



COUNTY OF HENRICO

ZONING ORDINANCE

No. 87



ORDINANCE NO. 87—Amends and Re-enacts Ordinance No. 54 Adopted by the Board of Supervisors:

AN ORDINANCE: To divide the unincorporated area of Henrico County into zoning 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 regulation and building lines; 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 or said purposes may divide the County into districts of such number, shape and areas 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 re-enacted, at length, as follows:

SECTION 1: DISTRICTS

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

R-0 Residence Districts	B-3 Business Districts
R-1 Residence Districts	B-4 Business Districts
R-2 Residence Districts	C-1 Industrial Districts
R-2A Residence Districts	C-2 Industrial Districts
R-3 Residence Districts	C-3 Industrial Districts
R-4 Residence Districts	C-4 Industrial Districts
R-4A Residence Districts	D- Agricultural Districts
B-1 Business Districts	E- Airport Districts
B-2 Business 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

A. 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 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 Repair Shop: Any place of business having as its main purpose the servicing, inspection and repair of motor vehicles.

5. Automobile Service Station: 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.

6. Block: That property abutting one side of a street and lying between the two nearest intersecting or intercepting streets, and railroad right of way, unsubdivided acreage, river, or live stream or other barrier of such size as to interrupt the continuity of development on both sides thereof.

7. Boarding House: A building other than hotel, where for compensation, meals or lodging and meals, are provided for three or more, but not exceeding nine guests.

8. 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 to be separate building.

9. 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.

10. Building, Height of: 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.

11. 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.

12. Cemetery: A privately owned and/or operated place for burial of the dead where lots are sold and perpetual care of the graves is furnished.

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

14. 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.

15. 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.

16. Dwelling: Any building or structure or portion thereof which is designed for use or exclusively used for residential purposes.

17. Dwelling, Single Family: A detached building containing one family dwelling unit.

18. 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.

19. Dwelling, Semi-Detached: One of two one-family dwellings having a common party wall.

20. 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.

21. **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.

22. **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.

23. **Graveyard:** A place for burial of the dead, which has been set aside and maintained by a church or family, consisting of one or more graves.

24. **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 does not include dormitories for sleeping purposes.

25. **Hotel:** 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, ten or more individuals for compensation, whether the compensation is paid directly or indirectly.

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

27. **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.

28. **Lot depth:** The mean distance between front and rear lot lines.

29. **Non-Conforming 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.

30. **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 compensation, whether the compensation is paid directly or indirectly.

31. **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.

32. **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.

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

34. **Theater:** Any building or structure maintained and operated for the primary purpose of presenting motion pictures, plays or forms of entertainment to the public for an admission fee.

35. **Theater, Outdoor or Drive-in:** An open area operated for the primary purpose of presenting motion pictures or other forms of entertainment to the public for a fee where the patrons may remain in their automobiles if other seating arrangements are not provided.

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

37. **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.

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

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

40. **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.

41. **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.

42. **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.

43. **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.

B. The definition of any word used in this ordinance which is not included in "A" above shall be established by the Board of Zoning Appeals at the time such definition is required.

SECTION 3: R-0 RESIDENCE DISTRICT USES

A. In any R-0 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 or licensed profession, provided that the office is located in the dwelling.

3. Customary home occupations such as dressmaking, preserving and home cooking; provided that such occupations shall be engaged in only by residents of the dwelling and only within the dwelling, that not more than the equivalent area of one floor shall be used for such occupations, and that no display of products shall be visible from outside the dwelling.

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

5. Schools, Colleges, Public Libraries, Public Museums and/or Art galleries.

6. Community buildings and community recreational facilities for games and sports.

7. Public buildings required by the Federal, State or County Government for any governmental function not of a penal or correctional nature.

8. Passenger stations and rights of way for all established modes of public transportation.

9. Static transformer stations, and transmission lines and towers.

10. Telephone exchanges, water pump and well houses, sewage treatment plants and facilities, and other facilities for the provision and maintenance of public utilities not including any facilities for construction, repair, service or storage of utility equipment; provided that all of the foregoing obtain a use permit from the Board of Zoning Appeals after a public hearing by the Board of Zoning Appeals.

11. Small professional or announcement signs of profession or business not over one square foot in area.

12. Farming, livestock and poultry raising and all uses commonly classed as agricultural with no restrictions as to operation of vehicles and/or machinery incident to such uses on a non-commercial scale provided that no building, structure, yard or pen for housing of livestock, rabbits or poultry shall be located less than 50 feet of any street, lot or property line except that a distance from any rear lot or property line of 25 feet is permissible.

