

Such license number shall be supplied by the Commissioner of Revenue.

It shall be unlawful to transfer a tag from one vehicle to another, except in case of a vehicle being temporarily disabled.

The Chief of Police is hereby designated Wagon Inspector and it shall be his duty to see that all vehicles for which a license is required under this section shall have their numbers properly displayed, and if any vehicle be found without such number it shall be his duty to ascertain the name of the owner and require said license to be procured under penalty as provided in the general provisions of this ordinance. And in all cases where the number is not properly displayed the delinquent shall be fined not less than \$1.50 nor more than \$5.00.

In the discharge of the duty thus imposed the Chief of Police shall have authority to call to his aid the several members of his force.

117. Vehicles—Motor-Driven.

Every owner of a motor-driven vehicle on or before the first day of May of each year or before he shall commence to operate his machine, shall obtain a license to operate the same by making application to the City Collector for a license to operate and present State motor vehicle registration card. The application must contain the name of the applicant, his residence, and if a corporation, its place of business, giving the name, factory number, if any, fixed by its maker, a brief description showing the style of the machine, and weight, as computed by the provisions of the State law now in force or in accordance with any modifications that hereafter may be made by the State. After making application, and having paid into the treasury of the City the required license tax fee, the City Collector shall issue a certificate of registration and license. The method for ascertaining the required license tax shall be the same as that provided for in the State law except the rate shall be as follows:

20c. per 100 lbs. or major portion thereof. Minimum fee \$4.50 per vehicle.

Trucks: 1 ton or less, \$5.00.

Trucks: 1½ ton, \$7.50.

Trucks: 2 tons, \$10.00.

Trucks: 2½ tons, \$12.50.

Trucks: All over 2½ tons, \$20.00.

Motorcycle: \$2.50.

After Aug. 1, 1929, ¾ of original.

After Nov. 1, 1929, ½ of original.

After Feb. 1, 1930, ¼ of original.

The taxes on licenses accruing under the provisions of this ordinance shall be due and payable, except where otherwise herein provided, on or before the first day of May, 1929, and shall be paid by the person against whom assessed to the City Collector in his office on or before the first day of May.

No part of the tax assessable or collected under this section shall be expended by the said City for any purpose other than improvement and maintenance of streets.

General Provisions.

118. A like license shall be required of any firm, joint stock company or corporation as provided for in this ordinance for a person or firm.

No license shall be issued for less than 3 months except as herein otherwise provided.

119. The Tax Laws of Virginia shall be the authority for interpreting the subjects as taxed under this ordinance, in so far as it may contain similar subjects.

120. On every license for which a tax shall not have been provided for in this ordinance, the tax shall be the same as that required by the State Tax Laws.

121. Any person, firm or corporation, conducting a business, occupation or profession or operating any machine or device or doing anything for the conduct of which a license tax is required under this ordinance, without first obtaining such license, shall be guilty of a misdemeanor and shall be fined not less than \$2.50 nor more than \$10 for each day he is in default. It shall be the duty of the Commissioner of Revenue and Treasurer to report in writing to the Mayor every case of default as soon as it comes to his knowledge and if there be no default he shall so report. And it shall be the duty, of the Mayor, immediately upon receipt of such report, to detail a policeman, and cause such delinquent to be summoned before the Civil and Police Justice to show cause why they should not be fined under provisions of this ordinance. But the special detail of a policeman shall not relieve the general force from the general duty of enforcing this or any other ordinance; and the Mayor shall especially see that all the requirements of this ordinance are enforced, and to this end he shall, at least once a month, especially require the police force to investigate violations of this ordinance.

122. The Commissioner of the Revenue shall receive for each license issued by him a fee of seventy-five cents, to be paid by the party to whom said license is issued.

123. It shall be the duty of the Commissioner of the Revenue to keep a book, in which he shall classify all the branches of business and occupation upon which a license is imposed by this ordinance, and show the amount of assessment made upon each license, the name of the person assessed, and the period for which such license was issued.

On the first day of December, March, June and September of each year he shall deliver to the Finance Committee extracts from said book showing the entries therein made and the total amount of licenses collected during the preceding three months, properly classified. These extracts shall be certified under oath.

