AN ORDINANCE AMENDING AND RE-ENACTING CHAPTER 33 OF THE CHARLOTTESVILLE CITY CODE OF 1945 RELATING TO ZONING AND ALSO AFFECTING CHANGES AND AMENDMENTS OF THE ZONING MAP WITH RESPECT TO CERTAIN AREAS WITHIN THE CITY.

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#### Sec. 1. Definitions.

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For the purpose of this chapter the following definitions are established:

- (1) ACCESSORY BUILDING. 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, and in which no dwelling is used for gain in whole or in part.
- (2) HEIGHT OF BUILDING. 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 feet above the level of the curb or established grade opposite the middle of the front of the building.
- (3) BILLBOARDS.<sup>3</sup> An exterior surface in excess of 8 square feet whereon advertising matter is set in view conspicuously and which advertising does not apply to the premises or use of premises whereon it is displayed or posted.
- (4) COURT. A court is an open unoccupied space, other than a yard, on the same lot with a building.
- (5) ENCLOSED COURT. 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 ten feet or more in width.

<sup>3</sup>Subsections four through thirteen formerly appeared as subsections three through twelve inclusive. The change was necessitated by adding a new subsection relating to Billboard, (subsection 3).

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- (6) COURT OPENING ON TO A SIDE YARD. A court opening on to a side yard shall be deemed an enclosed court but may be considered as extending to the lot line.
- (7) OUTER COURT. An outer court is an open unoccupied space enclosed on three sides by walls, or by two walls and a lot line, and open to a street, an alley, ten feet or more in width, or to a front or rear yard.
- (8) WIDTH OF COURT. The width of court is the least horizontal dimension of the court.
- (9) LOT. The land bounded by definite lines and occupied or to be occupied by a building and its accessory buildings, and including the open space required under these regulations. A lot may or may not be the land so recorded on records of the clerk's office of the corporation court of the city.
- (10) 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.
- (11) WIDTH OF LOT. The width of a lot is its mean width, measured at right angles to its depth.
- (12) CORNER LOT. A corner lot is any lot which occupies the interior angle at the intersection of two street lines, which makes an angle of more than forty-five degrees and less than one hundred thirty-five 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.

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(13) STREET. A street is any existing street, square, lane, alley or way set aside as a right-of-way for street purposes. (Code 1932, § 495(2); Ord. March 29, 1939.)

#### Sec. 2. Districts.

For the purposes of this chapter the city is hereby divided into seven classes of districts as follows:

- A residence districts.
- A-1 residence districts.
- A-B business 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 March 29, 1939, as heretofore amended, and as amended by this ordinance, signed by the mayor, city manager and clerk of the council, which is hereby declared to be a part of this chapter as well as such amendments thereto as may hereafter be made as provided for by law. These district boundary lines are intended generally to follow street or property lines as they exist at the time of the passage of this chapter unless such district boundary lines are referenced to some street line by dimensions shown on the building zone map. (Code 1932, § 495(1); Ord. March 29, 1939.)

#### 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.

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- (2) The keeping of boarders or lodgers by resident family.
- (3) The office of a resident member of a recognized profession.
- (4) Customary home occupations, such as dressmaking, millinery, hairdressing and manicuring, 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 buildings.
- (6) Schools, colleges, public libraries, public museums and art galleries.
- (7) Grounds for games or sports; country clubs; provided, that any such use is not primarily for gain.
- (8) Municipal recreational buildings, playgrounds, parks, athletic fields and reservations.
  - (9) Farms and truck gardens.
- (10) Small professional or other announcements 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 such sign is displayed behind the prevailing front building line of that block, and provided the sign is used for advertising only the premises upon which it is expected.
- (11) Accessory uses and structures customarily incident to any use permitted by this chapter, such as fuel storage, animal and fowl houses or workshops; provided, that none shall be conducted for gain and that no accessory building shall be used for dwelling purposes unless said building com-

plies with the provisions set forth under Sec. 17 for secondary detached dwellings.

- (12) Private garage to take care of not more than four cars, on the same lot with the building, or within or attached to the buildings to which it is accessory and in which no business or industry is conducted, except the leasing of space for non-commercial motor vehicles.
- (13) Private garages as defined in paragraph twelve 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. (Code 1932, 495(3); Ords. Feb. 21, 1938, March 29, 1939.)

As to parking vehicles containing livestock in A residence districts, see ch. 3, § 8 of this volume.

#### Sec. 4. A-1 Residence district uses.

Within any A-1 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 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 fore-
- (5) Apartment hotels; provided, that they shall comply with the height and setback requirements as set forth in sections 10 and 11.

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- (6) Lodges and fraternal, social, recreational and community center organizations; provided, that any such establishment shall not be 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; garages as aforesaid will be permitted in the basement of such buildings or in the rear and adjacent thereto, or detached therefrom. (Code 1932, § 495(4); Ord. March 29, 1939.)
- (8) Hospitals, nursing and convalescent homes, clinics and sanatariums and charitable institutions not treating contagious diseases and not for the care of epileptic or drug or liquor patients and which are not of a correctional nature and which are not intended for the care of insane or feebleminded patients; all provided, that the buildings be located not less than 50 feet from any lot lines other than a street line.
- (9) 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 two hundred feet of any lot line.
- (10) Greenhouses; provided, that no greenhouse heating plant shall be operated within two hundred feet of any lot line.

