

Article 1 - Purpose, Application and Interpretation of Ordinance

- 1.1 Purpose. The purpose of this Ordinance is to promote the health, safety, morals, and general welfare of the community by lessening congestion in the streets, roads, and highways, securing safety from fire, flood, panic and other dangers, providing adequate light and air, preventing overcrowding of land and the undue concentration of population, and facilitating the adequate provision of transportation, water, sewerage, schools, parks and other public requirements, - all as provided by Acts of Assembly of 1927, approved April 11, 1927, as amended Codified in Articles 3 and 4 of Chapter 24 of Title 15 of the Code of Virginia of 1950, as amended.
- 1.2 Interpretation and Application. In the interpretation and application of this Ordinance, its provisions shall be held to be minimum requirements. It is not intended by this Ordinance to repeal, abrogate, annul or in any way impair or interfere with any other provisions of law or ordinance, or any regulations or permits adopted or issued pursuant to law relating to the use or construction of buildings or premises, or private restrictions, except as expressly provided herein; provided, however, that where this Ordinance imposes a greater restriction than is imposed by such other provisions, the provisions of this Ordinance shall control.

Article 2. Definitions

- 2.1 For the purpose of interpreting and construing this Ordinance, certain words and terms used herein shall have the following meanings, unless the context requires otherwise.
 - 2.101 Words in the present tense include the future, those in the singular number include the plural and vice versa; the word "building" includes the words "use" and "structure"; the word "manufacturing" includes mixing, blending, fabricating and producing; and the word "shall" is mandatory and not directory.
 - 2.102 Accessory Use or Structure. A use or structure subordinate to the principal use or structure on the same lot and serving a purpose customarily incidental thereto.
 - 2.103 Airport. Any airfield, aerodrome, airstrip, landing strip, aviation school, flying field, heliport, seaplane base or other place, on land or water, for the operation of aircraft.
 - 2.104 Alley. A public or private way less than 30 feet wide and affording secondary means of access to abutting property.
 - 2.105 Automobile Service Station. Any place of business with pumps and underground storage tanks, having as its purpose the servicing, at retail, of motor vehicles with fuels and

lubricants, and including minor repairs and inspections incidental thereto but not including a general repair shop, paint or body shop, machine shop, vulcanizing shop or any operation requiring the removal or installation of radiator, engine, cylinder head, crankcase, transmission, differential, fenders, doors, bumpers, grills, glass or other body parts, or any body repairing or painting.

- 2.106 Block. That property fronting on one side of a street and lying between two intersecting streets or otherwise limited by a railroad right-of-way, a live stream, an unsubdivided tract or other physical barrier of such nature as to interrupt the continuity of development.
- 2.107 Board. The Board of Zoning Appeals of Henrico County.
- 2.108 Boarding or Lodging House. A building other than a hotel, motel, or tourist home where meals or lodging are provided for compensation for three or more, but not exceeding nine, guests not transients.
- 2.109 Building. Any structure having a roof supported by columns or walls, used or intended to be used for the shelter, housing, or enclosure of persons, animals, or chattels, including tents, cabins, house trailers, and carports. Where divided by party walls from the ground to the ceiling, each portion of a structure shall be deemed to be a separate building.
- 2.110 Building, height of. The vertical distance from the average established curb grade, or from the average finished grade at the front building line if higher, to the highest point of the roof of a flat roof, or the deck line of a mansard roof, or the mean height level between eaves and ridge for a gable, hip or gambrel roof.
- 2.111 Cemetery. A place for burial of the human dead, where lots are sold.
- 2.112 Conditional Use. A use that may be permitted in a district under certain conditions, to be determined in each case by the Board of Appeals as provided for in Section 19.43.
- 2.113 Court. An open, unoccupied space other than a yard on the same lot with a building.
- 2.114 Court, Outer. A court enclosed on three sides by the walls of a building, but open on the fourth side.
- 2.115 District. A portion of Henrico County within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance. The term "R" District shall mean any of the districts the designation of which begins with the letter R; the term "B" District shall

mean any of those beginning with the letter B; the term "M" District shall mean any of those beginning with the letter M; and the term "A" District shall mean the "A-1" District.

- 2.116 Dwelling. Any building or portion thereof occupied or designed to be occupied exclusively for residential purposes, but not including a tent, cabin or house trailer, or a room in a hotel or motel.
- 2.117 Dwelling, one-family. A detached dwelling designed for or occupied exclusively by one family.
- 2.118 Dwelling, two-family. A building or structure containing two dwelling units for one family each.
- 2.119 Dwelling, Multi-family. A building or structure, or portion thereof, designed for or occupied by three or more families, except those operated primarily for transients.
- 2.120 Family. A person living alone or any number of persons living together as a single non-profit housekeeping unit, including domestic servants.
- 2.121 Garage, Private. An accessory building occupied or intended for occupancy by the passenger motor vehicles of the families resident on the lot, including a carport. If all the spaces in a garage of 3-vehicle capacity, or more than half the spaces in a larger garage, are occupied by vehicles of nonresident persons, or if any garage is occupied by any commercial vehicle of more than one ton capacity, or by more than one commercial vehicle of a family resident on the lot, or by any other commercial vehicles, it shall be deemed to be a public garage.
- 2.122 Garage, Public. Any building other than a private garage used for the storage, repair or refinishing of motor vehicles or where any such vehicles are equipped for operation, or kept for remuneration, hire or sale.
- 2.123 Graveyard. A place for burial of the human dead, consisting of one or more graves, which has been set aside and maintained by a church or family.
- 2.124 Group Housing Project. A group of dwellings and associated uses all in one ownership, located on a site in such a way that the normal requirements of lot size and frontage, or building locations, or yards, courts, or other provisions cannot be applied.
- 2.125 Guest Room. A sleeping 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. The term does not include a dormitory for sleeping purposes.

- 2.126 Hotel. Any building or portion thereof containing more than five guest rooms which are designed or intended to be used, let, or hired out primarily to transient guests, or any building where sleeping accommodations are provided for ten or more individuals, for compensation.
- 2.127 House Trailer. Any vehicle or structure, with or without wheels, including a so-called mobile home, designed or equipped for movement upon a public highway and equipped or used for living purposes.
- 2.128 Inflammable liquids. See Fire Underwriters Fire Prevention Code, Article 9 dated 1956.
- 2.129 Lot. Any parcel of land occupied or intended to be occupied by a principal building and its accessory building and uses, together with such open spaces as are required by this Ordinance, which contains at least the minimum area and width required by this Ordinance for a lot in the district in which such lot is situated.
- 2.130 Lot, Corner. A lot bordering on two streets which intersect at an angle not greater than 135 degrees. A "Reversed corner lot" is one that is turned, with reference to an adjoining lot, to front on the intersecting street.
- 2.131 Lot Depth. The mean horizontal distance between the front and rear lot lines.
- 2.132 Lot line, Front. The line separating the lot from a street on which it fronts. On a corner lot, the front shall be deemed to be along the shorter dimension of the lot; and where the dimensions are equal, the front shall be on that street on which a predominance of the other lots in the block front.
- 2.133 Lot line, Rear. The lot line opposite and most distant from the front lot line.
- 2.134 Lot line, Side. Any lot line other than a front or rear lot line.
- 2.135 Lot Width. The width of the lot measured at right angles to the centerline, at the front building line.
- 2.136 Motel. A building or group of buildings containing a total of three or more guest rooms, or suites, which are designed or intended to be used, let, or hired out primarily for transient occupancy, in which each room or suite has a separate outside entrance and an adjacent parking area.
- 2.137 Parking Lot, Public. An area containing one or more parking spaces for self-propelled passenger vehicles, designed for and

available to the public as an accommodation for patrons, customers or employees, either with or without charge.

- 2.138 Story. That portion of a building included between the surface of any floor and the surface of the floor next above it; or if there be no floor above it then the space between such floor and the ceiling next above it. A basement shall be counted as a story for the purpose of height measurement, and as a half-story for the purpose of yard measurement, if its ceiling is over 5 feet above the level from which the height of the building is measured, or if it is used for business purposes other than storage, or if it is used as a separate dwelling unit by other than a janitor or other employee and his family.
- 2.139 Story, Half. A partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior sides are not more than two feet above the floor of such story, provided, however, that any such story used as a separate dwelling unit, by other than a janitor or other employee and his family, shall be counted as a full story.
- 2.140 Street. A dedicated public thoroughfare which affords the principal means of access to abutting property, including road, highway, drive, lane, avenue, place, boulevard or any other thoroughfare except an alley.
- 2.141 Structure. Anything constructed by an assembly of materials, the use of which requires a fixed location on the ground, or attached to something having a fixed location on the ground.
- 2.142 Structural Alteration. Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders.
- 2.143 Tourist Home. A dwelling otherwise permitted in the district in which it is situated in which not more than two guest rooms are provided for the accommodation of transients.
- 2.144 Trailer Park. A lot on which are located or which is arranged or equipped for the accommodation of two or more house trailers occupied for living purposes.
- 2.145 Use. The purpose for which land or a building thereon is designed or arranged or for which it is occupied or maintained.
- 2.146 Yard. An open space on the same lot with a building, a group of buildings, or a use, which space is unoccupied and unobstructed from the ground upward except as herein provided.
- 2.147 Yard, Front. A yard lying between the front lot line and the nearest part of the building or use not hereinafter excepted, and extending across the full width of the lot. The "minimum front yard depth" shall mean the shortest distance, measured

horizontally, between any part of the building or use not specifically excepted and the front lot line.

2.148 Yard, Rear. A yard lying between the rear lot line and the nearest part of the building not hereinafter excepted, and extending across the full width of the lot. The ``minimum rear yard depth" shall mean the shortest distance, measured horizontally, between any part of the building not specifically excepted and the rear lot line.

2.149 Yard, Side. A yard lying between a side lot line and the nearest part of the building or use not hereinafter excepted, and extending from the front yard to the rear yard. ``Street side yard" shall mean a yard on the street side of a corner lot. ``Interior side yard" shall mean any other side yard. ``Minimum side yard width" shall mean the shortest distance, measured horizontally, between any part of the building or use not specifically excepted and the nearest side lot line.

ARTICLE 3 - Districts

3.1 Division into Districts. For the purpose of this Ordinance, the territory of Henrico County is hereby divided into districts as follows:

R-0	One-Family Residence District
R-1	One-Family Residence District
R-2	One-Family Residence District
R-2A	One-Family Residence District
R-3	One-Family Residence District
R-4	One-Family Residence District
R-5	General Residence District
A-1	Agricultural District
B-1	Neighborhood Business District
B-2	Community Business District
B-3	General Business District
M-1	Light Industrial District
M-2	General Industrial District
M-3	Heavy Industrial District
C-1	Conservation District
I-1	Institutional District

3.2 District Boundaries and Maps

3.21 The location and boundaries of the several districts created herein are hereby established as shown on a series of maps entitled "County of Henrico Zoning Maps," dated December 23, 1959, which 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.

3.22 The district boundaries shown on the Zoning Maps are intended to follow lot lines, property lines, or the center lines of streets or alleys as they exist at the time of passage of this Ordinance; except that where a district boundary obviously does not follow any such line, and is not defined by dimensions or other means, it shall be determined by scaling.

3.23 Questions concerning the exact location of district boundary lines shall be determined by the Board of Appeals as provided in Section 19.441, and in accordance with rules and regulations which it may adopt. Where a district boundary line shown on the map divides a lot which was in single ownership and of record at the time of adoption of this Ordinance, or any amendment thereto the Board may authorize a variance in the line to include all of the lot in the same district, provided such a variance does not extend more than 50 feet.

3.24 In case any territory is not included definitely within any of the districts aforesaid, such territory shall be deemed to be in the C-1 District until otherwise classified by amendment as provided in Article 20.