124. The taxes on licenses accruing under the provisions of this ordinance shall be due and payable, except where otherwise herein provided, on or before the thirtieth day of April, 1929, and shall be paid by the person against whom assessed to the Treasurer or City Collector of the city in his office on or before the first day of May.

125. All ordinances, or parts of ordinances, relating to licenses in conflict herewith are hereby repealed.

Enacted April 8, 1929.

A Copy: Teste.

H. A. HADEN,
Clerk of Council.

J. Y. Brown Put

AN ORDINANCE

TO PROVIDE FOR THE DIVISION OF THE MUNICIPAL AREA OF THE CITY OF CHARLOTTESVILLE INTO ZONES OR DISTRICTS, AND TO REGULATE THE USE OF LAND AND BUILDINGS AND OTHER STRUCTURES, ESTABLISH BUILDING LINES AND OTHER RESTRICTIONS FOR SUCH DISTRICTS, AND TO PROVIDE PENALTIES FOR THE VIOLATION OF SUCH PROVISIONS AND RESTRICTIONS.

WHEREAS, by an Act of the General Assembly of Virginia, approved, March 18, 1926, (Chap. 197, Acts of 1926), for the promotion of health, safety, morals, comfort, prosperity, or general welfare of the general public, the council of any city or town is authorized, by ordinance, to divide the area of the city or town into one or more districts of such shape and area as may be deemed best suited to carry out the purpose of said act, and in such district or districts may establish set-back building lines, regulate and restrict the location, erection, construction, reconstruction, alteration, repair or use of buildings and other structures, their height, area, and bulk, and percentage of lot to be occupied by buildings or other structures, the size of yards, courts and other open spaces, and the trade, industry, residence and other specific uses of the premises in such district or districts, NOW, THEREFORE,

Be it ordained by the Council of the City of Charlottesville.

Sec. 1. Districts.

For the purpose of this Ordinance the City of Charlottesville is hereby divided into six classes of districts as follows:

- A Residence Districts.
- A-1 Residence Districts.
- B Business Districts.
- B-1 Business Districts.
- B-2 Business Districts.
- C Industrial Districts.

The boundaries of each of these districts are hereby established as shown on the map entitled, Building Zone Map of Charlottesville, Va., dated _____ and signed by the Mayor, City Manager and Clerk of the Council which accompanies and is hereby declared to be a part of this ordinance. These district boundary lines are intended generally to follow street or property lines as they exist at the time of the passage of this ordinance unless such district boundary lines are referenced to some street line by dimensions shown on the Building Zone Map.

Sec. 2 Definitions.

For the purposes of this Ordinance the following definitions are established:

- (1) An Accessory Building is a subordinate building on the same lot with a main building whose use is incidental to that of the main building.
- (2) The Height of a Building is the vertical distance measured from the level of the curb or established grade opposite the middle of the front of the building to the highest point of the roof surface if a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge of a gable, hip or gambrel roof, if a building is built on the street line, and if built back of the street line the distance shall be measured from the level of ground at the middle of the front of the building, provided, that where the ground level is made by filling such ground level shall not be considered to be more than five (5) feet above the level of the curb or established grade opposite the middle of the front of the building.
- (3) A Court is an open unoccupied space, other than a yard, on the same lot with a building.
- (4) An Enclosed Court is an open unoccupied space enclosed on all sides by walls, or by walls and lot lines other than street lines or public alley lines that are 10 feet or more in width.
- (5) A Court opening on to a side yard shall be deemed an enclosed Court but may be considered as extending to the lot line.
- (6) An Outer Court is an open unoccupied space enclosed on three sides by walls, or by two walls and a lot line, and open on to a street, an alley 10 feet or more in width, or on to a front or rear yard.
- (7) The Width of Court is the least horizontal dimension of the Court.
- (8) Lot: The land bounded by definite lines and occupied or to be occupied by a building and its accessory buildings and including the open spaces required under these regulations. A lot may or may not be the land so recorded on the records of the Clerk's Office, Charlottesville.
- (9) Depth of Lot: The depth of a lot is defined as the average depth measured in the mean direction of the side lines from the street line to the rear line, and the rear line shall be deemed to be not farther back than a line drawn parallel with the street line, entirely on the lot, and not less than ten feet long; and in the case of a through lot running from street to street the rear line with respect to either street line shall be deemed to pass through a point midway between the street lines.
- (10) Width of Lot: The width of a lot is its mean width, measured at right angles to its depth.

