setback observed by the dwellings on the same side of the street and fronting thereon, within the same block at the time of the passage of this ordinance, provided that in no case shall the setback be less than 15 feet.

2. The side line of a dwelling on a corner lot shall not be a factor in establishing the setback line, provided that corner lots that are resubdivided shall conform to the setback line of the street which they originally faced in addition to the setback line of the street upon which they face after resubdivision.

3. Provided that no dwelling shall be required to set back from the street a greater distance than the set back line observed by the one of two existing dwellings on the immediate adjoining lots on either side, which is the further removed from the street line, provided further that in no case shall the setback be less than 15 feet.

4. Where there are dwellings on only one side of the street within a block at the time of the passage of this ordinance, the setback line for the unoccupied side shall be the same as that established on the occupied side provided that in no case shall the setback on the unoccupied side be less than 25 feet regardless of the established setback on the opposite side of the street.

5. Where there is no dwellings on either side of the street within a block at the time of the passage of this ordinance, the setback line shall be not less than forty-five feet in R-1 and R-2 Residence districts, and thirty-five feet in R-3 and R-4 Residence districts.

6. Provided further that in no case shall the required setback be more than sixty feet.

7. 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 residence districts.

B. Business and Industrial Districts

1. In any business or industrial district no building shall be erected, reconstructed or altered nearer the street line on which it faces than the average setback observed by the general business or industrial buildings on the same side of the street and fronting thereon, within the block at the time of the passage of this ordinance. Provided that in no case shall the required setback be more than forty feet from the street line.

2. Where there is no business or industrial building on the one side of the street within a block at the time of the passage of this ordinance for buildings fronting on streets less than 80 feet in width the minimum setback line shall be 40 feet from the center line of the street and on streets over 80 feet in width no setback shall be required except as herein before or hereinafter provided.

3. In any business or industrial district which, within a block, is adjacent on one or more sides to a residence district, the setback line shall be established as provided herein for the least restricted adjoining residence districts.

C. Agricultural Districts

1. In any agricultural district no building shall be erected, reconstructed, or altered nearer to the center line of any street or road than seventy-five feet.

2. Exception: Temporary stands for the sale of produce raised on the farm may be erected on the right of way line of any street or road provided they are not within 100 feet of any cross street or road.

D. Applicable in all Districts

1. On any corner lot there shall be no planting, structure or obstructure to vision more than three and one-half feet higher than the curb level or center line street grade, within twenty feet of the intersection of any two street lines in residence or agricultural districts and within fifteen feet in business or industrial districts.

2. 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 measured from the future right of way but in no case shall the setback be less than 20 feet regardless of the location of existing buildings on adjacent lots.

3. 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 or less. 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 35 feet measured from the right of way line of the future highway.

4. 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 50% of the whole, exclusive of foundations, 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 14: REAR YARDS

1. In any residence district a rear yard not less than twenty-five feet deep shall be required 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.

SECTION 15: 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 30% 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 thirty (3) feet, one of such side yards need not be more than ten (10) feet in width.

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. Each corner lot shall have a side yard on the street side of such lot, which yard shall not be less than ten (10) feet in width.

B. Business and Industrial Districts

1. In any business or industrial district, if a building to be erected is intended or designed to be used primarily for residential purposes, the side yard requirements shall be the same as hereinbefore provided for in R-4 Residence district.

2. In any business or industrial district along any boundary line between such business or industrial district and a residence district 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.

3. Each corner lot shall have a side yard on the street side of not less than five feet, except that if the side street be 60 feet or more in width no side yard on the street side shall be required.

SECTION 16: COURTS

1. In any residence district, when a window 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 herein-after 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:

Number of stories above the Lowest level served by 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.

SECTION 17: MINIMUM BUILDING DIMENSIONS

A. In any R-1 or R-2 residence district no dwelling shall hereafter be erected in which the ground area plus the second floor area is less than four-hundred (400) square feet. Ground area shall be based on outside dimensions of the enclosed portion of the building but shall not include an attached garage. Second floor area shall be based on outside dimensions of the walls enclosing the usable finished floor space, including, bedrooms, closets, baths, halls, stairway, sewing rooms etc., but not including unfinished storage space.