Article 4 - General Provisions

4.1 Conformance Required. Except as hereinafter provided for existing uses, no land, building, structure or premises shall hereafter be used, and no building or part thereof, or other structure, shall be erected, located, reconstructed, enlarged, converted or altered, except in conformity with the regulations herein specified for the district in which it is located.

4.2 Continuation of Existing Uses and Permits. Any lawful use, building, or structure existing at the time of adoption of this Ordinance or any amendment thereto may be continued, even though such use, building or structure may not conform with the provisions of this Ordinance for the district in which it is located. Such use, building, or structure shall be deemed a "non-conforming use." A change in occupancy or ownership shall not affect such right to continue said use, building or structure.

Nothing herein contained shall be construed to affect any building permit lawfully granted before this ordinance becomes

effective nor any authorization lawfully granted by the Board before this ordinance becomes effective.

4.3 Non-Conforming Uses - Regulations. No non-conforming building or use shall be enlarged, extended, reconstructed, substituted or structurally altered, except when required by law or order, unless, the use thereof is changed to a use permitted in the district in which located, except as in Section 11.11 or as follows:

4.31 Such use may be extended throughout any part of the building which was manifestly arranged or designed for such use at the time of adoption of this Ordinance, provided no structural alterations except those required by law are made therein.

4.32 Any building that is conforming as to use, but is non-conforming as to floor area, lot, yard, road frontage, distant or height requirements, may be enlarged or structurally altered, but not reconstructed or substituted, so that it more nearly complies with these requirements.

4.33 If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or of a more restricted classification; but it shall not thereafter be changed back to a use of a less restricted classification.

4.34 Any non-conforming building or structure which is hereafter damaged to an extent exceeding 50 percent 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 or used for any purpose other than one permitted in the district in which located; but if such damage be not more than 50 per cent, said building or structure may be restored, reconstructed, and used as before, provided that it be done within one year after the damage occurs, and provided also that the height, yard, court, and other provisions of this Ordinance be complied with as nearly as possible. Any building that is conforming as to use, but is non-conforming as to floor area, lot, yard, road frontage, distance or height requirements may be restored, reconstructed and used as before even though damaged to an extent exceeding 50 percent, provided that it be done within one year and that the floor area, lot, yard, road

frontage, distance, or height requirements of this ordinance be complied with as nearly as possible.

4.35 No building, structure, or premises where a non-conforming use has ceased for one year or more shall again be put to a non-conforming use.

4.36 All non-conforming uses of land not involving any building or structure having an assessed value of more than \$500, all non-conforming buildings or structures having an assessed value of not more than \$500 each, and all non-conforming advertising signs, billboards, and commercial advertising structures, may be continued for a period of two years after the adoption of this Ordinance, after which time they shall be changed to a conforming use or shall be removed.

4.37 All non-conforming buildings and uses in any "R" District which are of a type first permitted in the "B-2" District or are restricted from said district, may be continued for a period of ten years after the adoption of this Ordinance, unless the owner produces satisfactory evidence that the building at that time is less than 40 years old in which case the use may be continued until the building does become 40 years old, after which (in either case) the use shall be changed to a conforming use or the building shall be removed.

4.4 Street Frontage Required. Except for farm buildings and for certain other situations specified in sections 5.32, 5.33, 7.14 and 14.16, no lot shall be used in whole or in part for dwelling purposes unless such lot abuts for at least 50 feet upon a street as herein defined, and having a right-of-way at least 50' wide. No lot or parcel of land abutting the terminus of a public street shall be deemed, by virtue of such abutment, to have its principal frontage on a public street, unless such lot fronts on an approved permanent cul-de-sac.

4.5 Distance Requirements. All uses, buildings or premises for which compliance with the distance requirements in this subsection is stipulated in the following regulations, shall be distant at least 400 feet from any lot in any Residence District, and 200 feet from any other lot occupied by a dwelling other than farm dwelling or by any school, church or any institution for human care not located on the same lot with the said uses or buildings.

Article 5 - R-0, R-1, R-2, R-2A, R-3 and R-4 One-Family Residence Districts - Uses

5.1 Principal uses permitted.

5.11 One-family dwellings.

5.12 Churches and parish houses (except rescue missions and revival tents); schools, colleges, and universities (including educational scientific and other related research facilities) publicly-owned buildings and publicly-owned properties of a recreational, conservational, cultural, administrative, or public service type.

5.13 Farming, dairy farming, livestock, rabbit, and poultry raising, and all uses commonly classed as agricultural, with no restrictions as to the operation of such buildings, machinery, or vehicles as are customarily incidental to such uses; except that no livestock, rabbits, poultry, or other animals shall be permitted to run at large, that all buildings shall be subject to the yard requirements specified herein, and that any buildings or yards for the enclosure or feeding of animals or poultry shall observe the distance requirements of subsection 4.5.

5.14 Public and private forests, wildlife preserves, and similar conservation areas.

5.15 Nursery schools, child care centers, kindergartens, day nurseries, day care centers or any other place, however designated, which is operated in a church for the purpose of providing training, guidance, education or care for 4 or more children under 6 years of age, separated from their parents or guardians during any part of the day other than from 6 PM to 6 AM.

5.16 Temporary real estate signs, not exceeding 2 sq. feet in area, directing the way to premises which are for sale or rent, provided such signs shall be neatly painted or printed and shall be removed promptly when the property has been sold or rented and within 30 days in any case.

5.17 County owned water or sewage pumping station, water storage tanks and well houses. County owned sewage treatment plants having a lot area greater than two (2) acres.

5.2 Conditional Uses Permitted by Special Exception

- 5.21 Railroad lines, electric transmission lines and pipe lines on a private right-of-way or easement (other than service lines or electric transmission lines in easements or public roads provided for the purposes by subdivisions, or on the premises of individual consumers); provided that the Board first obtains a report from the Planning Commission as to whether or not the facility would be consistent with a comprehensive plan of development for the county or would interfere with any of the proposals in such plan.
- 5.22 Directional signs not over 2 sq. feet in area, indicating the location of churches, schools, hospitals, parks, scenic or historic places, or other places of general public interest; provided that the Board shall determine the need for and suitability of any such sign and set a time limit therefor if of a temporary nature. Any such sign and mounting shall not exceed 3 feet in total height.
- 5.23 Private non-commercial recreation areas and centers such as country clubs, swimming pools, golf courses, boat clubs and riding clubs, but not including any shooting ranges or traps; provided each establishment shall have an area of 2 acres or more.
- 5.24 Public utility structures and facilities such as water or sewage pumping stations, well houses, water storage tanks, telephone exchanges, static transformer, repeater or switching stations and passenger stations not including any facilities for construction, repair, service, or storage of utility equipment.

5.3 Accessory Uses Permitted

Accessory uses customarily incidental to a permitted principal or conditional use on the same lot therewith, including among others:

- 5.31 Private garages, parking areas, and stables, including the temporary parking of one unoccupied house trailer in an enclosed garage; and provided that stables shall comply with the distance requirements of Section 4.5.
- 5.32 Living quarters of persons employed on the premises, without restriction as to minimum floor area.

- 5.33 Guest houses for non-paying guests, without restriction as to minimum floor area.
- 5.34 Customary incidental home occupations, such as handicraft, dressmaking, millinery, laundering, preserving or home cooking, including occasional personal service of beauty culture offered in a limited way by appointment and not to the general public, and the home office of a member of a recognized or licensed profession such as attorney at law, physician, dentist, musician, or artist; provided that such occupations shall be conducted solely by resident occupants in their place of abode and provided that not more than the equivalent area of one-quarter ($\frac{1}{4}$) of one (1) floor shall be used for such purpose; provided further, that such occupation shall not require external or internal alterations, or the use of machinery or equipment not customary for purely domestic household purposes and provided no stock-in-trade shall be kept or product sold, except such as are made on the premises, provided further, that there shall be no group instruction, assembly or activity or no display that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling. An indirectly lighted name plate not over one (1) square foot in area and attached flat against the building shall be permitted. Nothing herein contained shall be construed to prohibit the installation and use of two hair drying units. However, a home occupation shall not be interpreted to include beauty parlors, barber shops, convalescent or nursing homes, tourist homes, massage or similar establishments offering services to the general public.
- 5.35 The keeping of not more than 2 roomers or boarders in an otherwise private dwelling.
- 5.36 Name signs and small professional signs not exceeding 72 sq. inches in area.
- 5.37 One name sign or bulletin board not exceeding 12 sq. feet in area for any permitted church, school, or other public or semi-public institution, which sign or board may be indirectly lighted, and shall be set back at least 15 feet from the property line.
- 5.38 Temporary real estate signs, not exceeding 25 sq. feet in area advertising the sale or rent of the premises on which located; provided such signs shall not be less than 15

feet from any street or lot line, shall not be illuminated, shall be neatly painted and maintained, and shall be removed promptly when the property has been sold or rented.

- 5.39 Temporary roadside stands for the display and sale of farm products, on the premises where such are produced; provided such stands are of open-front type, are used in season only, and are removed promptly at the end of each season. Such stands shall be at least 15 feet from the road right-of-way, and a suitable place shall be provided for vehicles to stop safely off the pavement.

Article 6 - R-5 General Residence District - Uses

6.1 Principal Uses Permitted

- 6.11 Any principal use permitted and as regulated in the R-4 District.
- 6.12 Two-family dwellings.
- 6.13 Multi-family dwellings.
- 6.14 Rooming and boarding houses.
- 6.15 Tourist homes and motels, when located on a U.S. numbered highway and not including any "B" or "M" District use except as permitted in this subsection; provided that any signs shall be limited in the aggregate to a total face area of 60 sq. ft., shall be limited in total height above ground level to 6 feet, shall be set back at least ½ the required front yard distance, shall not have any blinking lights, and all lighting shall be indirect. In a motel having 20 or more guest rooms or suites, a dining room or restaurant may be included as an incidental accessory use, provided it is located within the main building and has no separate outside entrance for guests nor any separate signs or advertising device.

6.2 Conditional Uses Permitted by Special Exception

- 6.21 Any conditional use permitted and as regulated in the R-4 District.
- 6.22 Group housing projects containing various combinations of dwellings and associated uses, in a single ownership and

having a site plan in which the normal lot, yard, and other regulations prescribed herein cannot be applied, subject to the provisions of section 17.5.

- 6.23 Clubs, fraternities, lodges, and similar meeting places of non-profit organizations, except those customarily conducted as a gainful business; provided such buildings are located at least 30 feet from any other lot in any "R" District.
- 6.24 General Hospitals, sanitoriums, rest homes, and charitable institutions for human care, provided that any such use shall have a minimum lot area of five (5) acres.
- 6.25 Office buildings for administrative offices or the offices of professional persons such as doctors, dentists, lawyers, engineers, or architects.

6.3 Accessory Uses Permitted.

- 6.31 Accessory uses as permitted and as regulated in the "R-4" District.
- 6.32 Other accessory uses, not otherwise prohibited, customarily accessory and incidental to any permitted use.

Article 7 - A-1 Agricultural District - Uses

7.1 Principal Uses Permitted

- 7.11 Any Principal Use permitted and as regulated in the R-0 District.
- 7.12 Signs, when appurtenant to the use of the property on which displayed.
- 7.13 Forestry, including temporary sawmills used only for the sawing of timber cut from the immediate premises; provided that sawmills shall observe the distance requirements of subsection 4.5.
- 7.14 Summer houses, cabins, or camps, for seasonal (not permanent or year-round) occupancy only, and which buildings need not abut on a street.

7.15 Farming, dairy farming, livestock, rabbit and poultry raising and all uses commonly classed as agricultural with no restrictions as to the operation of such vehicles or machinery or buildings as are incident to such uses and with no restrictions as to the sale or marketing of produce raised on the premises; except that no livestock, rabbits, poultry, or other animals shall be permitted to run at large, and any buildings or yards for the enclosure or feeding of same shall observe the distance requirements of subsection 4.5.