(11) A Corner Lot is any lot which occupies the interior angle at the intersection of two street lines, which make an angle of more than 45 degrees and less than 135 degrees with each other, the owner of a corner lot having the privilege of specifying which street lot line shall be deemed the front of the lot, and being required when requesting a building permit, to specify which lot line shall be deemed the front line.

(12) A street is any existing street, square, lane, alley or way set aside as a right of way for street purposes.

Sec. 3 A RESIDENCE DISTRICT USES--Within any A Residence District, as indicated on the Building Zone Map, no lot, building or structure shall be used and no building or structure shall be erected which is intended or designed to be used, in whole or in part, for any industrial, manufacturing, trade or commercial purpose or for any other than the following specified purposes.

- (1) Single detached residences for not more than two housekeeping units.
- (2) The keeping of boarders or lodgers by a resident family.
- (3) The office of a resident member of a recognized profession.
- (4) Customary home occupations, such as dressmaking, millinery, hairdressing and man-
icuring, laundering, preserving and home cooking, provided that such occupations shall be carried
on solely by resident occupants in the main building, and provided that not more than the
equivalent of the area of one floor shall be used for such occupation and no display of products
made shall be visible from the street.
- (5) Churches and other places of worship, including parish houses and Sunday School Build-
ings.
- (6) Schools, Colleges, public libraries, public museums and art galleries.
- (7) Grounds for games or sports; country clubs; provided any such use is not primarily for
gain.
- (8) Municipal recreational buildings, playgrounds, parks, athletic fields and reservations.
- (9) Hospitals and sanitariums not treating contagious diseases and not for the care of epi-
leptic or drug or liquor patients; charitable institutions which are not of a correctional nature
and which are not intended for the care of insane or feeble-minded patients; all provided that the
building or buildings be located not less than 50 feet from any lot line other than a street line.
- (10) Hospitals for contagious diseases, correctional institutions, sanitariums or hospitals
treating epileptic, drug and liquor patients and asylums for the mentally diseased; all provided
that no building so used shall be within 200 feet of any lot line.
- (11) Buildings which are used exclusively by the Federal, State, County or City government
for public purposes.
- (12) Railroad passenger stations, including the usual accessory services therein and re-
quired rights of way, not including switching, freight or storage yards or trackage other than
for passenger purposes.
- (13) Static transformer stations, transmission lines and towers, and telephone exchanges;
not including service or storage yards or public business offices.
- (14) Farms, truck-gardens, greenhouses, provided that no greenhouse heating plant shall be
operated within 20 feet of any lot line.
- (15) Small professional or announcement signs not over one square foot in area if fixed
flat to main wall of building; and real estate signs not over six square feet in area, provided
that such sign is displayed behind the prevailing front building line of that block, and further
provided that the sign is used for advertizing only the premises upon which it is erected.
- (16) Accessory uses and structures customarily incident to any use permitted by this sec-
tion, such as servant's quarters, stables, or work shops, provided that none shall be conducted
for gain and that no accessory building shall be inhabited by other than those who are employees

of the owner, lessee, or tenant of the premises.

(17)-(a) Private garage to take care of not more than four cars, on the same lot with the building, or within or attached to the building to which it is accessory and in which no business or industry is conducted, except the leasing of space for non-commercial motor vehicles.

(b) Private garages as defined in Paragraph (a) providing space for six cars where all cars stored within are for the use of the members of the family occupying the building to which it is an accessory building.

Section 4. A-1 RESIDENCE DISTRICT USES--Within any A-1 Residence District, as indicated in the Building Zone Map, no lot, building or structure shall be used, and no building or structure shall be erected which is intended or designed to be used, in whole or in part, for any industrial, manufacturing, trade or commercial purpose, or for any other than the following purposes:

- (1) Any use hereinbefore permitted in A Residence Districts.
- (2) A detached or semi-detached residence for two families or two housekeeping units.
- (3) A residence for three or more families or housekeeping units, or apartment houses.
- (4) Dormitories, boarding houses, lodging houses and clubs; including restaurants accessory to any of the foregoing.
- (5) Hotels not catering to transient guests and not carrying on any merchandising.
- (6) Lodges and fraternal, social, recreational and community center organizations, provided that any such establishment shall not be conducted primarily for gain.
- (7) Garages, only for the purpose of housing private automobiles owned or operated by the tenants of any building permitted in this section, providing no business is conducted other than the leasing of space; will be permitted in the basement of such building, or in the rear and adjacent thereto, or detached.