SECTION 18: AUTOMOBILE PARKING SPACE

For the purpose of this section 200 square feet of lot or floor area, together with means of ingress and egress thereto, shall be deemed to be parking space for one vehicle. Such space shall not occupy any part of any required front yard or side yard.

A. In any district there shall be provided on each lot parking space for one vehicle for each family dwelling unit occupying such lot.

B. Automobile parking or garage space shall be provided according to the following schedule and subject to the following conditions in any district in which any of the following uses shall hereafter be established:

1. Parking space for one vehicle for each 4 seats or similar accommodations in any theater, auditorium, church, stadium, recreational establishment or other similar use involving the assembling of persons; such space shall be provided on the lot on which such theater, auditorium, church, stadium, recreational establishment or other use is located, or on any other lot not farther than 400 feet distant from the main entrance of said theater, auditorium, church, stadium, recreational establishment or other use.

2. Parking space for one vehicle for each three persons employed or intended to be employed in any manufacturing or commercial use; such space shall be provided on the lot on which such use is located or on any other lot not farther than 400 feet distant from the main entrance to such use.

3. Parking space for one vehicle for each 300 square feet or sleeping room area for patients contained in any hospital or sanitarium; such space shall be provided on the lot on which said hospital or sanitarium is located or on any other lot not farther than 400 feet distant from the main entrance to such hospital or sanitarium.

4. Parking space for one vehicle for each three guest rooms contained in any hotel; such space shall be provided on the lot on which said hotel is located or on any other lot approved by the Board of Zoning Appeals.

C. On every lot on which is conducted any commercial or manufacturing use, or on which is conducted any hotel or institutional use, there shall be provided space, either outside or inside a building, for the loading and unloading of goods and materials.

D. No house trailer shall be used for dwelling purposes in any R district except on issuance of a use permit, by the Board of Zoning Appeals.

SECTION 19: 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 5 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 or sections in reference to set back 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 or sleep, 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 least 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 20: ACCESSORY BUILDINGS

1. Accessory buildings permitted by this ordinance shall be placed in rear yards only, provided that private garages or private garages with servants quarters may be built as an integral part of a dwelling or may be attached to the side of a dwelling by an enclosed corridor or by a connecting wall not less than seven feet high joining the front of the garage and the main building and not more than seven feet high. No such garage shall occupy any portion of a required side yard.

pair or interfere with any existing provisions or law or ordinance, or any regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use or construction of building 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 22: GENERAL REGULATIONS

Except as hereinafter provided for existing non-conforming uses in Section 22, 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 23: 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 no 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 and except as otherwise provided in the ordinance 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 one year 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 24: ENFORCEMENT

1. This ordinance shall be enforced by the County Engineer or such other official as may be designated by the Board of Supervisors, who shall in no case grant any permit for the construction or alterations 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 or disapproved by the County Engineer.

2. Any person who proposes to construct or alter any building, the cost of which will exceed \$25.00, 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 application 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. The County Engineer shall either grant or refuse a permit within 15 days of receipt of an application therefor.

3. 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 decision of 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 25: 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 26: 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 27: 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 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 the Act of the General Assembly of Virginia Chapter 15: approved April 11, 1927, and amendment thereto, Chapter 317, approved March 24, 1930.

SECTION 28: 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.

SECTION 29: BUILDING PERMITS 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 which a building permit has been granted 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 provisions has heretofore been made in the existing foundations, columns and walls.

SECTION 30: DATE EFFECTIVE

An emergency existing, this ordinance shall become and be effective on its passage by the Board of County Supervisors.

All ordinances and parts thereof that are conflicting with this ordinance are hereby repealed.

The request of P. Brock Minor and Emma B. Fensom for the establishment of an airport district near the intersection of Dickens and Bethlehem Roads was withdrawn by Mr. Minor during the hearing before the Board of Supervisors.

The request of G. W. Lowry and others to change from a business to a residential district, an area on north side of Dumbarton Road, 250 feet west of Lakeside Avenue, having been advertised for public hearing, was deferred until the next regular meeting of the Board, at the request of W. H. Bradley.