7.2 Conditional Uses Permitted by Special Exception

7.21 Any Conditional Use permitted and as regulated in the R-0 District.

7.22 Gun clubs, shooting ranges or traps of a non-commercial nature subject to three times the distance requirements of subsection 4.5 and subject also to being at least 1,200 feet from any public road.

7.23 Commercial hog farms, and kennels for the breeding, raising, boarding of dogs or other animals, provided that all buildings and runways shall comply with the distance requirements of subsection 4.5.

7.24 Sand, gravel, or clay pits, quarries, mines, and other extractive operations including topsoil removal, provided:

a. The excavations are at least 100 feet from any "R" district, and are accessible from a general traffic thoroughfare without traversing any local residential street in an "R" district.

b. The special requirements in section 17.8 shall be complied with, in addition to any others ordered by the Board in accordance with Section 19.43.

7.25 Hospitals, sanitoriums, and charitable institutions for the care of contagious diseases or for drug, or liquor, or mental patients; provided that any such establishment shall have a minimum lot area of 8 acres and shall be sufficiently isolated from residential areas as to safeguard their health, safety, and welfare.

7.26 Airports, provided that they shall comply with three times the distance requirements of subsection 4.5, and that the

approaches to landing strips shall not be over any "R" district, or any school, church, or other institution for human care or any place of public assembly, for a distance of at least one mile and a width of one-half mile. An airport in the "A-1" district may include any buildings, structures, or service facilities that are necessary, customary, and accessory to the operation of the airport, such as hangars, terminal buildings, restaurants, parking areas, fuel or parts storage and sales, and the like, but not the manufacturing, major repairing, or testing of aircraft, except that the flight testing of aircraft may be permitted by the Board of Supervisors after a public hearing of which at least 10 days public notice shall be given by publication in a newspaper having general circulation in the County.

7.27 Fairgrounds, race tracks or grounds for the racing or showing of horses, and riding stables or academies; provided that all such uses shall comply with three times the distance requirements of subsection 4.5.

7.28 Cemeteries and graveyards including such accessory uses as mausoleums and crematories, provided that any new cemetery shall have an area of at least 20 acres, all graves shall be located at least 50 feet from adjacent property lines and 250 feet from any dwelling or well on adjacent property, and any mausoleum or crematory shall observe twice the distance requirements of subsection 4.5; except that cemeteries and graveyard accessory to churches shall not be restricted in area. Existing cemeteries and graveyards shall be subject to the foregoing distance requirements except where existing graves are located or lots sold closer to property lines than the specified distances, in which case such lots may be used, and other graves may be located as the closest existing graves.

7.3 Accessory Uses Permitted

7.31 Accessory uses permitted and as regulated in the R-0 District.

7.32 Other accessory uses, not otherwise prohibited, customarily accessory and incidental to any permitted use.

ARTICLE 8 - B-1 Neighborhood Business District - Uses

8.1 Principal Uses Permitted

- 8.11 Any principal use permitted and as regulated in the "R-5" District except for dwellings; provided, however, that any dwelling legally existing in the "B-1" District at the time of adoption of this ordinance or any amendment hereto shall not be subject to the restrictions on non-conforming uses contained herein.
- 8.12 Any local retail sales or service establishment which supplies commodities or performs services primarily for the residents of the neighborhood, when located within an enclosed building and complying with the conditions specified in Section 8.4, such as a food, drug, clothing, hardware, or variety store, a barber, beauty, shoe repair, or bakery shop, a clothes cleaning or laundry pick-up depot, a launderette, a bank, a business or professional office, a photographic or art studio, a theatre, restaurant, confectionary, or delicatessen; but not including any use first listed as a permitted use in the "B-2" District.
- 8.13 Clubs, fraternities, lodges, and similar meeting places.
- 8.14 Antique shops.

8.2 Conditional Uses Permitted by Special Exception

- 8.21 Any conditional use permitted and as regulated in the "R-5" District, except as otherwise provided herein.
- 8.22 Neighborhood Shopping Centers, consisting of a coordinated group of local retail business establishments, indoor and outdoor, with common parking and service areas. The Board may approve a layout plan for such a development which differs from the yard and other requirements specified herein, provided that such plan is consistent with modern planning and zoning practice, and that the development as a whole will contribute toward a desirable development of the neighborhood in accordance with the comprehensive county plan.
- 8.23 Any of the local retail sales or service uses permitted in Section 8.1 when located out-of-doors, provided the

specific location and arrangement will not seriously affect adjacent property.

8.3 Accessory Uses Permitted

8.31 Accessory uses as permitted and as regulated in the "R-5" District.

8.32 Other accessory uses, not otherwise prohibited, customarily accessory and incidental to any permitted use.

8.33 Exterior signs pertaining only to the uses conducted on the premises. Such signs shall be integral with or attached to the principal buildings, or may be attached to free-standing supports located anywhere on the lot except within the required front or side yards, provided that where the lot adjoins an "R" District, the exterior signs shall be attached flat against the building and shall not face the side of the adjacent lot located in the "R" District. No sign shall project over any street line or extend more than 4 feet over any building line whether fixed to the building or to any other structure, or shall not extend above the roof line if attached to the building or more than 20 feet above the ground if free-standing. The aggregate face area of all such signs on any one lot shall not exceed 1½ sq. feet for each 1 foot of building frontage. No pennants, banners, wheels, discs, or any other moving or fluttering device shall be used to attract attention in any "B-1" District.

8.4 Required Conditions

8.41 In any "B-1" Business District located directly across the street from any Residence District, the parking, driveway and loading facilities shall be distant at least 25 feet from the established right-of-way line, and the buildings and structures at least 50 feet from such line. Such yard between the parking area and the lot line shall be planted and maintained in lawn or other appropriate planting.

8.42 Goods shall consist primarily of new merchandise or bona-fide antiques.

8.43 Goods may be produced for retail sale on the premises, provided not more than 5 persons are engaged in such production.

- 8.44 Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water-carried waste.
- 8.45 No establishment other than a motel shall remain in operation after 12:00 o'clock midnight nor shall any exterior sign permitted under Section 8.33 remain lighted after 12:00 o'clock midnight.
- 8.46 Automobile service stations in B-1 Districts shall not have any outside displays of merchandise for sale other than what can be accommodated on the pump islands and on the sidewalks immediately adjoining the building and extending not more than 3 feet from the building.

Article 9 - B-2 Community Business District - Uses

9.1 Principal Uses Permitted

- 9.11 Any principal use permitted and as regulated in the "B-1" District.
- 9.12 Any retail sales or service establishment which supplies commodities or performs services primarily for the general public, when located within an enclosed building and complying with the conditions specified in Section 9.4, such as a department store, specialty shop, hotel, liquor store, appliance or furniture store, carpenter, electrical, plumbing, heating, job printing, upholstering, furniture or appliance repairing, painting, or interior decorating shop; but not including any use first listed as a permitted use in the "B-3" District.

9.2 Conditional Uses Permitted by Special Exception

- 9.21 Any conditional use permitted and as regulated in the "B-1" District.
- 9.22 A Community Shopping Center, similar in character to a neighborhood shopping center as permitted under Section 8.22, except that it may include retail business establishments serving the general public.
- 9.23 Any of the retail sales or service uses permitted in Section 9.1, when located out-of-doors, provided the

specific location and arrangement will not seriously affect adjacent property.

- 9.24 Dyeing and cleaning works employing not more than 5 persons in the dyeing and cleaning process; but not closer than 200 feet to any "R" District.
- 9.25 Bowling, dancing, skating, billiards, and similar indoor recreational establishments, when located at least 200 feet from any "R" District and subject to such conditions as the Board may determine as to location of entrances, parking, lighting, and other details, and the hours of operation, in order to protect the welfare of the adjacent neighborhood.

9.3 Accessory Uses Permitted

- 9.31 Accessory uses as permitted and as regulated in the "B-1" District, except as hereinafter modified.
- 9.32 Other accessory uses, not otherwise prohibited, customarily accessory and incidental to any permitted use.
- 9.33 Exterior signs as permitted under Section 8.33, except that the face areas may be increased to twice the size permitted in the "B-1" District.

9.4 Required Conditions

- 9.41 The same as specified in the "B-1" District except 8.45.
- 9.42 No recreation or other establishment other than a hotel or motel shall remain in operation after midnight, nor shall any exterior sign permitted under Section 9.33 remain lighted after 1:00 o'clock a.m.

Article 10 - B-3 General Business District - Uses

10.1 Principal Uses Permitted

- 10.11 Any principal use permitted and as regulated in the "B-2" District, subject only to the conditions specified in 10.4.
- 10.12 Motels and tourist homes.

- 10.13 Public garages and automobile sales, service, repair and equipment establishments.
- 10.14 Truck, trailer, machinery, and farm implement sales, service, rental, and repair establishments, but not within 100 feet of any "R" District.
- 10.15 Bowling, dancing, skating, billiards, and similar indoor recreational establishments; but not within 100 feet of any "R" District.
- 10.16 Drive-in theaters, golf driving ranges, baseball batting ranges, miniature golf courses, pony rides, and similar outdoor amusements or commercial recreation establishments, -- but not within 200 feet of any "R" District, and provided that for drive-in theaters the screen shall be so located as to be not visible from adjacent streets or highways and to be located at least 100 feet therefrom.
- 10.17 Drive-in eating and drinking establishments, summer gardens, commercial swimming pools, taverns, sales lots and stands (except livestock sales), but not within 200 feet from any "R" District.
- 10.18 Riding academies, amusement parks, target ranges; -- but not within 300 feet of any "R" District.
- 10.19 Bakery, laundry, cleaning and dyeing works, wholesale business, commercial greenhouse -- but not within 100 feet of any "R" District.
- 10.110 Mortuaries.
- 10.111 Veterinary hospitals, boarding kennels or clinics, but not within 200 feet of any "R" District and provided that all facilities are within the building.
- 10.112 Outdoor advertising signs and structures not exceeding 300 sq. ft. in size nor 20 feet in height, nor more than one sign high, and subject in other respects to the same regulations as other uses.
- 10.113 Farm supply and service establishments, including custom grain and feed mills, milk depots, creameries and cold storage plants, among others; but not including any use first permitted in any "M" District; and not within 200 feet of any "R" District.

- 10.114 Building material sales yard, not including concrete mixing.
- 10.115 Coal and wood yards, provided dust is effectively controlled; but not within 200 feet of any "R" District.
- 10.116 Sheet metal shops.

10.2 Conditional Uses Permitted by Special Exception

- 10.21 Any conditional use permitted and as regulated in the "B-2" District, except as otherwise provided herein.
- 10.22 Trailer parks, subject to the provisions of Section 17.7.
- 10.23 Carnivals, fairs and circuses.
- 10.24 Any other retail business not otherwise permitted in this district, or specifically excluded therefrom, including any kind of manufacturing or treatment incidental to the conduct of a retail business on the same premises but not including any use which is first permitted or is prohibited in the "M-1" District.

10.3 Accessory Uses Permitted

- 10.31 Accessory uses as permitted and as regulated in the "B-2" District, except that the face areas of exterior signs may be increased to 3 times the size permitted in the "B-1" District.
- 10.32 Other accessory uses, not otherwise prohibited, customarily accessory and incidental to any permitted use.

10.4 Required Conditions

- 10.41 Not more than 30 persons may be engaged in manufacturing on the premises.
- 10.42 Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders,

gas, fumes, noise, vibration, refuse matter or water-carried waste.