Sec. 5. B BUSINESS DISTRICT USES--Within any B Business District, as indicated on the Building Zone Map, no lot, building or structure shall be used and no building or structure shall be erected which is intended or designed to be used, in whole or in part, except as specified in this section for any industrial or manufacturing purpose or for any other than the following specified purposes:

- (1) Any use hereinbefore permitted in A Residence Districts or A-1 Residence Districts.
- (2) Retail stores, offices, banks, shoe repairing shops, barber shops, pressing shops, confectioneries, studios, restaurants, theatres, hand laundries, news stands, assembly halls, and shops for custom work or the making of articles to be sold at retail on the premises to the ultimate consumer; all provided that no wholesaling or jobbing shall be carried on and that no merchandise shall be carried other than that intended to be sold at retail on the premises.
- (3) Automobile filling stations provided there are no curb pumps or any other obstruction on the sidewalk and provided that the station be so arranged that sidewalk space and space between street line and building line shall not be occupied by vehicles while being served.
- (4) Non-illuminated sign applicable to goods sold or services rendered on the premises upon which they are displayed; provided that any such signs shall be placed flat against the wall of the building, shall project not more than three inches beyond the property line, and shall not be over three feet in height; provided, further, that there shall be not over two signs to any floor of a building and that the total area in square feet of such signs shall not be greater than the width of the building in feet multiplied by three.

Sec. 6 B-1 BUSINESS DISTRICT USES--In any B-1 Business district as indicated on the Building Zone Map, no lot, building or structure shall be used and no building or structure shall be erected which is intended or designed to be used, in whole or in part, except as specified in this section for any industrial or manufacturing purpose or for any other than the following specified purposes:

- (1) Any use hereinbefore permitted in A Residence Districts, A-1 Residence Districts or B Business Districts.

(2) Undertaking establishments, embalming of human bodies, mortuaries, funeral parlors, and funeral homes.

(3) Hotels, steam laundries.

(4) Billiard and pool tables and bowling alleys, public dance halls, shooting galleries and similar forms of public amusement.

(5) Retail stores conducting incidental and secondary wholesale departments, department stores conducting finishing, fitting and light manufacturing operations, newspaper offices of printing plants, and light manufacturing or processing operations creating or likely to create neither smoke, noise, fumes, odor, nor dust detrimental or likely to become detrimental to the health, safety, or general welfare of the community and which are carried on in connection with a merchandising business conducted on the same premises; all provided that not over 10 horsepower in electric motive power for each 5000 square feet of lot area occupied by the building is used.

(6) Public garages conducting repair shops using not more than a total of 10 horsepower in electric motive power for each 5000 square feet of lot area occupied by the building, provided no such garage shall have an entrance or exit nearer than 50 feet to the center line of an intersection street which separates a B-1 Business District from any A or A-1 Residence District.

(7) Any structure used as a billboard or advertising signboard, erected on the ground, provided any such structure shall not be nearer the street line than the height of such billboard.

Sec. 7 B-2 BUSINESS DISTRICTS--In any B-2 Business District as indicated on the Building Zone Map, no lot, building or structure shall be used and no building or structure shall be erected which is intended or designed to be used, in whole or in part, except as specified in the section for any industrial or manufacturing purpose or for any other than the following specified purposes:

(1) Any use hereinbefore permitted in A-Residence, A-1 Residence, B Business or B-1 Business Districts.

(2) Public Utility, service and storage yards, storage warehouses and yards and railroad yards.

(3) Wholesale and jobbing establishments, cold storage plants, printing plants, bottling shops, bakeries, coffee roasting, the sorting and packing of goods, automobile repair shops, veterinary hospitals, carpet or rug cleaning, cleaning and dyeing, plumbing, gas steam or hot water fitting shop and light manufacturing or processing, all without limit as to production provided that no operations are carried on, or are likely to be carried on, which will create or are likely to create, conditions of smoke, fumes, noise, odor, or dust which will be detrimental to the health, safety, or general welfare of the community.