The request of Lewis Ginter Land and Improvement Company to change from a residential to a business zone 7.60 acres east of Randolph Street and north of Norwood Avenue, having been duly advertised and recommended by the Board of Zoning Appeals, on motion of W. C. Schermerhorn, Jr., seconded by R. C. Longan, the following described area was rezoned from residential to business:

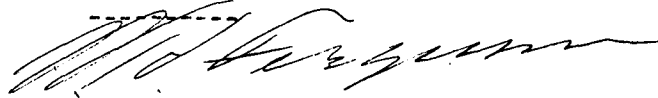
Beginning at a point which is the intersection of the east line of Randolph Street and the

**AMENDMENTS
TO
1945 ZONING ORDINANCE**

Dr. Horace R. Hicks, seconded by W. C. Schermerhorn, Jr., the Board approved
refuse collection from said premises.

On motion of Dr. Horace R. Hicks, seconded by W. C. Schermerhorn, Jr., the
County Manager was directed to investigate the disposition of the U. S. O. Club
in Sandston.

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 10th day of October, 1945, at 2:00 o'clock p.m.

PRESENT:

W. H. Ferguson, Chairman

Dr. Horace R. Hicks

W. C. Schermerhorn, Jr.

R. C. Longan, Members of the Board.

OTHER OFFICIALS PRESENT:

Carlton C. Massey, County Manager

H. M. Ritchie, Commonwealth Attorney

Helen D. Clevenger, Clerk

J. A. Gates, Director of Finance

The meeting was called to order by the Chairman. On motion of Dr.
Horace R. Hicks, seconded by R. C. Longan, the reading of the minutes of
the meeting of September 12, 1945, was dispensed with and approved as
written.

On motion of W. C. Schermerhorn, Jr., seconded by R. C. Longan, the
Board approved the request of Judson Sherrill, upon recommendation of the
Board of Zoning Appeals, and rezoned from an agricultural to an airport
district the eastern section of Huff farm containing approximately 200
acres and located between Chamberlayne Branch on the north, and Chickahominy
River on the east, the Hood property on the south, and by a north-south
line through the west wall of a concrete dairy barn which is a prominent
landmark on the west.

On motion of Dr. Horace R. Hicks, seconded by R. C. Longan, the request of Eva S. Pemberton to rezone from a residential to a business district that certain property fronting on the Mechanicsville Pike and located between Byron Street and Shelton Street, was referred to the Board of Zoning Appeals, and the Clerk was directed to advertise for public hearing at the next regular meeting of the Board of Supervisors.

On motion of W. C. Schermerhorn, Jr., seconded by R. C. Longan, the request of Atlantic Rural Exposition, Inc., to rezone from a residential to business district, two strips of land along Laburnum Avenue and Henrico Turnpike, was referred to Board of Zoning Appeals, and the Clerk was directed to advertise for public hearing at the next regular meeting of the Board of Supervisors.

On motion of Dr. Horace R. Hicks, seconded by R. C. Longan, the Board approved the following amendment to the Zoning Ordinance, upon the recommendation of the Board of Zoning Appeals and after duly advertising same:

BE IT ORDAINED BY THE BOARD OF COUNTY SUPERVISORS OF HENRICO COUNTY, That Section 11-E of the Henrico County Zoning Ordinance, required lot areas, be and the same is hereby amended to read, as follows:

E. Exceptions: The Board of Zoning Appeals may in appropriate cases, modify the requirements of this section as to required lot areas in specific instances, when in its opinion such modification will not be contrary to the public interest nor to the general purpose of this ordinance.

On Motion of R. C. Longan, seconded by W. C. Schermerhorn, Jr., the request of Richmond School of Aviation, Inc. to rezone from an agricultural to an airport district, the W. H. Ferguson property on Hungary Road, was referred to the Board of Zoning Appeals for its recommendation.