Article 11 - M-1 Light Industrial District - Uses

11.1 Principal Uses Permitted - subject to the conditions required in 11.4.

- 11.11 Any use permitted and as regulated in the B-3 District except dwellings, schools, hospitals, and other institutions for human care; provided, however, that any such prohibited use legally existing in the M-1 District at the time of adoption of this ordinance or any amendment thereto shall not be subject to the restrictions on non-conforming uses contained herein.
- 11.12 Except as otherwise provided herein, the manufacturing, assembling, compounding, processing, packaging, baling, repairing, storage or distribution of products made from previously prepared basic materials such as bond, cloth, cork, fibre, leather, paper, plastics, metals (not involving punch presses over 20 tons rated capacity), stones, tobacco, wax, yarns or wood (except where sawmills or planing mills are employed).
- 11.13 The manufacturing, compounding, processing, packaging, or treatment of cosmetics, pharmaceuticals, and food products (except fish and meat products, sauerkraut, vinegar, yeast, and the rendering or refining of fats and oils).
- 11.14 Manufacture of pottery or other similar ceramic products, from previously pulverized clay, and in kilns fired only by smokeless furnaces.
- 11.15 Laboratories -- experimental, film, or testing.
- 11.16 Warehouses
- 11.17 The following uses when located at least 200 feet from any "R" District:
 - a. Bag, carpet, and rug cleaning, -- provided necessary equipment is installed and operated to effectively precipitate or recover dust.

b. Blacksmith, welding, or other metal shop, -- excluding punch presses over 20 tons rated capacity, drop hammers, and the like.

c. Bottling, ice manufacturing, cold storage, or milk processing and distribution plants.

11.18 Bulk storage or distribution plant for inflammable liquids (other than an automobile service station) for underground storage of not to exceed 30,000 gallons, when located 200 feet from an "R" District.

11.2 Conditional Uses Permitted by Special Exception

11.21 Sand, gravel or clay pits, quarries, mines and other extractive operations, including topsoil removal, subject to the special provisions of section 17.8.

11.22 Airports, when not less than 1,200 feet from any "R" District and provided that the approaches to runways shall not be over any "R" District or any school, church, or any institution for human care or any place of public assembly, for a distance of at least one mile and a width of one-half mile. Any airport or part thereof located in an "M" District may include any of the accessory buildings, structures, or service facilities permitted and as regulated in the "A-1" District, and may include any other use herein permitted in the district in which such part of the airport is located.

11.3 Accessory Uses Permitted

11.31 Accessory uses customarily accessory and incidental to any permitted use.

11.4 Required Conditions

11.41 All uses specified in Section 11.12 through 11.17 inclusive shall be conducted wholly within an enclosed building, except for parking, loading, and unloading facilities.

11.42 No use shall be permitted which by reason of its nature or manner of operation is or may become hazardous, objectionable, or offensive because of odor, dust, smoke,

cinders, fumes, noise, vibration, wastes, fire, explosion, or unsightliness.

Article 12 - M-2 General Industrial District - Uses.

12.1 Principal Uses Permitted

12.11 Any principal use permitted and as regulated in the "M-1" District, except for the requirement that certain uses be conducted within enclosed buildings.

12.12 The following uses when located at least 300 feet from any "R" District.

- a. Automobile or aircraft assembly or major repair, provided that any ground testing of aircraft shall be conducted at least 1,200 feet from any "R" District and shall be subject to Special Exception.
- b. Foundry casting lightweight non-ferrous metals, or electric foundry not causing noxious fumes or odors.
- c. Building material sales yards including Portland cement concrete mixing; lumber yards including millwork; contractor's equipment storage or rental yard or plant; grain elevators and mills; trucking or hauling service yards; manufacturing of concrete products.
- d. Structural steel fabricating plant.
- e. Railroad yards and shops, machine shops.
- f. Freight stations and terminals, rail or motor.
- g. Winery.

12.13 The following uses when located at least 600 feet from any "R" District.

- a. Acetylene manufacture or storage.
- b. Asbestos processing.
- c. Bleaching plant.
- d. Boiler shop, metal working shop employing reciprocating hammers or punch presses over 20 tons rated capacity.
- e. Bottled gas (inflammable or noxious) storage or distribution depot.
- f. Brewing or distilling of liquors.
- g. Brick, tile, or terra-cotta manufacturing.
- h. Candle or sperm oil manufacture.
- i. Coal yards not elsewhere permitted.
- j. Cooperage works.
- k. Crematory.
- l. Disinfectant, insecticide or poison manufacturing.

- m. Dye or dyestuff manufacturing.
- n. Enameling, lacquering or japanning.
- o. Emery cloth or sandpaper manufacturing.
- p. Felt manufacturing.
- q. Forge or foundry works.
- r. Bulk storage or distribution plant for inflammable liquids (other than an automobile service station) for above ground storage of not to exceed 80,000 gallons capacity.
- s. Grain drying or feed manufacturing.
- t. Hair processing or hair products manufacturing.
- u. Junk storage, dismantling, sorting, or baling, including iron, rags, paper, lumber, automobiles and the like, when conducted entirely within an enclosed building.
- v. Lime or cement products manufacturing.
- w. Linoleum, oil cloth or oiled goods manufacturing.
- x. Match manufacturing.
- y. Meat or fish products manufacturing (edible products only), but not including any stockyard or slaughterhouse.
- z. Oil paint, shellac, turpentine, varnish, or enamel manufacturing or the grinding of colors by machine.
- aa. Paper or pulp manufacturing.
- bb. Perfume manufacturing.
- cc. Pickle, sauerkraut, vinegar, or yeast manufacturing.
- dd. Plaster or plaster products manufacturing.
- ee. Port facilities such as docks, warehouses, storage yards, and shipyards.
- ff. Poultry slaughtering, packing, and storage, for wholesale trade.
- gg. Printing ink manufacturing.
- hh. Race tracks, for the racing of animals.
- ii. Rubber, gutta-percha, balata or similar products manufacturing or treatment, from crude or scrap material.
- jj. Sandblasting or cutting.
- kk. Sawmills, planing mills, or the manufacturing of excelsior, wood fibre, or sawdust products.
- ll. Sewage disposal plant.
- mm. Shoddy manufacturing.
- nn. Shoe blacking or polish or stove polish manufacturing.
- oo. Soap manufacturing.
- pp. Steam power plant, other than accessory plant.
- qq. Stone or monument works.
- rr. Sugar refining.

- ss. Tar or asphalt roofing or waterproofing manufacturing.
- tt. Tar distillation or manufacturing.
- uu. Wire or rod drawing, nut, screw, or bolt manufacturing.
- vv. Wood preserving or pressure treating or manufacture of wood preservative.
- ww. Fertilizer manufacture from natural products.
- xx. Sand and gravel washing and grading plant.
- yy. Asphalt pavement mixing plant.

12.14 Any other lawful use except those specifically prohibited, or those listed as Conditional Uses in this District, and those first permitted in the "M-3" District, provided such use is not a kind that ordinarily is especially obnoxious or dangerous because of odor, dust, smoke, gas, noise, fire, explosion or similar nuisance.

12.2 Conditional Uses Permitted by Special Exception

12.21 Any conditional use permitted and as regulated in the "M-1" District, except as may otherwise be provided herein.

12.22 Any other lawful use that would otherwise be prohibited because of a kind that ordinarily is especially obnoxious or dangerous as specified in Section 12.13 provided that the establishment is so designed, equipped and operated as to eliminate or satisfactorily overcome the obnoxious or dangerous characteristics.

12.3 Accessory Uses Permitted

12.31 Accessory uses permitted and as regulated in the "M-1" District.

12.32 Other accessory uses customarily accessory and incidental to any permitted use, except of a type which is permitted only as a conditional use or is prohibited in this district.

Article 13 - M-3 Heavy Industrial District - Uses

13.1 Principal Uses Permitted

13.11 Any principal use permitted and as regulated in the "M-2" District.

13.12 The following uses when located at least 2,000 feet from any "R" District and 500 feet from any other district except an "M-1", "M-2", "A-1" or "C-1" District:

- a. Abattoirs, slaughter houses, stock yards, or auction barns.
- b. Acid manufacturing or wholesale storage of acids.
- c. Bone distillation.
- d. Cement, lime, gypsum, or plaster-of-paris manufacturing.
- e. Chemical works for the production of nitrogen, ammonia, cyanide or similar products or their compounds.
- f. Explosives or fireworks manufacturing or storage.
- g. Fat or oil rendering or refining.
- h. Fertilizer (chemical) manufacturing.
- i. Gas manufacturing.
- j. Glue manufacturing.
- k. Petroleum or petroleum products refining or reclaiming.
- l. Race tracks or courses for motor vehicles, motor boats, or aircraft.
- m. Smelting or reduction of ores or metallurgical products.
- n. Carnivals, fairs and circuses.

13.13 Bulk storage or distribution plant or tank farm for inflammable liquids without limit as to amount of storage, when located at least 600 feet from any residence or Business District.

13.2 Conditional Uses Permitted by Special Exception.

13.21 Any conditional use permitted and as regulated in the "M-2" district, except as may otherwise be provided herein.

13.22 Garbage, offal, or dead animal reduction or dumping.

13.23 Atomic laboratories or plants for the production of fissionable or other nuclear materials, or production of radium or radio-active materials.

13.24 Junk yards for the storage, drying, cleaning, sorting, refining, baling, or dismantling of iron, junk, rags, glass, cloth, paper, machinery, or other waste or discarded materials, including automobile graveyards, wool pulling and scouring, subject to the following conditions.

13.241 No such junk yard or automobile graveyard shall hereafter be established, any part of which is closer than 500 feet to a public street or road.

Every such yard shall effectively be screened from all public streets or roads by natural or other means and shall be surrounded by a solid and sightly fence or wall not less than 8 feet in height.

13.242 The owner or operator of such junk yard or automobile graveyard shall not allow junk, vehicles, or parts thereof, to be collected or stored in piles more than 6 feet in height.

13.243 The collection or storage of any material containing or contaminated with dangerous explosives, chemicals, gases or radioactive substances is prohibited.

13.244 Every such junk yard or automobile graveyard shall be operated and maintained in such a manner as not to allow the breeding of rats, flies, mosquitoes or other disease-carrying animals and insects.

13.3 Accessory Uses Permitted.

13.31 Accessory uses permitted and as regulated in the "M-2" district.

13.32 Other accessory uses customarily accessory and incidental to any permitted use.

Article 14 - C-1 Conservation District - Uses

14.1 Principal Uses Permitted

14.11 Farming, dairy farming, livestock, rabbit and poultry raising, and all uses commonly classed as agricultural,

subject to the same provisions and limitations as in the "A-1" District.

- 14.12 Forestry, including temporary sawmills as permitted in the "A-1" District.
- 14.13 Public and private forests or wildlife preserves and similar conservation areas.
- 14.14 Publicly-owned properties and incidental buildings of a recreation, sports, or conservation nature.
- 14.15 Private non-commercial recreation areas and facilities such as country clubs, swimming clubs, golf courses, boat clubs, fishing clubs, and riding clubs; provided each such site shall contain an area of 50 acres or more, and any shooting range or traps shall observe 3 times the distance requirements of subsection 4.5.
- 14.16 Summer houses, cabins or camps, for seasonal (not permanent or year-round) occupancy only, and which buildings need not abut on a street.
- 14.17 Water works, wells, reservoirs, flood-control works, drainage works.

14.2 Conditional Uses Permitted by Special Exception

- 14.21 Race tracks, riding schools, when located on premises abutting on a Primary State Highway and subject to 3 times the distance requirement of subsection 4.5.
- 14.22 Airports and landing fields, subject to 3 times the distance requirements of Subsection 4.5 and provided that the approaches to landing strips shall not be over any "R" district, or any school, church, or any institution for human care or any place of public assembly, for a distance of at least one mile and a width of one-half mile.
- 14.23 Sand, gravel, or clay pits, quarries, mines, and other extractive operations including topsoil removal, provided:
 - a. The excavations are at least 100 feet from any "R" district, and are accessible from a general traffic thoroughfare without traversing any local residential street in an "R" district.

- b. The special requirements in Section 17.8 shall be complied with, in addition to any others ordered by the Board in accordance with Section 19.43.