13. Accessory buildings and accessory uses, including private garages, servant quarters, non-commercial guest houses and any other use incidental to proper maintenance of a dwelling.

14. Parking facilities where no parking fee is charged and where such facilities are provided for convenience of the public on or within 200 feet of the premises.

15. Temporary real estate signs advertising buildings, lots, subdivisions, developments and acreages when located not less than 15 feet from any street, lot or property line on the property advertised and not exceeding 25 sq. ft. in area. Temporary directional real estate signs not exceeding 5 sq. ft. in area when not located closer than 5 feet to any street, lot or property line. All signs shall be properly painted and maintained to present a neat appearance at all times. All such signs shall be removed as soon as the property has been sold. Signs existing at the time of passage of this ordinance shall be removed or made to conform to this ordinance within 6 months from date of its passage.

SECTION 4: 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. Any use permitted in an R-0 Residence District.

2. Clubs and grounds for games and sports when a representative group of residents in the vicinity are qualified or can qualify for participation in the activity and a special permit has been issued by the Board of Zoning Appeals.

3. Farming, dairy farming, livestock and poultry raising and all uses commonly classed as agricultural with no restrictions as to the operation of such vehicles and machinery as are incident to such uses and with no restrictions as to the sale and marketing of products raised on the premises; provided that any building, structure, lot, or yard for raising, housing, or sale of livestock, rabbits, or poultry on a commercial scale shall be located not less than 100 feet from any street, lot or property line and on a non-commercial scale not less than 15 feet from any street, lot or property line except where 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.

SECTION 5: R-2 RESIDENCE DISTRICT USES

A. In any R-2 Residence District no building or premises shall be used and no building shall be erected hereafter 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.

SECTION 6: R-2A RESIDENCE DISTRICT USES

A. In any R-2A Residence District no building or premises shall be used and no building shall be erected hereafter or structurally altered, except for one or more of the following uses:

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

SECTION 7: R-3 RESIDENCE DISTRICT USES

A. In any R-3 Residence District no building or premises shall be used and no building shall be erected hereafter or structurally altered unless otherwise provided in this ordinance, except for one or more of the following uses:

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

2. Two family dwellings, provided that one of the two dwelling units is occupied by the owner at all times.

SECTION 8: R-4 RESIDENCE DISTRICT USES

A. In any R-4 Residence District no building or premises shall be used and no building shall be erected hereafter 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 (see Ordinance No. 48).

5. Club and grounds for games and sports in accordance with a permit revocable for cause which can be issued only after an advertised public hearing before the Board of Zoning Appeals.

6. Hospitals and sanitariums, not treating contagious diseases and not for the care of epileptic, 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.

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 or 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 the offices for business administration or offices of members of a recognized profession such as doctors, dentists or lawyers; and 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.

8. 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 9: R-4A RESIDENCE DISTRICT USES

A. In any R-4A Residence District no building or premises shall be used and no building shall be erected hereafter 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 the proposed buildings, plan of the lot or tract of land, 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 buildings, parking facilities, layout of grounds, availability of school facilities, 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 streets, alleys, lot or property lines. An apartment house over two stories in height shall be set back at least 75 feet from all street, alley, lot or property lines.

SECTION 10: B-1 BUSINESS DISTRICT USE

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

1. Any use permitted in an R-4A Residence District.
2. Neighborhood shopping centers subject to approval of layout plans by Board of Zoning Appeals.
3. Grocery, merchantile, drug, or department stores or any combination thereof.
4. Automobile service stations subject to approval of layout plans by the Board of Zoning Appeals. Layout plans must provide that all pumps, tanks or other facilities or accessories are placed not less than 35 feet from the centerline of any street or road and in such a manner that automobiles may be serviced off the street right of way.
5. Automobile parking lots.
6. Banks.
7. Offices of any licensed profession.
8. Barber and beauty shops.
9. Shoe repair shops.
10. Laundrettes or self service laundries.
11. Shops for collection and distribution of clothing and other materials for cleaning and dyeing establishments.
12. Tourist homes, rooming houses and/or boarding houses.
13. Advertising signs.
14. Bakeries whose products are sold at retail and on the premises.
15. Theaters and broadcasting studios.
16. Photographic and art studios.
17. Ice storage and distribution stations of not more than 5 ton capacity.
18. Restaurants, cafes, tea rooms and other eating places serving the public within the building are subject to approval of layout plans by the Board of Zoning Appeals.
19. Contracting business without outside storage.
20. Any other business, store or shop not specifically listed when approved by the Board of Zoning Appeals as being of a type belonging in this category.