Sec. 8 C INDUSTRIAL DISTRICTS--Within any C Industrial District no lot building or structure shall be used and no building or structure shall be erected which is intended or designed to be used, in whole or in part, for any of the following specified purposes:

(1) Slaughter House, except for poultry and incidental to a retail store; stockyard; starch, glucose or dextrine manufacture; horn processing; shell processing; except from cleaned shells; the curing, tanning or dressing of raw or green salted hides or skins.

(2) Fertilizer manufacture from organic material, or the compounding of such fertilizers on a commercial scale; the preparation on other than an incidental scale of exterminators, disinfectants, cattle dips, insecticides or serums.

(3) Bleaching powder, ammonia or chlorine manufacture.

(4) Coal tar manufacture or tar distillation except as by-products or as incidental to the manufacture of gas for public distribution; the manufacture of tar or asphalt roofing or waterproofing; the distillation of wood or bone.

- (5) Emory clock or sand paper manufacture.
- (6) Manufacture of line, gypsum, plaster, plaster of Paris, lithopone, linseed oil, linoleum, oiled cloth or oiled clothing, or the impregnation of inflammable fabrics by oxidizing oils.
- (7) Turpentine, varnish or shellac manufacturing or refining.
- (8) Gas storage in quantity exceeding 500,000 cubic feet within 100 feet of any party lot line; or in quantity exceeding 200 cubic feet if the pressure is greater than 100 pounds per square inch, within 50 feet of any party line.
- (9) Oil storage in quantity exceeding 10,000 gallons above the ground within 50 feet of any party lot line, or in quantity exceeding 100,000 gallons above the ground unless containers are surrounded by adequate moats.
- (10) Soap, soda ash, caustic soda or washing compound manufacture.
- (11) Smelting of copper, tin, zinc, or aluminum ores.
- (12) Fat rendering; the preparation or refining of tallow, grease or lard; the manufacture of candles from animal fats; glue or size manufacture or processes involving recovery from fish or animal offal; potash manufacture; petroleum refining; and creosote manufacture or treatment.
- (13) Celluloid or pyroxyline manufacture or processing; the manufacture of explosive or highly inflammable cellulose products or of acetylene gas on a commercial scale; manufacture of matches, fireworks or explosives; nitrating process; the loading of explosives or their storage in bulk.
- (14) Sulphurous, sulphuric, nitric, picric or hydrochloric or other corrosive or offensive acid manufacture, or their use or storage except on a limited scale as accessory to a permitted industry.
- (15) Any other use or purpose which will create or is likely to create conditions of smoke, fumes, noise, odors, or dust detrimental to the health, safety, or general welfare of the community.

Sec. 9 HEIGHTS OF BUILDINGS.

- (1) In any A Residence, A-1 Residence, or B Business District no building or structure shall exceed forty feet in height, nor shall consist of more than three stories, except that a public or semi-public building such as a church or other place of worship, school, library, hospital or club may be erected to not more than 60 feet in height, provided that the portion of such building more than 40 feet high shall set back from all required front, side and rear yards, one foot for each two feet of such additional height.
- (2) The provisions of this section shall not apply to church spires, belfries, cupolas, domes, monuments, water towers, chimneys, flues, flag poles, or radio poles, nor to parapet walls extending not more than four feet above the limiting height of the building on which it rests.
- (3) In any B-1 Business, B-2 Business, or C. Industrial District a building may be erected to any height, provided that the portion of the building in excess of one and two-third times the width of the street on which it fronts shall be governed by the following regulations: for each foot such building or portion thereof is set back from any street, lot or required yard or court line, such building or portion thereof, may be erected two feet in height, provided that no street shall for this purpose be considered to be less than 40 feet nor more than 66 feet in width.

Provided, however, that the provisions of this paragraph shall not apply to bulkheads, elevator pent houses, water tanks, monitors or similar structures, provided such structures shall not have an aggregate area greater than 25% of the ground floor area. And provided further the provisions of this paragraph shall not prevent the erection of towers occupying not more than 25% of the ground floor area and distant not less than 25 feet in all parts from any lot line not

street line.

Sec. 10 SET BACK BUILDING LINES

(1) In any A or A-1 Residence District no building shall be erected, reconstructed or altered nearer to the street line on which it faces than the average setback observed by the buildings on the same side of the street and fronting thereon, within the same block at the time of the passage of this ordinance.