14.3 Accessory Uses Permitted

14.31 Accessory uses customarily incidental to permitted principal or conditional use on the same lot therewith, including among others:

- a. Accessory uses as permitted and as regulated in the "A-1" district.
- b. The selling of bait and the selling or leasing of boats and fishing equipment.
- c. Refreshment stands; the seasonal sale of groceries and meat, including meals, in connection with a seasonal principal use.
- d. Other accessory uses, not otherwise prohibited, customarily accessory and incidental to any permitted use.

Article 15 - I-1 Institutional District - Uses

15.1 Principal Uses Permitted

- 15.11 Penal or correctional institutions.
- 15.12 Hospitals or institutions for the confinement of mental patients.
- 15.13 Federal, state or municipal government buildings and establishments.

15.2 Accessory Uses Permitted

15.21 Accessory uses customarily incidental to a permitted principal use on the same lot therewith.

ARTICLE 16 - Height, Lot, Yard, and Building Regulations

16.1 General Requirements

- 16.11 No building shall exceed the height regulations specified in this Article.
- 16.12 Every building or group of buildings, together with its accessory buildings, shall be located on a lot having at least the area, width, and yards prescribed herein.
- 16.13 No lot shall be reduced in area to less than the area and width prescribed herein, or so as to cause any yard or court to be less than the minimum required herein. If any lot, yard or court is already less than required herein, it shall not be further reduced.
- 16.14 No part of a yard or court provided about any building for the purpose of complying with the provisions of this Ordinance shall be included as part of a yard or court required under this Ordinance for another building.
- 16.15 Except as otherwise provided herein, no lot shall contain more than one dwelling, and no building in the rear of a principal building on the same lot shall be used for dwelling purposes.
- 16.16 Accessory buildings are not to exceed the height of the main building.

16.2 Table of Regulations (See Section 16.3 for additional requirements, exceptions and modifications)

District and Use		Maximum Height		Min. Lot Area		Min. Lot Width	Min. Front Yd. Depth	Min. Side Yards		Min. Rear Yd. Depth	Min. Ground Floor Area
				Total	Per Family			Least	Sum of		
		Stories	Feet	Sq. Ft.	Sq. Ft.	Feet	Feet	Yard (c) Feet	Yards Feet	Feet	Sq. Feet
R-0	Dwellings	2 ½	35	1 Ac.	1 Ac.	200	50	20	50	50	1800 (j)
	Churches	2 ½	45	3 Ac.	-	400	50	40	80	50	
	Schools	2 ½	45	5 Ac.	-	400	50	40	80	50	
	Other Permitted Uses, except as otherwise specified	3 (a)	45	1 Ac.	-	200	50	40	80	50	
R-1	Dwellings	2 ½	35	25,000	25,000	150	50	20	50	50	1600 (k)
	Churches	2 ½	45	3 acres		400	50	40	80	50	
	Schools	2 ½	45	5 acres		400	50	40	80	50	
	Other Permitted Uses	3 (a)	45	1 acre		200	50	40	80	50	
R-2	Dwellings	2 ½	35	18,000	18,000	100	45	15	35	50	1400 (l)
	Churches	2 ½	45	3 acres		400	45	25	50	50	
	Schools	2 ½	45	5 acres		400	45	25	50	50	
	Other Permitted Uses	3 (a)	45	20,000		100	45	20	40	50	
R-2A	Dwellings	2 ½	35	13,500	13,500	80	45	12	30	50	1200 (n)
	Churches	2 ½	45	3 acres		400	45	25	50	50	
	Schools	2 ½	45	5 acres		400	45	25	50	50	
	Other Permitted Uses	3 (a)	45	20,000		100	45	20	40	50	
R-3	Dwellings	2 ½	35	11,000	11,000	80	45	12	30	40	1000 (i)
	Churches	2 ½	45	3 acres		400	45	25	50	50	
	Schools	2 ½	45	5 acres		400	45	25	50	50	
	Other Permitted Uses	3 (a)	45	20,000		100	45	20	40	50	
R-4	Dwellings	2 ½	35	8,000	8,000	65	45	10	25	40	900 (o)
	Churches	2 ½	45	3 acres		400	45	25	50	50	
	Schools	2 ½	45	5 acres		400	45	25	50	50	
	Other Permitted Uses	3 (a)	45	20,000		100	45	20	40	50	
R-5	<u>1-Family Dwellings</u>										
	1 or 1 ½ Stories	1½	25	7,500	7,500	60	45	8	20	35	900 (o)
	2 or 2 ½ Stories	2 ½	35	7,500	7,500	60	45	10	24	40	900 (o)
	<u>2-Family Dwellings</u>										
	1 or 1½ Stories	1½	25	11,250	5,625	90	45	12	24	40	700 (m)
	2 or 2 ½ Stories	2 ½	35	11,250	5,625	90	45	14	28	45	700 (m)

District and Use		Maximum Height		Min. Lot Area		Min. Lot Width	Min. Front Yd. Depth	Min. Side Yards		Min. Rear Yd. Depth	Min. Ground Floor Area
				Total	Per Family			Least	Sum of		
		Stories	Feet	Sq. Ft.	Sq. Ft.	Feet	Feet	Yard (c) Feet	Yards Feet	Feet	Sq. Feet
R-5	<u>3 or more Family Dwellings</u>										
	1 or 1 ½ Stories	1 ½	25	12,000	4,000	100	50	30	60	40	350 (m)
	2 or 2 ½ Stories	2 ½	35	13,000	4,000	100	50	30	60	45	350(m)
	3 or more Stories(b)			40,000	4,000	200	75	75	150	75	350 (m)
	<u>Rooming, Boarding Houses, Tourist Homes</u>										
	1 or 1 ½ Stories	1 ½	25	7,500	7,500	60	45	8	20	35	900 (o)
	2 or 2 ½ Stories	2 ½	35	7,500	7,500	60	45	10	24	40	700 (m)
	Motels	2 ½	35	20,000	2,000 per bedroom	100	50	30	60	50	
	<u>Hospitals and Sanitariums</u>										
	1 to 2 ½ Stories		35	5 acres		200	50	30	60	50	
	3 to 8 Stories (b)			5 acres		200	75	75	150	75	
	Other Permitted Uses										
1 to 3 Stories	3 (a)	45	20,000		100	45	20	40	50		
Over 3 Stories (b)			40,000		200	75	75	150	75		
A-1	Dwellings	2 ½	35	1 Ac.	1 Ac.	200	50	20	50	50	900 (o)
	Churches	2 ½	45	3 Ac.		400	50	40	80	50	
	Other permitted uses, except as otherwise specified	3 (a)	45	5 Ac.		400	50	40	80	50	
B-1	Dwellings, Rooming, boarding, tourist homes, and motels	Same as in R-5 District									
	Other Permitted Uses	2 ½	35				25 (d)	none (e)		40	
B-2	Dwellings, rooming, boarding, tourist homes	Same as in R-5 District									
	Motels	2 ½	35	20,000	1,000 per bedroom	100	25	15	30	40	
	Other Permitted Uses										
	1 to 3 stories	3	45				25 (d)	none (e)		40	
	Over 3 stories (b)						25 (d)	50	100	75	
B-3	Dwellings, rooming, boarding, tourist homes	Same as in R-5 District									
	Motels	2 ½	35	20,000	1,000 per bedroom	100	25	15	30	40	
	Trailer Parks	2 ½	35	2 ac.	2,400/ trailer	300	100	50	100	40	
	Other Permitted Uses	3	45				25 (d)	none (e)		40	

District and Use		Maximum Height		Minimum Front Yard Depth	Minimum Side Yards		Minimum Rear Yard Depth
					Least	Sum of	
		Stories	Feet		Yard (c) Feet	Yards Feet	Feet
				Each yard equal to Height of building in all "M" District			
M-1	1-story buildings	1	25	25	Min. 15' (f)		30
	2-story buildings	2	35	25	Min. 15' (f)		40
	3-story buildings	3	45	25	Min. 15' (f)		50
M-2	1-story buildings	1	30	25	Min. 15' (h)		40
	2-story buildings	2	40	25	Min. 15' (h)		50
	3-story buildings	3 (g)	50	25	Min. 15' (h)		60
M-3	1-story buildings	1	30	50	Min. 15' (h)		40
	2-story buildings	2	40	50	Min. 15' (h)		50
	3-story buildings	3 (g)	50	50	Min. 15' (h)		60
C-1		2 ½	35 (a)	50	25	50	50
I-1		3	50	200	100	200	200

- a. Farm and public utility structures may be constructed to any necessary height, when located as far from all lot lines as the height of the structure.
- b. Buildings up to 8 stories in height may be permitted by Special Exception.
- c. For additional regulations applying to corner lots, see Section 16.309.
- d. Or greater where specified elsewhere in this Ordinance.
- e. Except adjoining any "R" District, in which case not less than 15 feet.
- f. Except adjoining any "R" District, in which case not less than 25 feet.
- g. Greater heights, when required for a particular use, may be authorized by the Board of Appeals as a Special Exception.
- h. Except adjoining any "R" District, in which case not less than 50 feet.
- i. Ground floor area may be 700 sq. ft. if building has at least 400 sq. ft. of finished floor space on upper floors.
- j. Ground floor area may be 1400 sq. ft. if building has at least 600 sq. ft. of finished floor space on upper floors.
- k. Ground floor area may be 1200 sq. ft. if building has at least 500 sq. ft. of finished floor space on upper floors.
- l. Ground floor area may be 1000 sq. ft. if building has at least 500 sq. ft. of finished floor space on upper floors.
- m. Total floor area, each dwelling unit.
- n. Ground floor area may be 900 sq. ft. if building has at least 400 sq. ft. of finished floor space on upper floors.
- o. Ground floor area may be 700 sq. ft. if building has at least 300 sq. ft. of finished floor space on upper floors.

16.3 Additional Requirements, Exceptions and Modifications.

16.301 Height limitations do not apply to church spires, belfries, cupolas, domes, penthouses, tanks, monuments, water towers, chimneys, flues, flagpoles, radio or television receiving aerials, or similar structures, having an aggregate area less than 25 per cent of the ground floor building area nor to parapet walls or bulkheads extending not more than 4 feet above the limiting height of the building nor to radio, television, electric power, or other transmission towers nor to grain elevators, derricks, or other necessary industrial, utility, or public service structures; -- provided that no such structure shall exceed a height in any "R" District of 50 feet, nor in any other district of 100 feet, unless authorized as a Special Exception by the Board of Appeals.

16.302 Exceptions to 16.2 Where a lot of record at the time of the effective date of this Ordinance or of any amendment thereto has less area or width than herein required in the district in which it is located, and the owner of such lot does not own any other lot, parcel, or tract adjacent thereto, or where a lot is part of an officially or tentatively approved or recorded subdivision, said lot may nonetheless be used for a one-family dwelling subject to the conditions hereinafter specified, provided such one-family dwelling be otherwise permitted in such district; except that any lot having less than the minimum area or width specified below shall not be used except under a variance authorized by the Board of Appeals.

	District	Minimum Area	Minimum Lot Width
(a)	R-0	25,000 sq. ft.	100 ft.
(b)	R-1	15,000 sq. ft.	80 ft.
(c)	R-2	11,000 sq. ft.	65 ft.
(d)	R-2A	10,000 sq. ft.	65 ft.
(e)	R-3	8,000 sq. ft.	65 ft.
(f)	R-4	6,000 sq. ft.	50 ft.
(g)	R-5	6,000 sq. ft.	50 ft.
(h)	Agricultural	30,000 sq. ft.	150 ft.

16.3021 Conditions:

(a) On any such lot less than 150 feet wide, the sum of the side yards may be reduced to not less than 30 percent of the lot width, and the least side yard may be reduced to not less than 10 percent of such lot width, provided no side yard shall be less than 7 feet wide. Corner lots shall be subject to the additional requirements of Section 16.309.