On motion of Dr. Horace R. Hicks, seconded by W. C. Schermerhorn, Jr., the Board approved the sale of Lots Nos. 7,8,9,10,13,14, Section A; Lots 5,6,11,15,16,21,22,27,28, Section C, Greenwood Heights; Lot 4, Section D; Lot 1, Section H, Virginia Manor, to F. E. Nida, at a price of Eighty-Five dollars.

On motion of Dr. Horace R. Hicks, seconded by R. C. Longan, the Board accepted the offer of John A. Battle to purchase Lots 6 and 7, Block L, Woodville, at a price of \$175.00. ^

Mr. Herman Luckhard appeared before the Board to advise that various churches and civic organizations of Lakeside have raised sufficient funds to assist with developing the playground at the Lakeside Elementary School, and to request such development be given early consideration.

On motion of W. C. Schermerhorn, Jr., seconded by J. J. Dratt, the Board agreed to pay for the construction of certain roads in the Subdivision of Biltmore, as requested by Ray R. Daniel, provided Mr. Daniel constructs all the roads where his property abuts on both sides at his expense. The cost to the County is not to exceed \$3,150.00.

On motion of R. C. Longan, seconded by J. J. Dratt, the following supplemental budget appropriations were allowed the Clerk's Office:

From General Fund Surplus	\$175.21	
To 4A-212 - Premiums on Surety Bonds, General Fund		\$175.21.
and		
From General Fund Surplus	\$2,677.84	
to 4A-299A - Excess Fees to State, General Fund		\$2,677.84.

Nothing further appearing 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 10th day of March, 1948, at the hour of 2:00 o'clock p.m.

PRESENT:

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

OTHER OFFICIALS PRESENT:

Carlton C. Massey, County Manager
H. M. Ratcliffe, Commonwealth Attorney
Helen D. Clevenger, Clerk.
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 meeting of February 11, 1948, was dispensed with and approved as written.

March 10, 1948

On motion of W. C. Schermerhorn, Jr., seconded by R. C. Longan, the Board approved the recommendation of the Board of Zoning Appeals and denied the request of George D. Thomas to rezone from R-4 Residence to Business District, Lot 74 and 40' between Lots 73 and 74 in Jefferson Gardens.

On motion of R. C. Longan, seconded by J. J. Dratt, the Zoning Ordinance was amended, as follows:

AN ORDINANCE to amend Ordinance No. 54, "The Henrico County Zoning Ordinance", by adding thereto an additional Residence District class to be designated "R-2A Residence Districts", together with regulations applying thereto.

BE IT ORDAINED BY THE COUNTY BOARD OF SUPERVISORS OF HENRICO COUNTY, that the Henrico County Zoning Ordinance be, and the same is, hereby amended as follows:

To Section 1: Districts--Paragraph 1, add after R-2 Residence Districts, R-2A Residence Districts.

After Section 4, add a new Section 4A, as follows:

Section 4A: R-2A Residence District uses.

A. In any R-2A 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:

1. Any use permitted in R-2 Residence Districts.

To Section 11, after 1-(B) add (B1) R-2A Residence District.

Minimum Area - 11,000 square feet

Minimum Average Width - 65 feet.

To Section 13, A. Residence Districts 5, after R-2 add and R-2A.

To Section 17, add the following:

B. In any R-2A residence District no dwelling shall hereafter be erected in which the ground area is less than 900 square feet if a one story building, or 700 square feet if a one and one-half or two story building having not less than 300 square feet of finished floor space on the second floor.

An emergency existing this ordinance shall become and be effective on its passage by the County Board of Supervisors.

On motion of W. C. Schermerhorn, Jr., seconded by R. C. Longan, the Board approved the recommendation of the Board of Zoning Appeals and granted the request of G. K. Thomas and others to rezone all those areas now zoned as R-3 and R-4

September 14, 1949

dence District, the Subdivision of "Eight Acres" on the east side of Forest Avenue.

On motion of J. J. Dratt, seconded by W. C. Schermerhorn, Jr., the Board deferred action on the request of William King to rezone from Agricultural to R-4 Residence District, a part of Parcel No. 31-A1-18, fronting 65' on Darbytown Road at the northwest corner of the property.