(2) The side line of a building on a corner lot shall not be a factor in establishing the setback line.

(3) Provided that no building shall be required to set back from the street a distance greater than the setback line observed by that one of two existing buildings on the immediate adjoining lots on either side, which is the further removed from the street line.

(4) Provided further that in no case shall the required setback be more than 60 feet.

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

(6) Where there is no building on either side of the street within a block at the time of the passage of this ordinance, the setback line shall not be less than 30 feet in an A Residence District, nor less than 20 feet in an A-1 Residence District.

(7) Uncovered porches or covered by not enclosed porches may project not more than ten feet beyond the front wall of the building into a required front yard in an A Residence and not more than eight feet in an A-1 Residence District.

(8) Articles 5 and 6 of Section 10 of this ordinance shall not apply to lots having a depth less than 100 feet, which have been platted prior to the passage of this ordinance, but the setback line for such lots shall be not less than 15 feet.

(9) In any B Business District which within a block is adjacent on one or more sides to any A or A-1 Residence District the setback line shall be established respectively as provided herein for A or A-1 Residence Districts. Otherwise no setback line shall be required in any B Business District.

(10) In any B-1 Business, B-2 Business, or C Industrial District no setback line shall be required.

Sec. 11 REAR YARDS.

(1) In any A Residence District a rear yard not less than 15 feet deep shall be required on every lot and every such yard shall extend from the rear most portion of the building or structure, exclusive of unenclosed porches, to the rear line of the lot and be the full width of the lot between side lines, provided that if the depth of the lot is greater than 75 feet the required depth of the rear yard shall be increased by an amount equal to one third of the excess depth over 75 feet, provided further that no rear yard shall hereby be required to be more than 45 feet deep.

(2) In any A-1 Residence District or B Business District a rear yard not less than 10 feet deep shall be required on every lot and every such yard shall extend from the rear most portion of the building or structure, exclusive of unenclosed porches, to the rear line of the lot and be the full width of the lot between side lines, provided that if the depth of the lot is greater than 75 feet the required depth of the rear yard shall be increased by an amount equal to one fourth of the excess depth over 75 feet, provided further that no rear yard shall hereby be required to be more than 45 feet deep.

Sec. 12 SIDE YARDS

(1) In any A or A-1 Residence District there shall be a side yard on each side of every lot and the width of such side yard for each side of said lot shall be not less than five (5) feet.

(2) EXCEPTIONS TO PARAGRAPH (1).

For lots less than forty (40) feet in width, existing at the time of passage of this ordinance, no such side yard shall be less than three (3) feet in width.

In A-1 Residence Districts, when semi-detached houses are built with a party wall on the dividing lot line, the side yard requirement along the other lot line shall be two-thirds of the sum of the two side yards required for a detached house.

(3) In any B, B-1, B-2 Business District or C Industrial District if a building to be erected is intended or designed to be used entirely for residential purposes, the side yard requirement shall be same as herein before provided for in A or A-1 Residence Districts.

(4) In any B, B-1, B-2 Business District or C Industrial District along any boundary line between such districts and A or A-1 Residence Districts, such boundary line being not a street line, if the building or structure to be erected is intended or designed to be used in whole or in part for any industrial manufacturing trade or commercial purpose, a side yard shall be required which shall be ten percent of the lot width, provided that no such side yard shall be less than three (3) feet in width and shall not be required to be more than ten (10) feet in width.

(5) Side yards shall not be required in any B, B-1, B-2, Business District or C Industrial District except as provided for in this Section and in Section 14.

Sec. 13 COURTS.

(1) When a window in any A or A-1 Residence District in any room except a storage room, bath room or clothes closet does not open on a street, alley, side or rear yard as required in this Ordinance; it shall open on a court conforming with the provisions hereinafter contained in this section. The court need not extend below the lowest story it is required to serve.

(2) In any A or A-1 Residence District no accessory building shall be located within any required court.

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

(4) In any A or A-1 Residence District the minimum widths of courts at the levels of the lowest window sill of the story served by such court shall be as follows:

NUMBER OF STORIES ABOVE THE LOWEST
LEVEL SERVED BY THE COURT

WIDTH OF OUTER COURT

WIDTH OF ENCLOSED COURT

1
2
3

4 ft.
6 ft.
8 ft.