(b) The rear yard on any such lot less than 150 feet deep shall not be less than 25 feet.

16.303 Lots Without Public Water and Sewer

16.3031

(a) Where any parcel or lot is not served by either public water supply or public sewer the minimum area and width of such lot or parcel on which a building may be erected shall be 25,000 square feet and 150 feet, 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 18,000 square feet and a minimum width of 100 feet.

(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 square feet and minimum width of 50 feet.

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

(e) Apartment buildings must be served by water and sewer.

16.3032 Exceptions to Sub-Section 16.3031. Where a lot of record at the effective date of this ordinance has less area or width than herein required in the district in which it is located and the owner of such lot does not own any other lot, parcel or tract adjoining thereto, or where a lot is part of an officially or tentatively approved or recorded subdivision, the minimum lot area and width required for a single-family dwelling lot under Sub-Section 16.3031: (a) shall be reduced to 15,000 square feet and 80 feet, respectively, where neither public water nor public sewer is available, and those under Sub-Section 16.3031:(b) shall be reduced to 11,000 square feet and 65 feet, respectively, where public

water is available but not sewer; provided, however, that any such lot is certified by the County Health Department to be large enough, considering its particular location, soil characteristics, etc., to satisfy all applicable requirements concerning water supply and disposal of sanitary wastes.

16.304 Front yards in Built-up Areas.

16.3041 Where the frontage in a block is partially built up, the minimum front yard for a new building shall be the average of the nearest front yard on either side thereof in the same block, or if there be a building on one side only then it shall be the same as the front yard for that building except that no front yard in an "R" District shall be less than 25 feet or need be more than 75 feet.

16.3042 Where there are buildings only on one side of the street, the minimum front yard for buildings on the opposite side in the same block and in the same district shall be the same as that established on the occupied side, except that no such front yard in any "R" District shall be less than 35 feet.

16.3043 In determining the front yard for a building, the side yard on a reversed corner lot shall not be a factor.

16.3044 If a reversed corner lot is re-subdivided to front on the street on which it originally sided, it shall observe the front yard requirements of both streets.

16.305 Front Yards for Cemeteries and Graveyards. The minimum front yard regulation for buildings shall apply also to all graves in new or existing cemeteries and graveyards, except where existing graves are closer to the road in which case any new graves may be located as close as the closest existing grave.

16.306 Measurement of Yards. The minimum front yard depths specified herein, and the minimum widths of side yards on the street sides of corner lots, shall be measured from the existing street right-of-way line except where a street is designated for widening or extension by an official Master Highway Plan of Henrico County, in which case the measurement shall be taken from the future right-of-way line. In determining the location of such future right-of-way lines it shall be assumed that the street is to be widened equally on both sides of the established center line to the full width designated by the Master Highway Plan,

unless there is on file with the Building Inspector an attested copy of an officially adopted detailed plan for such street widening, extension, or location, in which case the latter shall control. In no case shall any street in an "A" or "R" District be considered, for the purposes of this section, as having a right-of-way less than 50 feet wide, nor in any other district less than 60 feet wide. Each yard shall be measured horizontally to the nearest point of the building or use area, except for allowable projections.

- 16.307 Buildings and Projections in Yards. The following buildings, parts of buildings, and uses may occupy or project into required minimum yards as indicated:
- 16.3071 Into any yard. Cornices, eaves, sills, leaders, belt courses and similar ornamental features: 3 feet; uncovered stairs or fire escapes: 4 feet 6 inches; terraces, steps and landings not higher than the entrance floor of the building: 10 feet; bay windows and balconies occupying not more than one-third of the wall length: 3 feet; provided that no such projection shall extend to within less than 5 feet of any interior side lot line nor within less than 10 feet of any street side lot line.
- 16.3072 In a Rear Yard: Any permitted use, or accessory building not over 1½ stories or 12 feet in height, such buildings occupying in the aggregate not more than 30 percent of the minimum yard area. Such buildings shall be located not less than 10 feet from the principal building, not less than 10 feet from all street and alley lines, and not less than 3 feet from all other lot lines (see also Section 16.309). Accessory uses other than buildings may occupy all or any part of a required rear yard or required side yard.
- 16.308 Attached Accessory Buildings. A private garage or other accessory building may be attached to the principal building if made integral therewith, or may be attached thereto by a covered passageway not less than 10 feet wide, or by a connecting wall not less than 7 feet high nor more than 12 feet long joining the front of the accessory building with the main building. No such accessory building shall occupy any portion of a required front or side yard.
- 16.309 Side Yard on Corner Lots. On each corner lot on which a side yard is required the minimum yard on the street side shall not be less than 10 feet, except that on a reversed corner lot which rears upon the side lot line of another lot, either directly or across an alley, there shall be a side

yard on the street side having a width of not less than the minimum front yard depth for the lot in the rear, provided that this regulation shall not be applied so as to reduce the buildable width of a lot of record to less than 50 percent of its width. Any building in the rear yard of such corner lot shall be set back to the full front yard depth for the lot in the rear plus 20 feet, provided no setback of more than 65 feet shall be required, and it shall be located at least as far from the common lot line as is required for a minimum side yard on the lot in the rear.

16.310 Walls, Fences, and Hedges. Nothing in this ordinance shall be deemed to prohibit any necessary retaining wall, or any fence, wall, or hedge less than 3 feet high in any front or side yard, or any fence, wall or hedge less than 7 feet high in any rear yard; nor to prohibit a normal growth of trees and shrubs in any yard; provided, however, that on a corner lot no fence or hedge more than 3 feet above the established curb grade, and no structure or planting which might obstruct vision between a height of 3 feet and a height of 8 feet above the established curb grade, shall be permitted within a distance of 20 feet in either direction from the corner.

16.311 Courts.

16.3111 In any district, when a window is provided in any room for the purpose of furnishing light and air, in which room persons are to live, sleep, or work, except storage rooms, and when such window does not open onto a public street or alley or onto a minimum yard as required in this Ordinance, it shall open onto an outer court having at least the following dimensions.

Least Width:

(a) For dwellings, and other building in "A" or "R" Districts: sum of heights of building wings opposite one another but not less than 50 feet.

(b) For non-dwelling buildings in "B" or "M" Districts: two-thirds the sum of heights of building wings opposite one another, but not less than 40 feet.

Maximum depth:

(a) one and one-half times the width.

- 16.3112 Heights of building wings shall be measured from the ground or floor level of the court. The court need not extend below the lowest story it is intended to serve.
- 16.3113 In any "A" or "R" District, no accessory building shall be located within any required court. In any district, no fence or wall more than 50 percent solid and more than 4 feet high shall be located in any required court.
- 16.312 Double-frontage Lots. Buildings on lots that extend through from street to street shall provide the required front yards on both streets, but need not provide the required rear yards in case an equivalent open space is provided in lieu thereof.
- 16.313 Floor Areas - How Measured. Floor areas 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.
- 16.314 Height Limitations Adjoining Airports. Heights of all buildings and structures located within the approaches to legally existing airport landing strips, for a distance of one mile from the end of such strip and a width of one-half mile, shall be limited to 35 feet, unless a greater height may be allowed by Special Exception. In allowing a greater height, the Board of Appeals shall consider, among other things, the official recommendations of the Civil Aeronautics Authority and the State Corporation Commission, as to heights that would not constitute a hazard to the safe air approach to or departure from the airport.

ARTICLE 17 - Supplementary Regulations

17.1 Off-Street Parking Requirements.

- 17.11 In all districts, off-street parking areas shall be provided in connection with and as an accessory to each and every use, on the premises to be served, except that in any "B" District or "M" District such parking areas may be located on other "B" District or "M" District premises within 400 feet walking distance of the main entrance of the building to be served. In any other district such parking area may be located on other premises by variance only.
- 17.12 The number of parking spaces to be provided for each use shall be sufficient to provide for all persons residing on, employed on, or patronizing the premises, and in no

case shall it be less than as follows. In the case of any use not listed, the requirements of the most similar listed use shall apply.

USE	NUMBER OF SPACES
a. Banks, Business and professional offices	1 for each 500 square feet of floor area.
b. Bowling alleys	5 for each alley.
c. Dance Halls, assembly halls without fixed seats	1 for each 100 square feet of floor area used for dancing or assembling.
d. Dwellings, all types	1 for each dwelling unit.
e. Funeral homes, mortuaries	3 per chapel room or parlor, plus 1 per 100 sq. ft. of floor area used for services.
f. Hardware, appliance, household equipment or furniture store.	1 for each 1,000 square feet of floor area.
g. Hospitals, sanatoriums	1 for each 300 sq. ft. of sleeping room area for patients.
h. Hotels, motels, lodging house	1 for each sleeping room.
i. Manufacturing plants, warehouses, wholesale house	1 for each 3 employees on maximum working shift.
j. Restaurants, taverns	1 for each 100 sq. ft. of floor area.
k. Retail stores, markets, etc. not otherwise listed	1 for each 200 sq. ft. of main floor area.
l. Theaters, auditoriums, churches, stadium, etc.	1 for each 4 seats.

17.13 Each off-street parking space shall be at least 200 square feet in area, exclusive of access drives and aisles, and shall be of such shape and of such location

and so improved as to be effectively usable. In any "R" District, except for single-family dwellings, such location shall be only in a rear yard or in a private garage located in accordance with regulations governing garages; except that off-street parking in the side yard shall be permitted provided such side yard is located at least 100 feet from the front lot line and the minimum side yard requirement in Section 16.2 is observed on the street side of a corner lot. In any other district, such location may be anywhere except in the required minimum front yard, or the required minimum side yard on the street side of a corner lot; but any yard provided in addition to the required minimum yard may be used for parking.

17.14 All parking space provided in compliance with the requirements herein shall be considered as required open space on the lot upon which it is located, and such space shall not be reduced or encroached upon in any manner, except:

a. When substitute space is provided elsewhere, as permitted herein, or

b. When the use for which such space was provided is changed or reduced, in which case the parking requirements for the new or reduced use shall apply.

17.15 No off-street parking area or other premises in any "R" District, except on a farm, shall be used for the parking or storage of any truck or commercial vehicle exceeding 2,000 pounds capacity, except while loading or unloading on such premises.

17.16 No permit shall be issued for the occupancy of any building hereafter erected, located, reconstructed, enlarged, converted, or altered, or of any premises of which the use is changed, until the parking spaces required herein have been provided and are ready for use.

17.2 Off-Street Loading Requirements.

17.21 In all districts, in connection with every building or part thereof hereafter erected, having a gross floor area of 5,000 sq. ft. or more, which is to be occupied by any business, industrial, hotel, hospital, institutional, or other use requiring the receipt or delivery of materials or merchandise by vehicles, there shall be provided and

maintained on the same premises at least one off-street loading space, plus one additional space for each 20,000 sq. ft. of gross floor area in excess of the first 10,000 sq. ft.

- 17.22 Each loading space shall be at least 10 feet wide, 25 feet long, and 15 feet high, and shall be located so that no part of the vehicle is on any public right-of-way. Loading spaces may occupy any part of a required yard except a front yard, or may be contained within the building; provided, however, that no loading space shall be located closer than 50 feet to another lot in any "R" District unless completely enclosed within the building or by a wall or uniformly painted solid board fence not less than 8 feet high.

17.3 Parking Lot Regulations.

- 17.31 Every public or private parking lot for 6 or more vehicles in any district shall be subject to the following regulations:

- a. Setbacks. It shall be subject to the same front yard regulations as for a building, and the same side yard regulations on the street side of a corner lot; except that no yard of more than 10 feet shall be required.
- b. Landscaping. The required front and side yards shall be set off from the parking area by a curb or bumper meeting County specifications, not less than 8 inches nor more than 2 feet high, and such yards shall be planted and maintained in lawn or other appropriate planting, or shall be improved otherwise, in keeping with the character of adjacent property.
- c. Lighting. Any lighting equipment shall be so arranged as to direct the light and glare away from nearby residential property.
- d. Buffer Strips. Along any side or rear lot line which adjoins any "R" District, except in front yard areas, there shall be installed and maintained an ornamental concrete or masonry wall 5 feet high, or dense evergreen planting at least 5 feet high and 10 feet thick. The planting and maintenance of

all shrubs shall be under the supervision of the County Engineer.