SECTION 11: B-2 BUSINESS DISTRICT USES

A. In any B-2 Business District no building or premises shall be used and no building shall be erected hereafter or structurally altered unless otherwise provided in this ordinance, except for one or more of the following uses:

1. Any use permitted in a B-1 Business District.
2. Hotels, motels and tourist courts.
3. Public garages and automobile or equipment repair shops, provided that all work and storage is performed within the building.
4. Dying and cleaning works employing 5 persons or less in the cleaning and dying process.
5. Bakeries other than those permitted in a B-1 District.
6. Any other business not specifically listed when approved by the Board of Zoning Appeals as being a type belonging in this category.

SECTION 12: B-3 BUSINESS DISTRICT USES

A. In any B-3 Business District no building or premises shall be used and no building shall be erected hereafter or structurally altered unless otherwise provided in this ordinance, except for one or more of the following uses:

1. Any use permitted in a B-2 Business District.
2. Carpenter, plumbing and electrical shops including storage of material and equipment in a properly enclosed area on the premises adjacent to the shop building. When layout plans have been approved by the Board of Zoning Appeals.
3. Funeral homes and/or parlors or undertaking establishments. When adequate off-street parking facilities are provided.
4. Theaters, drive-in or open air subject to approval of layout by Board of Zoning Appeals.
5. Any other business not specifically listed when approved by the Board of Zoning Appeals as being a type belonging in this category.

SECTION 13: B-4 BUSINESS DISTRICT USES

A. In any B-4 Business District no building or premises shall be used and no building shall be erected hereafter or structurally altered unless otherwise provided in this ordinance, except for one or more of the following uses:

1. Any use permitted in a B-3 Business District.
2. Trailer camps subject to compliance with Health and Sanitary requirements and approval of layout by the Board of Zoning Appeals.
3. Bowling alleys, baseball batting ranges, golf driving ranges, miniature golf courses or similar activity, when adequate off street parking is provided.
4. Public dance halls or taverns when adequate off street parking is provided.
5. Eating places offering service to patrons outside the building, when adequate off street parking is provided.
6. Public garages and automobile or equipment repair shops not permitted in other Business Districts.
7. Veterinary Hospital.
8. Any other business, retail or wholesale, not specifically listed when approved by the Board of Zoning Appeals as being a type be-

longing in this category or which is not otherwise restricted or prohibited.

SECTION 14: C-1 INDUSTRIAL DISTRICT USES

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

1. Any use permitted in a B-4 Business District.
2. Milk distributing stations and processing plants for dairy products.
3. Ice manufacturing plants.
4. Textile mills.
5. Any other industrial use not specifically listed when approved by the Board of Zoning Appeals as being a type belonging in this category.

SECTION 15: C-2 INDUSTRIAL DISTRICT USES

A. In any C-2 Industrial District no building or premises shall be used and no building shall be erected hereafter or structurally altered unless otherwise provided in this ordinance except for one or more of the following uses:

1. Any use permitted in a C-1 Industrial District.
2. Structural steel fabricating plants.
3. Millwork manufacturing plants.
4. Any other industrial use not specifically listed when approved by the Board of Zoning Appeals as being a type belonging in this category.

SECTION 16: C-3 INDUSTRIAL DISTRICT USES

A. In any C-3 Industrial District no building or premises shall be used and no building shall be erected hereafter or structurally altered unless otherwise provided in this ordinance except for one or more of the following uses:

1. Any use permitted in a C-2 Industrial District.
2. Distilleries.
3. Canneries.
4. Assembly plants for autos or other machines and equipment.
5. Any other industrial use not specifically listed when approved by the Board of Zoning Appeals as being a type belonging in this category.

SECTION 17: C-4 INDUSTRIAL DISTRICT USES

A. In any C-4 Industrial District, no building or premises shall be used and no building shall be erected hereafter or structurally altered unless otherwise provided in this ordinance except for one or more of the following uses:

1. Carnivals, circuses or other traveling tent shows when other ordinances regulating such shows have been complied with.
2. Smelting or refining ores such as copper, iron, tin and zinc.
3. Stock yards, abattoirs or similar uses.
4. Refining of petroleum and its products.
5. Manufacture of acids, cement, fertilizer, explosives, gases, glue or similar products.