On motion of J. J. Dratt, seconded by W. C. Schermerhorn, Jr., the Board approved the recommendation of the Board of Zoning Appeals and rezoned from Agricultural to R-3 Residence District, Parcel No. 86-A1-30, located on the west side of Ridge Road between Patterson Avenue and Quioccasin Road, as requested by the Commonwealth Construction Corporation.

On motion of J. J. Dratt, seconded by W. C. Schermerhorn, Jr., the Board approved the recommendation of the Board of Zoning Appeals and rezoned from R-4 Residence to Business District, that portion of Parcel No. 11-A2-21, fronting on the south side of Nine Mile Road and having a depth of 200', as requested by J.H. Trimmer.

On motion of W. C. Schermerhorn, Jr., seconded by J. J. Dratt, the following ordinance was unanimously adopted:

AN ORDINANCE to amend the Henrico County Zoning Ordinance (Ordinance No. 54) to provide for serving of notice to certain property owners by the petitioner in cases of requested changes in zoning classification.

BE IT ORDAINED by the Board of Supervisors of Henrico County: That Section 28 - Amendment: be and the same is hereby amended by adding thereto Paragraph No. 2, as follows:

Paragraph No. 2: Where an amendment changing the zoning classification of a particular tract of land is requested by petition, the petitioner shall notify at least three persons owning property in the immediate vicinity, where practicable two of which shall be the persons owning the adjoining property on each side of the property to be rezoned of his request for rezoning and of the time and place to be rezoned, of his request for rezoning and of the time and place of the public hearing. The above notice may be by registered letter with return receipt, which return receipt shall be filed with the Board on or before the date of the public hearing, or the petitioner may secure from the three property owners signed receipts that they have received notice of the requested rezoning and of

On motion of J. J. Dratt, seconded by W. C. Schermerhorn, Jr., the Board approved the recommendation of the Board of Zoning Appeals and rezoned from agricultural to R-3 Residence District, Parcel No. 86-A1-30, located on the west side of Ridge Road between Patterson Avenue and Quioccasin Road, as requested by the Commonwealth Construction Corporation.

On motion of J. J. Dratt, seconded by W. C. Schermerhorn, Jr., the Board approved the recommendation of the Board of Zoning Appeals and rezoned from R-4 residence to Business District, that portion of Parcel No. 11-A2-21, fronting on the south side of Nine Mile Road and having a depth of 200', as requested by J.H. Zimmer.

On motion of W. C. Schermerhorn, Jr., seconded by J. J. Dratt, the following ordinance was unanimously adopted:

AN ORDINANCE to amend the Henrico County Zoning Ordinance (Ordinance No. 54) to provide for serving of notice to certain property owners by the petitioner in cases of requested changes in zoning classification.

BE IT ORDAINED by the Board of Supervisors of Henrico County: That Section 28 - amendment: be and the same is hereby amended by adding thereto Paragraph No. 2, as follows:

Paragraph No. 2: Where an amendment changing the zoning classification of a particular tract of land is requested by petition, the petitioner shall notify at least three persons owning property in the immediate vicinity, where practicable two of which shall be the persons owning the adjoining property on each side of the property to be rezoned of his request for rezoning and of the time and place to be rezoned, of his request for rezoning and of the time and place of the public hearing. The above notice may be by registered letter with return receipt, which return receipt shall be filed with the Board on or before the date of the public hearing, or the petitioner may secure from the three property owners signed receipts that they have received notice of the requested rezoning and of the time and place of the public hearing, which signed receipts shall be presented to the Board on or before the date of public hearing.

This ordinance shall be and become effective October 15, 1949.

On motion of W. C. Schermerhorn, Jr., seconded by J. J. Dratt, the following ordinance was unanimously adopted:

AN ORDINANCE regulating the disposal of human wastes and excrements and to prevent pollution of streams in the County of Henrico, Virginia, prescribing certain types of privies and septic tank systems; requiring any person, firm or corporation to first obtain a permit from the Health Department to conduct such business; requiring the owner, and/or user of any flush toilet system to connect to a public or

quest of Spencer T. Hazelwood to rezone from R-4 Residence to Business District, Lots 22, 23, 24, 25; Block A; Broad Street Village.