- e. Paving. All public parking lots, and all other parking lots situated within 200 feet of any "R" District, shall be paved with at least a bituminous penetration pavement meeting County specifications.
- f. Drainage. Lots shall not be drained onto or across public sidewalks, or onto adjacent property except into a natural water-course or a drainage easement.
- g. Entrances. There shall be no vehicular entrance or exit within 200 feet, along the same side of the street and in the same block, of the premises of any school, public playground, church, hospital, public library, or institution for children or dependents, except where the parking lot is on the same premises. On all corner lots, all vehicular openings shall be set back at least 10 feet from the point of intersection of property lines or from the established right-of-way lines as defined in Section 16.306. No entrance or exit, whether on a corner lot or not, shall exceed 30 feet in width at the property line, or 40 feet at the curb line. There shall be a minimum distance between driveways of 25 feet measured along the curb line, unless such driveways are less than 5 feet apart.

17.4 Service Stations and Public Garages.

- 17.41 No automobile service station, automobile repair shop or public garage shall have a vehicular entrance or exit within 200 feet, along the same side of a street and in the same block, of the premises of any school, public playground, church, hospital, public library, or institution for children or dependents; and no part of any such service station, repair shop, or garage shall be within 100 feet of any of the said public, semi-public or institutional buildings or properties. On all corner lots, all vehicular entrances and exits and all curb openings shall be set back at least 10 feet from the corner property lines extended or from the established right-of-way lines as defined in Section 16.306. No entrance or exit, whether on a corner lot or not, shall exceed 30 feet in width at the property line, or 40 feet at the curb line. There shall be a minimum distance

between driveways of 25 feet, unless such driveways are less than 5 feet apart. Curb and gutter shall be required for all service stations.

17.42 No automobile service station, automobile repair shop, or public garage shall be permitted where any oil draining pit or visible appliance for such purpose, other than filling caps, is located within 12 feet of any street lot line or within 25 feet of any "R" District, except where such is within a building.

17.5 Group Housing Projects. A permit for the erection of a Group Housing Project, where permitted, may be authorized by the Board of Appeals provided such group conforms to all the following conditions and requirements, even though the building locations and the lot, yard, and other requirements do not meet in all respects the requirements stipulated for the district in which located.

17.51 The gross area of the site shall be at least 20 percent greater than the aggregate of the minimum lot areas otherwise required for the individual units in the group.

17.52 Each dwelling in the group shall front either on a street or on a permanent public open space or common yard at least 60 feet wide.

17.53 The distances between principal buildings, back to back, shall not be less than the sum of the minimum rear yard depths required in the district in which located, and the distances between buildings in any other direction shall be not less than the sum of the minimum side yard widths required in the district.

17.54 The distance between principal buildings and the nearest lot lines, other than a front lot line, shall be not less than the height of the building, nor less than 30 feet for a side lot line or 60 feet for a rear lot line.

17.55 Every dwelling shall be within 60 feet of an access driveway at least 20 feet wide leading to a public street, and shall be not more than 200 feet, measured along such driveway, from the public street.

17.56 No detached accessory building shall be closer to a principal building than 25 feet.

17.57 Except for the provisions hereinabove set forth, all other requirements applicable in the district in which a group housing project is located, including off-street parking, shall apply.

17.6 Neighborhood and Community Shopping Centers. A neighborhood or community shopping center may be authorized by the Board of Appeals in districts where such is permitted by this Ordinance, subject to the following conditions:

17.61 The site shall contain at least 2 acres in the case of a neighborhood center, and 5 acres in the case of a community center.

17.62 The location shall correspond substantially with a location for a neighborhood or community business center as shown on the official Land Use Plan of Henrico County.

17.63 The uses permitted in a neighborhood center shall be those retail business, commercial, and service uses permitted in the "B-1" District, and those in a community center shall be the same kinds as permitted in a "B-2" District; except that no residential or industrial uses shall be permitted, or any use other than such as is necessary or desirable to supply with goods or services the needs of the surrounding neighborhood or community, as the case may be.

17.64 The Board shall determine, on the basis of evidence to be furnished by the applicant, and on recommendation of the Planning Commission:

a. That there is a reasonable need or justification for the center as shown by land use studies, market surveys, or other means which it shall determine.

b. That the size of the center is substantially in keeping with the need as shown by said evidence.

c. That there is adequate provision for traffic to and from the center, without congestion, on existing streets or on streets scheduled to be completed by the time the center is to be opened, and

d. That the proponents are financially able to carry out the project, that they intend to start construction within one year, and to complete it within a reasonable time to be determined by the Board in each case.

17.65 The applicant shall submit for the Board's approval a layout plan for the center which is in keeping with modern planning principles, is of coordinated and harmonious design, and will produce an attractive and efficient shopping center, convenient, pleasant and safe to use, and which will fit harmoniously into, and will have no adverse effect upon, the adjoining or surrounding development. Such plan, in particular, shall be in accordance with the following regulations.

a. Building heights. No building shall exceed 2 stories or 25 feet in height in a neighborhood center, nor 8 stories or 100 feet in height in a community center, except as modified by Section 16.3 of this Ordinance.

b. Yards. No building shall be less than 50 feet distant from any boundary of the site.

c. Screening. The center shall be permanently screened from adjacent properties in any "R" District as follows:

1. Along any interior side or rear lot line there shall be installed and maintained an ornamental concrete or masonry wall 5 feet high, or dense evergreen planting at least 5 feet high and 10 feet thick. The planting and maintenance of all shrubs shall be under the supervision of the County Engineer.

2. Along any street, by a solid wall at least 3 feet high and located on the building set-back line (where there is no building) with suitable landscaping between such wall and the street.

d. Site Coverage. The ground area covered by all the buildings shall not exceed in the aggregate 25 percent of the total lot area.

e. Parking Space. Notwithstanding any other requirements of this Ordinance, there shall be provided for customer and employee parking a minimum of one off-street parking space for each 200 sq. ft. of rental floor space, not including basement storage space in a neighborhood center, and one space for each 100 sq. ft. of said floor space in a community center.

f. Loading Space. Notwithstanding any other requirements of this Ordinance, there shall be provided one off-street

loading or unloading space for each 20,000 sq. ft. or fraction thereof of aggregate floor space of all buildings in the center. At least one-third of such spaces shall be sufficient in size and height to accommodate trucks of the tractor-trailer type.

g. Entrances and Lighting of Parking Areas. These shall comply with the requirements of parking lots in Section 17.3.

h. Signs. In addition to signs permitted and as regulated in the "B-1" or "B-2" Districts, respectively, each center shall be permitted two free-standing signs not over 25 feet in height, having a maximum total area of 100 sq. ft. All signs within the center shall be controlled by written agreement between the owners and the tenants, or otherwise, to avoid excessive advertising and to ensure a harmonious appearance to the center as a whole. In a neighborhood center, all signs shall be illuminated only by indirect white lighting; and in all centers, all signs shall conform to the distance requirements from property lines for the buildings in the center.

i. Drainage. Provision shall be made for proper storm-water drainage. Water shall not be permitted to drain onto or across public sidewalks, or onto adjacent property except into a natural watercourse or a drainage easement.

17.66 After public hearing as provided for in Section 19.5 the Board may approve the layout plan if it appears to meet all the foregoing requirements in this Section and to be in all respects of a type that will be a credit to the surrounding area, whereupon such center may be built and maintained in conformity with said plan. In the course of development, minor adjustments in the application of the plan may be authorized by the Board without further public hearings or re-institution of proceedings.

17.7 Trailers and Trailer Parks. No trailer of any kind shall be parked or stored in any district except as follows:

17.71 In an "R" District , one house trailer, and one utility trailer not exceeding 1,000 pounds capacity, may be parked or stored in an enclosed garage on the same lot with the principal use, provided it shall not be occupied

for living or business purposes. The wheels or other transporting devices shall not be removed, except for repairs nor shall the trailer be connected to any utility service or to the ground or another structure in any manner that would prevent its ready removal.

17.72 In an "A" District, the same regulations shall apply as in an "R" District except that on a farm not to exceed 3 house trailers may be used to provide living quarters for persons employed on the premises, or for members of the family, provided such trailers are located at least 600 feet from any public road and at least 100 feet from any other property line, or are part of a farm building group and subordinate to the principal building.

17.73 In any "B" or "M" District, no trailer shall be occupied for living purposes unless parked in a Trailer Park meeting the requirements of this Ordinance, or in a trailer park lawfully existing at the time of adoption of this Ordinance.

17.74 Every Trailer Park hereafter established in any district where such are permitted, and every existing trailer park which may be enlarged or extended, shall be made to comply with the following requirements:

a. All trailers shall be located at least 100 feet from all established street right-of-way lines, and at least 50 feet from all other property lines.

b. The trailer sites together with any non-accessory buildings on the lot shall not occupy in the aggregate more than 25 per cent of the lot area.

c. No vehicular entrance or exit shall be located closer than 400 feet along roads to any school, public playground, church, hospital, library, or institution for dependents or for children, except where such building or property is in another block or fronts on another road.

d. The sanitary and health regulations of the State and County Health Department.

17.8 Sand and Gravel Pits: The following regulations shall apply to all sand, gravel or clay pits, quarries, mines and other operations for the extraction of any materials from the earth or subsoil for which approval by the Board of Zoning Appeals is required by other provisions of this ordinance, including the

removal of topsoil when such removal of topsoil is conducted in conjunction with the extraction of any materials from the earth or subsoil, except that such regulations shall not apply to operations conducted by the County of Henrico, Virginia, nor any excavations for any building, structure or use for which a building permit has been obtained.

- 17.81 The excavations shall be confined to areas distant at least 100 feet from any and all adjoining property lines in any Residence, Business or Agricultural District and distant at least 200 feet from any dwelling or any and all property lines of any platted subdivision except that excavations may be conducted within such limits provided the written consent of the owners of such adjoining properties are secured.
- 17.82 The excavations shall be confined to areas distant at least 200 feet from the right-of-way lines of any existing or platted street, road or highway, except that where the ground level is higher than the road the Board of Zoning Appeals may permit excavations down to the road level.
- 17.83 Any building containing power-driven or power-producing machinery or equipment shall be distant at least 600 feet from all adjacent property in any Residence, Business or Agricultural District or the right-of-way lines of any existing or platted street, road or highway.
- 17.84 All roadways on and all vehicular entrances and exits from the premises on which such operations are conducted to any public roads shall be located to secure public safety, lessen congestion and facilitate transportation, and shall be so maintained as to eliminate any nuisance from dust to neighboring properties.
- 17.85 All equipment used for the production or transportation of materials shall be constructed, maintained and operated in such a manner as to eliminate as far as practicable noises, vibrations or dust which are injurious or annoying to persons living in the vicinity.
- 17.86 A plan of operation shall be submitted to and approved by the Board of Zoning Appeals which shall provide in all respects for the adequate safeguarding and protection of other nearby interests and the general public health, safety, convenience, prosperity and welfare, and which shall include a satisfactory plan and program showing, by

contour maps and otherwise, how the land is to be restored to a safe, stable and usable condition by regrading, draining, planting, or other suitable treatment so that it will resist erosion and conform substantially with adjacent land characteristics.

17.87 Whenever the Special Use Permit issued by the Board of Zoning Appeals shall have expired, or whenever the operations shall have ceased for any period exceeding 12 consecutive months, then all plants, buildings, structures (except fences), stockpiles and equipment shall be entirely removed from the premises, and the premises shall be restored as required by subsection 17.86 above.