6. All other uses which in the opinion of the Board of Zoning Appeals are similar to the foregoing and are proper uses and are not otherwise prohibited by this or other ordinances.

SECTION 18: D AGRICULTURAL DISTRICT USES

A. In any agricultural district no building or premises shall be used and no building shall be erected hereafter 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 the Virginia State Laws governing same.
5. Veterinary hospitals when conducted in conjunction with boarding kennels.
6. Hospitals, subject to approval of layout and location by Board of Zoning Appeals.

SECTION 19: E AIRPORT 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 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 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 be established hereafter 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 of 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.

SECTION 20: REQUIRED LOT AREAS

A. Residence and Agricultural 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 where public water and sewer are available:

- (a) R-O Residence District
Minimum Area—40,000 sq. ft.
Minimum Average Width—200 ft.
- (b) R-1 Residence District
Minimum Area—25,000 sq. ft.
Minimum Average Width—100 ft.
- (c) R-2 Residence District
Minimum Area—15,000 sq. ft.
Minimum Average Width—80 ft.
- (d) R-2A Residence District
Minimum Area—11,000 sq. ft.
Minimum Average Width—65 ft.
- (e) R-3 Residence District
Minimum Area—10,000 sq. ft.
Minimum Average Width—65 ft.
For two-family dwellings these requirements shall be increased 50%.
- (f) R-4 Residence District
Minimum Area—5,000 sq. ft.
Minimum Average Width—40 ft.
For two-family dwellings these requirements shall be increased 50%.
- (g) R-4A Residence District
Minimum Area—5,000 sq. ft. per family unit unless modified by the Board of Zoning Appeals when permit is issued for apartment house.
- (h) Agricultural Districts
Minimum Area—43,560 sq. ft. (1 acre)
Minimum Average Width—150 ft.

B. Business and Industrial Districts.

1. In any Business or Industrial District where public water and sewer are available no minimum area and width shall be required except that a lot on which a dwelling is hereafter erected shall conform to the area and width requirements of an R-4 Residence District.

C. Requirements applicable in all districts.

1. The following regulations shall apply in any district unless otherwise provided by this ordinance:

(a) Where any parcel or lot of land is not served by either public water supply or public sewer the minimum area and average width of such lot or parcel on which a building may be erected is 15,000 sq. ft. and 80 ft., respectively.

(b) Where public water is available but not sewer, a lot or parcel on which a building may be erected shall have a minimum area of 11,000 sq. ft. and a minimum average width of 65 ft.

(c) Where public sewer is available but not public water, a lot or parcel on which a building may be erected shall have a minimum area of 8,000 sq. ft. and a minimum average width of 50 ft.

(d) For two-family dwellings all requirements shall be increased 50%.

(e) For apartment buildings where neither public water or sewer is available the lot or parcel on which such building is erected shall contain not less than 8,000 sq. ft. of area for each family unit in the building and must be served by facilities which have been approved by the Health authorities of the State and County.

D. Exceptions

1. Any lot or parcel of land which is a part of a subdivision, properly approved by the County Engineer and platted and recorded in the Office of the Clerk of Henrico County Circuit Court on or before the date this ordinance was enacted, having a minimum area of 11,000 sq. ft. and an average width of 65 ft. shall not be subject to the requirement listed in paragraph C-1-A unless such lot or parcel has been condemned by the County Health Department as being unfit for use without a public Sewer System.

2. The Board of Zoning Appeals may in appropriate cases modify this section as to required lot areas and widths 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, however no such modification will be considered unless and until applicant submits evidence that such modification has been approved by the County Health Department.

SECTION 21: HEIGHT OF BUILDING

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 8, paragraph 7 and 8, and in Section 19, paragraph 4-C.

2. The provisions of this section shall not apply to church spires, belfries, cupolas, domes, monuments, water-towers, chimneys, flues, flag poles, radio poles or television aerials 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 19, 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

per cent of the ground floor, and provided in addition that all structures are in compliance with the height restrictions as adopted in Section 19, paragraph 4-C.