6 ft.
10 ft.
14 ft.

For each story over three, if
permitted, add

2 ft.

4 ft.

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

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

(7) In B, B-1, B-2 Business Districts and C Industrial Districts no courts shall be required except as provided in section 14.

SEC. 14. EXCEPTIONS AND REGULATIONS IN VARIOUS DISTRICTS.

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

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

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

(4) A bay window, oriel or balcony which is not more than ten (10) feet wide may project not

more than three feet into any front yard or rear yard. An open porch or port cochere may extend into any side yard, provided it does not come nearer the side lot line than three feet.

(5) In B-1, B-2 Business Districts, and C Industrial Districts, a chimney, smokestack, flue or elevator shaft may project into any rear yard, provided the horizontal section of the projection does not exceed five square feet.

(6) The set back and yard requirements of this ordinance shall not apply to any necessary retaining wall, or to any fence or wall which is less than five feet high and less than 60 percent solid. Nothing herein shall prevent the construction of a rear line fence or wall to a height not exceeding seven feet. The provisions of this Ordinance shall not apply to terraces, steps and uncovered porches which are not in any part more than three feet above the floor level of the first story and not within five feet of any party lot line.

(7) In A, A-1 Residential and B Business Districts a ground story extension may project into a rear yard from the rear of any building not more than ten (10) feet, provided it does not extend within less than ten (10) feet of a rear lot line.

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

In any B, B-1, B-2 Business or C Industrial District if such rear yards, side yards, or courts be required, the courts shall comply with the court regulations for A and A-1 Residence Districts and if the building or structure to be erected is intended or designed to be used in whole or in part for any industrial, manufacturing, trade or commercial purpose, the rear yards or side yards shall be not less than two (2) inches wide for each foot of building height over fifteen (15) feet, but in no case shall the minimum width be less than three (3) feet for side yards and five (5) feet for rear yards.

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

(10) No lot shall contain any building used as a residence unless such lot abuts on at least one street or unless there is a perpetual unobstructed easement of access at least fifteen (15) feet wide to such a street.

SEC. 15 ACCESSORY BUILDINGS--

(1) Accessory buildings permitted by this ordinance shall be placed in rear yards only. The aggregate ground area covered by accessory buildings, including the ground area covered by any projections or encroachments hereinbefore permitted, shall not exceed 30 percent of the rear yard area in A Residence Districts and 40 percent in A-1 Districts. In B, B-1, and B-2 Business and C Industrial Districts, where a ground level rear yard is required, the aggregate ground area coverage shall not exceed 50 percent. of the rear yard area.

(2) No accessory building in any A or A-1 Residence District or B Business District which is within ten (10) feet of any party lot line, shall be more than one story high. No accessory building shall exceed thirty-five (35) feet in height. No accessory building which is not of fire-proof construction shall be within less than three feet of any party lot line in any A or A-1 Residence District; except that this shall not prevent the erection or completion of a common garage across their joint lot line by adjoining property owners.

(3) Within the limitations hereinbefore recited in this section any accessory building

on a corner lot in A or A-1 Districts shall be distant as far as possible from all street lines, excepting that this shall not require the distance from any street line to exceed thirty (30) feet; but when the rear of any corner lot abuts any lot facing on a street which is a side street with reference to said corner lot, any accessory building on the corner lot shall not be built nearer the rear line of the corner lot than six percent. of the depth of the corner lot.

SEC. 16. INTERPRETATION AND PURPOSES.

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

SEC. 17. GENERAL REGULATIONS.

Except as hereinafter provided for existing non-conforming uses in SEC. 18, no building, structure or premises shall be used and no building or part thereof, or other structure shall be erected, reconstructed, enlarged, or altered except in conformity with the regulations prescribed by this ordinance; except that nothing in this ordinance shall affect the height, set back building line, yards or courts of any building or lot as such exists at the time of the passage of this ordinance.

SEC. 18. EXISTING NON-CONFORMING USES.