17.88 A bond or other suitable guarantee shall be furnished prior to undertaking any work under the permit guaranteeing the faithful performance of all of the applicable requirements in this ordinance.

17.89 The Board of Zoning Appeals may renew a permit, after a public hearing, provided an application therefor is filed within 60 days before its expiration date, in the same manner as for an original permit, provided the applicant is carrying out the requirements of this existing permit in good faith.

Article 18 - Administration and Enforcement

18.1 This ordinance shall be enforced by the Building Inspector or such other official as may be designated by the Board of Supervisors, who shall have the full cooperation of all other county officials in the enforcement of this ordinance, and who shall in no case grant any permit for the construction, alteration or use of any building or premises, if the building as proposed to be constructed or altered, or the use of building or premises 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 the neighboring lots as may be necessary to determine and provide for the enforcement of this ordinance.

- 18.2 Any person who proposes to construct or alter any building, or make 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 construction, alteration, 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.
- 18.3 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 to the courts 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 questions shall be as hereinbefore set out in this section; and that the duties of the Board of Supervisors in connection with this 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.
- 18.4 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 willful; or not more than \$250.00 if the offense be willful, and in every case \$10.00 for each day after the first day that such violation shall continue.
- 18.5 In addition to the requirements and penalties specified above, the Building Inspector may, and it shall be his duty, to invoke any other lawful procedure available to the County, such as injunction, abatement, or otherwise, as may be necessary to prevent, restrain, correct, or abate any violation of this Ordinance.

18.6 The building inspector or any other authorized officer, in the discharge of his duties under this ordinance, shall have authority to enter upon any premises at any reasonable hour.

ARTICLE 19 - Board of Zoning Appeals

19.1 Composition. There shall be a Board of Zoning Appeals (hereinafter called the Board) which shall consist of five members, each to be appointed by the judge of the Circuit Court of Henrico County for terms of three years. Vacancies shall be filled by the judge of such court for the unexpired portion of the term. A member may be removed by the judge of the said court for cause, upon written charges and after a public hearing. Each member shall receive such compensation as the Board of Supervisors may authorize for attendance at each regular or called meeting of the Board.

19.2 Organization. The Board shall elect one of its members as chairman. The chairman shall preside at all meetings of the Board and in his absence a member designated by the Board shall act as chairman and shall preside. The Board shall appoint a secretary whose duty it shall be to keep the minutes and other records of the actions and deliberations of the Board and perform such other ministerial duties as the Board shall direct. The secretary shall be a salaried county employee and shall perform the duties of secretary of the Board in addition to his other regular duties.

19.3 Procedure of Board. The Board shall adopt such rules of procedure as it may deem necessary in order to carry into effect the provisions of this ordinance. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep record of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

19.4 Powers. The Board shall have the following powers and it shall be its duty:

19.41 To hear and decide an Appeal where it is alleged there is error in any order, requirement, decision or

determination by the Building Inspector in the administration and enforcement of the provisions of this ordinance.

19.42 To authorize upon appeal in specific cases such Variance from the terms of this ordinance as will not be contrary to the public interest, when, owing to special conditions a literal enforcement of the provisions will result in unnecessary hardship (unnecessary to carry out the spirit and purpose of this ordinance), and so that the spirit of this ordinance shall be observed and substantial justice done, as follows:

19.421 When a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of this ordinance, or where by reason of exceptional topographic conditions or other extraordinary or exceptional situation, the strict application of the terms of this ordinance would actually prohibit or unreasonably restrict the use of the property, or where the Board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation -- as distinguished from a special privilege or convenience sought by the applicant -- provided, that all variances shall be in harmony with the intended spirit and purpose of this ordinance.

19.422 No such variance shall be authorized by the Board unless it finds, by a preponderance of evidence that all of the following facts and conditions exist:

a. The exceptional or extraordinary circumstances or conditions applying to the property in question, or to the intended use of the property, do not apply generally to other properties or classes of uses in the same zoning district.

b. That the variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity.

c. That the authorizing of such variance will not be of substantial detriment to adjacent property, and will not

materially impair the purpose of this ordinance or the public interest.

- 19.423 No variance shall be authorized unless the Board specifically finds that the condition or situation of the specific piece of property or the intended use of said property, for which variance is sought -- one or the other or in combination -- is not of such general or recurring a nature as to make reasonably practicable the formulation of a general regulation for such condition or situation, to be adopted as an amendment to this ordinance in the manner prescribed herein for amendments.
- 19.424 In authorizing a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary to further the purposes of this ordinance and in the public interest.
- 19.43 To hear and decide applications for such Special Exceptions as are authorized herein, including the specific exceptions listed below and others authorized elsewhere in this ordinance. In considering an application for a Special Exception, the Board shall give due regard to the nature and condition of all adjacent uses and structures, and the probable effect upon them of the proposed use. It shall also take into account the special characteristics, design, location, construction, method of operation, effect on traffic conditions, or any other aspects of the particular use or structure, that may be proposed by the applicant. If it should find, after the hearing, that the proposed establishment or use will not adversely affect the health, safety, or welfare of persons residing or working on the premises or in the neighborhood, will not unreasonably impair an adequate supply of light and air to adjacent property, nor increase congestion in the streets, nor increase public danger from fire or otherwise unreasonably affect public safety, nor impair the character of the district or adjacent districts, nor be incompatible with the general plans and objectives of the official Land Use Plan of Henrico County, nor be likely to reduce or impair the value of buildings or property in surrounding areas, but that such establishment or use will be in substantial accordance with the general purpose and objectives of this ordinance, the Board shall grant the Exception and

authorize the issuance, by the Secretary of the Board, of a Special Use Permit. In those instances where the Board finds that the proposed use may be likely to have an adverse effect as above, the Board shall determine whether such effect can be avoided by the imposition of any special requirements or conditions with respect to location, design, construction, equipment, maintenance or operation, in addition to those expressly stipulated in this ordinance for the particular class of use. If such determination be in the affirmative, the Board shall impose such requirements or conditions, and if these are accepted by the applicant the Board shall authorize the issuance of the Special Use Permit; otherwise the permit shall be denied. The Board may require satisfactory evidence and guarantee or bond that the conditions stipulated will be and will continue to be complied with. Any Special Use Permit may be authorized and issued for either a limited or an indefinite period of time and shall be revocable by the Board at any time for failure to adhere to the applicable conditions. Before revoking any such permit, however, the Board shall afford the permit holder an opportunity to be heard, giving him at least 5 days written notice of the time and place of such hearing, served as prescribed by law. Construction or operation shall be commenced within one year of the date of issuance of a Special Use Permit, or it shall become void. In addition to permitting the special exceptions authorized elsewhere in this ordinance, the Board shall have the power to permit the following:

- 19.431 Temporary uses and structures, in any district, for a purpose that does not conform to the regulations prescribed by this ordinance for the district in which located; provided, that such uses be of a temporary nature and do not involve the erection of substantial buildings. Such use or structure shall be authorized by the issuance of a temporary and revocable permit for not more than a 24 month period subject to such conditions as will safeguard the public health, safety, and welfare.
- 19.432 Public buildings and uses owned or operated by any public agency, and public service buildings and uses owned and operated by any public utility company, (except any facilities for construction or repair, or for the service or storage of utility materials or equipment), in any district where reasonably necessary

in the public interest, provided the construction or use shall be such as to adequately safeguard the health, safety, and welfare of the occupants of adjacent property, shall not unreasonably impair an adequate supply of light and air to adjacent property, shall not increase congestion in the streets, and shall not increase public danger from fire or otherwise affect public safety.

19.433 Nursery schools, child care centers, kindergartens, day nurseries, day care centers or any other use, however designated which is operated for the purpose of providing training, guidance, education, or care for 4 or more children under 6 years of age, separated from their parents or guardians during any part of the day other than from 6 P.M. to 6 A.M., and serving primarily the children residing in the neighborhood; provided such use shall have a minimum lot area of one acre that any play areas shall be fenced where necessary to protect adjacent property.

19.434 Sanitary landfill refuse disposal areas and sewage treatment plants.

19.44 To vary the application of the terms of this ordinance in harmony with its general purpose and intent, and in accordance with the rules herein prescribed, in the following respects:

19.441 To hear and decide applications for interpretation of the district map, where there is any uncertainty as to the location of a district boundary. Where the actual street or lot layout differs from the layout indicated on said map, the Board, after notice to the owners of the property and after public hearing, shall interpret the map in such a way as to carry out the intent and purpose of this ordinance for the particular section or district in question.

19.5 Procedure on Applications and Appeals

19.51 An Application to the Board for a Special Use Permit or other action in which the Board has original jurisdiction under this ordinance may be made by any property owner, tenant, government official, department, board or bureau. Such application shall be made to the Secretary of the Board on form which shall be provided for the purpose, in

accordance with rules which shall be adopted by the Board. All information, including maps and plans required by such forms, or otherwise required by the Board in order that it might be fully informed, shall be furnished by the applicant. The Secretary of the Board shall place the matter on the agenda. Every application or appeal shall automatically be advertised for a public hearing, said notice to appear in a newspaper of general circulation in the County at least five (5) days before the hearing. The Secretary of the Board shall also transmit a copy of the application to the Planning Commission so that the latter, if it finds that the application is related in any way to any provision or general policy or objective of the Master Plan or any of its components, or of the official Land Use Plan, may send a recommendation to the Board based upon such relationship.

- 19.52 An Appeal to the Board may be taken by any person aggrieved, or by any officer, department, board or bureau of the county affected, by any decision of the Building Inspector. Such appeal shall be taken within fifteen days after the entry of the decision appealed from by filing with the Building Inspector, and with the Board, a notice of appeal specifying the grounds thereof. The Building Inspector shall forthwith transmit to the Secretary of the Board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in the furtherance of the action appealed from, unless the Building Inspector certifies to the Board after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or a court of record, on application and on notice to the Building Inspector and on due cause shown.
- 19.53 The Board shall fix a reasonable time for the hearing of the application or appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within 90 days. Upon the hearing any party may appear in person or by agent or by attorney. In exercising its powers, the Board may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify, the order, requirement, decision or determination appealed from and may make such

order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision or determination of the administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under the ordinance, or to effect any variance from the ordinance.

19.54 In any case where a building permit has been issued by the Building Inspector and construction of the Building for which such permit was issued is subsequently sought to be prevented, restrained, corrected or abated as a violation of a zoning law, by suit filed within thirty days after the start of construction by a person who had no actual notice of the issuance of the permit, the court may hear and determine issues raised in the litigation even though no appeal was taken from the decision of the Building Inspector to the Board of Zoning Appeals.

19.6 Appeals from Board of Zoning Appeals. An appeal from a decision of the Board may be taken as provided by law.

Article 20. District Changes and Other Amendments

20.1 The Board of Supervisors, from time to time and after public notice and hearing and in conformity with the provision of law, may amend, supplement, change, modify or repeal any of the regulations herein established or may change any of the district boundaries as shown on the Zoning Maps. Any such amendment may be initiated on its own motion, or on recommendation of the Planning Commission, or on petition of any property owner, but before any action is taken thereon it shall be referred to the Planning Commission for a recommendation thereon. The Planning Commission shall make its report within 90 days.

20.2 When the Board of Supervisors has officially acted upon a petition for a change in zoning, no other petition for substantially the same change shall again be considered until after twelve months from the date of official action.

Article 21. Validity, Repeal and When Effective.

21.1 Should any section, subsection or provision of this Ordinance be decided by the Courts to be unconstitutional or invalid,

such decision shall not affect the validity of the Ordinance as a whole nor of any part thereof other than the part so decided to be unconstitutional or invalid.

21.2 All ordinances or parts thereof that are in conflict with this Ordinance are hereby repealed.

21.3 This ordinance shall become and be effective January 1, 1960.

Given under my hand this 23rd day of December, 1959.
Helen D. Clevenger,
Clerk