On motion of W. C. Schermerhorn, Jr., seconded by R. C. Longan, the Board approved the recommendation of the Board of Zoning Appeals and granted the request of Wesley J. Napier to rezone from Agricultural to R-4 Residence District, a tract of land fronting 90' on the north side of Valentine Road and extending back for a depth of 235' being a part of Parcel No. 98-B1-8.

On motion of R. C. Longan, seconded by J. J. Dratt, the Board approved the recommendation of the Board of Zoning Appeals and granted the request of John Q. Adams to rezone from Agricultural to Business District, a tract of land containing eight acres and being a portion of Parcel No. 86-B2-14, located in the rear portion of said parcel, and being 100' from the rear property line and 100' from side lines of said parcel.

On motion of W. C. Schermerhorn, Jr., seconded by R. C. Longan, the Board approved the recommendation of the Board of Zoning Appeals and denied the request of J. G. Perry to rezone from Agricultural to Business District, a tract of land containing approximately ninety-six acres and designated as Parcel No. 102-B1-1, located on the west side of U. S. Highway No. 1, adjacent to the Hanover line.

On motion of W. C. Schermerhorn, Jr., seconded by R. C. Longan, the Board approved the recommendation of the Board of Zoning Appeals and denied the request of W. H. Ferguson, Sr. to rezone from Agricultural to Airport District, a tract of land containing approximately ninety-six acres and designated as Parcel No. 98-A1 and No. 98-A1-72 and No. 99-B1-13, located on the north side of Hungary Road.

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

AN ORDINANCE to amend the Henrico County Zoning Ordinance (Ordinance No. 54) to permit unenclosed side porches to extend into required side yards, and to limit the erection of apartment buildings to R-4A residence districts and to set up a new residence classification to be designated as R-4A Residence District.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF HENRICO COUNTY that the Henrico County Zoning Ordinance (Ordinance No. 54) be amended as follows:

SECTION 6: R-4 RESIDENCE DISTRICT USES

Delete in its entirety Paragraph A-6, Apartment Houses.

Add a new section designated Section 6A; R-4A Residence District Uses as follows:

April 12, 1950

Section 6A: R-4A RESIDENCE DISTRICT USES:

A. In any R-4A 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:

1. Any use permitted in R-4 Residence Districts.

2. Apartment House: Provided a permit is granted by the Board of Zoning Appeals. Before any such permit shall be granted by the Board of Zoning Appeals, application shall be made to said Board and there shall be filed with said application tentative plans of proposed buildings, plan of lot or tract, showing location of buildings thereon, and any additional information which the Board may request. The Board of Zoning Appeals may, after thorough investigation as to type of building, buildings, layout of grounds, availability of school facilities and proposed water supply and sanitary facilities, either grant, modify, or refuse to issue a permit. An apartment house not over two stories in height shall be set back at least 50 feet from the front street line and 30 feet from all other boundary lines of the property, either street, alley or property lines. An apartment house over two stories in height shall be set back at least 75 feet from all street lines or boundary property lines.

SECTION 15: SIDE YARDS

Add to this section a new paragraph No. A-4 as follows:

A-4: Uncovered porches or covered but not enclosed porches may project not more than 10 feet beyond the side wall of the building into a required side yard provided that any such projection does not come nearer the side lot line than 10% of the width of the lot.

An emergency existing, this ordinance shall be and become effective on its passage by the Board of County Supervisors:

The Board met this day pursuant to its adjournment on the 29th day of March, 1950, to further consider the tentative budget estimates of all expenditures and revenues and borrowings for the fiscal year commencing July 1, 1950, which were prepared by the County Manager and a synopsis of the budget, as proposed, published as set out in its order of the 8th day of March, 1950. And the Board having considered same, doth adopt the budget covering expenditures for the County of Henrico and of the Subdivisions thereof, for the next appropriation year, itemized and classified as required by law, as proposed by the County Manager.

Whereupon, the Board proceeded to lay the County levy for the fiscal year ending June 30, 1951, and it is accordingly ordered that there be levied on all real estate and tangible personal property assessed for taxation for the year