SECTION 22: SET BACK BUILDING LINES

A. 1. In any residence district where the dedicated street right of way is less than 50 ft. no building shall be erected, reconstructed, or altered nearer to the established center line or such street than 60 ft. except where the average setback of other dwellings within the block at the time of passage of this ordinance is greater than 60 ft. such average setback will prevail.

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 setback a greater distance than the setback line observed by an existing building on the adjoining lots on either side except that in no case shall the setback be less than 40 ft. from the established center line of the street.

4. Where there are dwellings only on one side of the street within the 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 be less than 60 ft. from the established centerline of the street regardless of the established setback line on the occupied side of the street.

5. Where there is no dwelling on either side of the street within a block at the time of passage of this ordinance the setback line shall be not less than 70 ft. in R-O, R-1, R-2, and R-2A Residence Districts and 60 ft. in R-3, R-4, and R-4A Residence Districts from the established center line of the street on which the lots face.

6. Provided further that in no case shall the required setback be more than 100 ft. from the established center line of the street on which the lots face.

7. Uncovered porches or covered but not enclosed porches may project not more than 10 ft. beyond the front wall of the building into the required front yard.

8. Setback distance shall be measured from the established center line of the street to the front wall of the building.

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 other business or industrial buildings on the same side of the street and fronting thereon within the block, provided that in no case shall the required setback be more than 100 ft. from the established center line of the street.

2. Where there is no business or industrial building on the one side of the street within a block for buildings fronting on streets less than 50 ft. in width the minimum setback shall be 50 ft. from the established center line of the street and on streets 100 ft. in width or greater no setback shall be required except as herein before and 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 by the Board of Zoning Appeals.

C. Agricultural Districts

1. In any Agricultural District no building shall be erected, reconstructed or altered nearer to the established center line of any road or street than 75 ft.

2. Exceptions: Temporary stands for sale of produce raised on the premises may be erected on the right of way line of any street or road provided they are not within 100 ft. of an intersection with any other street or road.

D. Applicable to all Districts

1. On any corner lot there shall be no fence, planting or structure which will obstruct vision at an elevation greater than 42 inches above the curb level or center line street grade within 20 ft. of the intersection of any two street right of way lines.

2. Along all streets, roads or highways where a future right of way has been adopted in excess of the present right of way for purpose of future widening of these highways under the Master Highway Plan adopted by the County the setback line of all buildings constructed in the future shall be measured from the established center line of the highway a distance equal to one-half the proposed street right of way plus 35 ft. 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 a proper engineering survey and has been recorded and adopted by the Board of Supervisors as a part of the Master Highway Plan as provided by Law, the setback line for all buildings constructed in the future along the line of this future highway shall be one-half of the future right of way plus 35 ft. measured from the established center line of said future highway.

4. Along any thoroughfare and highway having a present right of way of less than 50 ft. and for which a future right of way has not been specified in the Master Highway Plan adopted by the County, the setback line will be established for a 50-ft. right of way.

5. 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 Board of Zoning Appeals. In the event of partial or total destruction of any nonconforming structure to an extent of 50% or more exclusive of foundations, no building or structure shall be restored or erected upon the lot hitherto occupied by such building or structures unless it conforms to the provisions of this ordinance governing erection of new structures.

6. Along all existing thoroughfares and highways all cemeteries and graveyards established in the future shall be located not closer than 75 feet from the center line of the present road.

7. 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 of the Board of Supervisors as provided by Law, all cemeteries and graveyards established in the future along this future right of way shall

be located not closer than 75 feet from this established center line.

8. No cemetery or graveyard shall be established in the future nearer than 50 feet from an adjoining property line, nor nearer than 250 ft. from a residence or a well not appurtenant to a residence or a well located within the boundaries of the cemetery or graveyard.

9. In any established cemetery or graveyard no grave shall be located closer to a highway or property line than the closest grave established at the time of passage of this ordinance provided that the established grave is less than 75 ft. from the established center line of the road or less than 50 ft. of a property line.

SECTION 23: REAR YARDS

A. Residence Districts

1. In any Residence District a rear yard not less than 25 ft. deep shall be required and every such rear yard shall extend from the rearmost portion of the building or structure to the rear lot line for the full width of the lot between sidelines.

2. In any Residence District when any building or structure is located at an angle with the front lot line of 45 degrees or more the rear yard shall be measured from the rear lot line. Where the angle between the building or structure is less than 45 degrees with the front lot line the rear yard requirement of 25 ft. shall be measured along a line which is the extension of the side wall of the building or structure nearest to the lot side line.