(1) If, at the time of the enactment of this ordinance, any lot, building or structure is being used in a character or manner or for a purpose which does not conform to the provision of this ordinance, and which is not prohibited by some other ordinance, such character or manner of use or purpose may be continued, and no change of title or possession or rights to possession of any such lot building or structure shall be construed to prevent the continued non-conforming use of such lot building or structure as hereinbefore provided. Any such non-conforming use which is not otherwise unlawful may be hereafter extended throughout any part of a building or structure which was manifestly arranged or designed for such use at the time of enactment of this ordinance.

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

(3) 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 and used for any other than a purpose permitted under the provisions of this ordinance governing the district in which the building or structure is located.

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

(5) The occupancy of a building or premises by a watchman or caretaker for sleeping quarters shall not constitute residence occupancy within the meaning of this ordinance.

SEC. 19 ENFORCEMENT.

(1) This ordinance shall be enforced by the Building Inspector, who shall in no case grant any permit for the construction or alteration of any building if the building as proposed to be constructed or altered would be in violation of any of the provisions of this ordinance. All applications for building permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact sizes and locations

on the lot of the buildings and accessory buildings then existing, and the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or housekeeping units the building is designed to accommodate, and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this ordinance. One copy of such plans shall be returned to the owner when such plans shall have been approved by the Building Inspector.

(2) It shall be unlawful to use or permit the use of any building or premises or part thereof, hereafter created, erected, changed, converted, altered or enlarged, wholly or partly, for its use or structure, until a Certificate of Occupancy shall have been issued therefor by the Building Inspector. Such Certificate shall show that such building or premises or part thereof and the proposed use thereof are in conformity with the provisions of this Ordinance.

(3) Any persons who proposes to construct or alter any building or to make some use of a building or structure of any kind which proposed construction, alteration or use is apparently in conflict with the provisions of this ordinance shall file with the Building Inspector an application therefor, which application shall furnish such information to the Building Inspector ~~as may be necessary~~ as may be necessary to enable him to pass on such application intelligently. If such proposed structure, alteration or use is in conflict with the provisions of this ordinance, the 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 Appeals.

(4) It is the intention of this ordinance that all questions arising in connection with the enforcement of the ordinance shall be presented first to the Building Inspector; that such questions shall be presented to the Board of Appeals only on appeal from the Building Inspector; and that from the decision of the Board of Appeals recourse shall be had to the courts, as provided by law. It is further the intention of the ordinance that the duties of the City Council 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 Council in connection with the ordinance shall be only the duty of considering and passing upon any proposed amendment or repeal of the Ordinance as provided by law.

SEC. 20 VIOLATIONS AND PENALTIES.

Any person, firm, or corporation who violates any of the provisions of this ordinance, shall, on conviction, be fined not less than Ten (\$10.00) Dollars, nor more than Two Hundred (\$200.00) Dollars for each offense, and each day such violation continues shall constitute a separate offense. The Court, may, after due notice, order conformity with the provisions of this Ordinance.

SEC. 21. EFFECT OF INVALIDITY OF ONE SECTION.

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

SEC. 22 BOARD OF ZONING APPEALS.

A Board of Zoning Appeals is hereby established. It shall consist of five (5) members to be appointed and exercise such powers as provided, in an Act of the General Assembly of Virginia, Chapter 1, Approved March 18, 1926.

SEC. 23 AMENDMENT

The City Council may from time to time on its own motion or on petition, after public notice and hearing, amend, supplement, or change the regulations and districts herein established. Every proposed amendment, supplement or change shall be referred by the Council to the Board of Zoning Appeals for report before the above public hearing.

SEC. 24. BUILDING PERMITS NOW IN FORCE.

Nothing herein contained shall require any change in the plans, construction, size or designated use of any building, structure, or part thereof for which a building permit has been granted or for which plans were on file with the Building Inspector before this Ordinance becomes effective and the construction of which from such plans shall have been started within 90 days after this Ordinance becomes effective; except that if the building operation in question is discontinued for a period of not less than six months, any further construction shall be in conformity with the provisions of this Ordinance. This is intended to include the addition of extra stories to a building where provision was made therefor in the existing foundations, columns, and walls.

SEC. 25. DATE EFFECTIVE.

The date of effect of this Ordinance shall be from and after its passage.

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

Adopted by the Council June 17, 1929.

Ayes, Messrs. Brown, Watson, Joachim, Morris and Twyman; Noes, None.

W. A. Haskin
Chair

J. Y. Brown *Pres*