B. Business and Industrial Districts

1. In any Business or Industrial District a rear yard of 25 ft. and access from the street thereto shall be required where no other provision is made for off-street service and supply facilities to serve the building or structure.

SECTION 24: SIDE YARDS

A. Residence Districts

1. In any Residence District there shall be a side yard along each side of each dwelling and the total width of the two side yards combined shall not be less than 30 per cent of the total lot width measured along the projection of the front building line to the side lot lines and shall be applied to the point of closest proximity of the dwelling to any lot line. The minimum width of any side yard shall be 10 per cent of such lot width and provided further that where the total required width of the two sideyards is more than 30 feet one of such side yards need not be more than 10 ft.

2. Each corner lot shall have a side yard of not less than 10 ft. on the street side of such lot provided further that where the street or road right of way is less than 50 ft. in width that in no case shall the side wall of any building be closer to the center line of such street or road than 35 ft.

3. Uncovered porches or covered but not enclosed porches may project not more than 10 ft. beyond the side wall of the building into the required side yard provided that any such projection does not come nearer to the side lot line than 5 ft., except that on a corner lot any such projection shall not come nearer the side lot line than 10 ft.

B. Business and Industrial Districts

1. In any Business or Industrial District, if a building to be erected is intended to be or designed primarily for use as a residence the side yard requirements shall be the same as for any Residential District.

2. When any Business or Industrial District is adjacent to a Residence District no side yard shall be required between the Residence District line and any structure or building in the Business or Industrial District.

3. On any corner lot in a Business or Industrial District the side wall of any building hereafter erected shall not be closer to the center line of the street than 30 ft.

4. In any Business or Industrial District when no other provision has been made for off-street service and supply facilities to serve the building or structure and no other means of access to the rear of such building or structure is provided a side yard of 12 ft. shall be required along one but not both lot lines.

SECTION 25: 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 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:

Number of Stories Above the Lowest Level Served by Court	Width of Outer Court	Width of Enclosed Court
1	4 feet	6 feet
2	6 feet	10 feet
3	6 feet	14 feet

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 26: MINIMUM BUILDING DIMENSIONS

A. R-O Residence District

1. In any R-O Residence District no dwelling shall be erected hereafter in which the ground area is less than 1,800 sq. ft. if a one-story building or 1,400 sq. ft. of ground area if dwelling is a 1½- or 2-story dwelling with not less than 600 sq. ft. of finished floor space on the second floor. Ground area and second-floor area shall be based on outside dimensions of walls enclosing usable finished floor space and will not include unfinished storage space or attached storage buildings or garages.

B. R-1 and R-2 Residence Districts

1. In any R-1 and R-2 Residence District no dwelling shall be erected hereafter in which the ground area plus the second floor area is less than 1,400 sq. ft. Ground area and second-floor area shall be based on outside dimensions of walls enclosing usable finished floor space and will not include unfinished storage space or attached storage buildings or garages.

C. R-2A Residence Districts

1. In any R-2A Residence District no dwelling shall be erected hereafter in which the ground area is less than 900 sq. ft. if a one-story building or 700 sq. ft. of ground area if a 1½- or 2-story building having not less than 300 sq. ft. of finished floor space on the second floor. Ground area and second-floor area shall be based on outside dimensions of walls enclosing finished floor space and will not include unfinished storage space or attached storage buildings or garages.

SECTION 27: AUTOMOBILE PARKING SPACE

A. Residence Districts

1. In any Residence District there shall be provided on any lot or parcel of land parking space for one vehicle for each family dwelling unit occupying such lot or parcel of land.

2. In any Residence District no house trailer shall be parked or used for dwelling purposes without issuance of a use permit by the Board of Zoning Appeals.

3. In any Residence District no truck with a gross vehicle weight of more than 12,000 lbs. no truck-tractor, truck-trailer, truck-tractor and trailer or van truck, shall be parked or stored except while loading or unloading in such residential district or on any private property in such residential district unless such vehicle is parked in a private garage except that the owner or tenant of such residential property may park one truck or truck-tractor when such vehicle is parked either on the owner's or tenant's property or immediately adjacent thereto when such vehicle is used solely for the purpose of transportation of the owner or tenant.

B. Business and Industrial Districts

1. In any Business or Industrial District parking space shall be provided for all persons employed or intended to be employed for such business or industrial activity and such space shall be provided on the lot or parcel of land used for such activity or on any other lot or parcel of land located not more than 400 ft. from the main entrance to the business or industrial activity.

2. In any Business or Industrial District where by reason of such business or industrial use customers are expected to patronize the business or industrial activity parking space for such customers shall be provided on the lot or parcel of land used for such business or industrial activity or on a lot or parcel of land within 400 ft. of the main entrance to such activity and the area of such parking space shall be not less than the ground area of the first floor of the building or structure used in such business or industrial activity.

C. Applicable in all districts

1. In any district a parking space shall be an area containing not less than 200 sq. ft. with means of ingress and egress thereto and which is not a part of the front or side yard of the lot or parcel of

land on which such parking space is located except when use of such front or side yard has been approved for parking by the Board of Zoning Appeals.

2. In any district parking space for one vehicle for each 4 seats or similar accommodations in any theater, auditorium, stadium, church or any other place involving the assembly of 25 persons or more shall be provided upon the lot or parcel of land on which such ft. of the main entrance of such of public assembly provided that these requirements may be modified by the Board of Zoning Appeals when it appears that such requirements cannot be fulfilled or will cause undue hardship.

3. In any district parking space for one vehicle shall be provided for each family unit occupying such lot or parcel of land.

4. In any district parking space for one vehicle for each 3 guests or patients will be provided on the lot or parcel of land occupied by any hotel, hospital, sanitarium or similar institution or on a lot or parcel of land within 400 ft. of the main entrance such institution.

5. In any district or any lot on which is conducted any business, or industrial use or on which is conducted any hotel or institutional use there shall be provided space, either inside or outside the building for the unloading of goods and materials in such a manner that no part of the carrier or conveyance is on any public right of way.

SECTION 28: 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, provided that trees and shrubs shall not be considered obstructions.

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 7 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

place of public assembly is located or on a lot located within 400 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 be hereafter 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 29: 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 twelve feet long. No such garage shall occupy any portion of a required side yard.

2. The aggregate ground area covered by accessory buildings, including the ground area covered by any projection or encroachment hereinbefore permitted shall not exceed 30 per cent of the rear yard area in residence districts.

3. No accessory building in any residence district which is within ten (10) feet of any party lot line shall be more than one-story high. No accessory building shall exceed the height of the main building.

4. Within the limitations hereinbefore recited in this section, any accessory building on a corner lot in residence 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, accessory buildings need be set back only 10 feet from 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 30: INTERPRETATION AND PURPOSES

In their interpretation and application, the provision 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 impair or interfere with any existing provisions of 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 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 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 31: GENERAL REGULATIONS

1. Any business or industrial zone established prior to the passage of this ordinance but not occupied by a structure must be classified under the present classification as established in this ordinance before a building permit may be issued by the Building Inspector.

2. Except as hereinafter provided for existing nonconforming uses in Section 31, 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 32: EXISTING NONCONFORMING 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 nonconforming use of such lot, building or structure as hereinbefore provided. And such nonconforming 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 Zoning 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 nonconforming 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 prohibitive use.

3. Any nonconforming building or structure which is damaged hereinafter 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 33: ENFORCEMENT

1. This ordinance shall be enforced by the Building Inspector

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 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, 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 Building Inspector.

2. Any person who proposes to construct or alter any building, or make some use of a lot, building or structure of any kind shall file with the Building Inspector his application therefor, which application shall furnish such information to the Building Inspector as may be necessary to enable him to pass on such application intelligently. If such proposed structures, alterations or use is in conflict with the provisions of this ordinance, the Building Inspector shall refuse a permit for such construction, alteration or use, and from such decision of the Building Inspector an appeal shall lie to the Board of Zoning Appeals. The Building Inspector shall either grant or refuse a permit within 30 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 Building Inspector; that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Building Inspector; and that from the decision of the Board of Zoning 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 34: 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 35: 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 36: 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 exception 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 wartime 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, 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 37: 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 38: 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 for 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 39: DATE EFFECTIVE

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.

Any person desiring to be heard in favor of or in opposition thereto, will appear on the date and hour aforesaid.

Given under my hand this 19th day of August, 1953.

HELEN D. CLEVINGER,
Clerk.

SECTION 39: DATE EFFECTIVE
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.
Any person desiring to be heard in favor of or in opposition thereto, will appear on the date and hour aforesaid.
Given under my hand this 19th day of August, 1953.
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SECTION 39: DATE EFFECTIVE

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