# Sec. 5. A-B business district uses.

Within any A-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, trade or commercial purpose or for any other than the following specified purposes:

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- (1) Any use hereinbefore permitted, in A, or A-1 residence districts.
- (2) Banks and stock exchange offices; florist shops, furniture stores, grocery stores, drug stores; interior decorating, costuming, draperies; haberdashery shops; jewelry stores; music stores and radio stores; offices; postoffices; photograph and art galleries and studios; shoe stores; restaurants; sporting goods stores; stationery stores; telegraph and telephone offices; active auto parking lots, provided these may not be used for selling gasoline, motor vehicles or supplies therefor.
- (3) Signs 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; provided, that this paragraph shall not apply to electric signs permitted under article II, chapter 27 of this code. (Id., § 495(5); Ord. March 29, 1939.)

### Sec. 6. 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, trade or commercial purpose or for any other than the following specified purposes:

- (1) Any use hereinbefore permitted in A, A-1 residence or A-B business districts.
- (2) Retail stores, hotels, offices, shoe repairing shops, pressing shops, theatres, hand laundries, newsstands, as-

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sembly 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 obstructions 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, and compliance is made with all regulations affecting filling stations.
- (4) Automobile sales lots provided that no dead storage or junk yard shall be permitted and further provided that no auction sales shall be permitted thereon.
- (5) Signs applicable to goods sold or services rendered on the premises upon which they are displayed; provided, than 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; provided, that this paragraph shall not apply to electric signs permitted under article II, chapter 27 of this code. (Id., § 495(5); Ord. March 29, 1939.)

# Sec. 7. 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, trade or commercial purpose or for any other than the following specified purposes:

- (1) Any use hereinbefore permitted in A residence districts, A-1 residence districts, A-B business districts, or B business districts.
- (2) Undertaking establishments, embalming of human bodies, mortuaries, funeral parlors and funeral homes.
- (3) Steam laundries, dry cleaning, bottling shops and bakeries.
- (5) 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 or 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 twenty-five horse-power in electric power for productive purposes for each five thousand square feet of lot area occupied by the building is used.
- (6) Public garages conducting repair shops using not more than a total of twenty-five horsepower in electric power for productive purposes for each five thousand square feet of lot area occupied by the building, provided, that no such garage shall have an entrance or exit nearer than fifty feet to the center line of an intersecting 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, that any such structure shall not be nearer the street line than the height of such billboard, and prior to the issuance of a permit for

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the erection of such structures a certificate shall be issued by the Chief of Police certifying compliance with reasonable public safety standards. (Code 1932, § 495(6); Ord. March 29, 1939.) (See Ch. 27 § 19 of City Code of 1945.)

### Sec. 8. 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 this section for any industrial or manufacturing, trade or commercial purpose or for any other than the following specified purposes:

- (1) Any use hereinbefore permitted in A residence, A-1 residence, A-B business, 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, 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. (Code 1932, § 495(7); Ord. March 29, 1939.)

## Sec. 9. 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) Slaughterhouse, 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) Emery cloth or sandpaper manufacture.
- (6) Manufacture of lime, gypsum, plaster of Paris, lithophone, linseed oil, linoleum, oiled cloth or oil clothing, or the impregnation of inflammable fabrics by oxidizing oils.
- (7) Turpentine, varnish or shellac manufacturing or refining.
- (8) Gas storage in quantity exceeding five hundred thousand cubic feet within one hundred feet of any party lot line; or in quantity exceeding two hundred cubic feet if the pressure is greater than one hundred pounds per square inch, within fifty feet of any party line.
- (9) Oil or gasoline storage in quantity exceeding ten thousand gallons above the ground unless containers are surrounded by adequate moats.
- (10) Soap, soda ash, caustic soda or washing compound manufacture.

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- (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 pyrozyline 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) The "dead" storage of articles or products without shelter and housing adequate to prevent same from being exposed to the weather which have ceased to be useful or suitable for the purpose for which they were created or produced.
- (16) 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. (Code 1932, § 495(8); Ords. Oct. 4, 1937, March 29, 1939.)

### Sec. 10. Heights of buildings.

(1) In any A residence, A-1 residence, A-B business 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, apartment, hotel or club may be erected to not more

- (2) The provisions of this sections 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-thirds 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 an additional two feet in height; provided, that no street shall for this purpose be considered to be less than forty feet nor more than sixty-six feet in width.

Provided, however, that the provisions of this section shall not apply to bulkheads, elevator pent houses, water tanks, monitors or similar structures, provided such structures shall not have an aggregate area greater than twenty-five per cent of the ground floor area. And provided further, the provisions of this section shall not prevent the erection of towers occupying not more than twenty-five per cent of the ground floor area of the building upon which such tower is erected and distant not less than twenty-five feet in all part from any lot line not a street line. (Code 1932, § 495(9); Ord. March 29, 1939.)

# Sec. 11. Setback 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 ob-

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served by the buildings on the same side of the street and fronting thereon, within the same block; provided, that apartment hotels shall not be erected within fifty feet of any street or property line.

- (2) 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.
- (3) Provided, that in no case shall the required setback be more than 60 feet unless two or more houses in the same block shall have previously established setback lines.
- (4) Where there are buildings on only one side of a street, within the block, the setback line for the unoccupied side shall be the same as that established on the occupied side as hereinbefore provided, but in no case to exceed 60 feet.
- (5) Where there is no building on either side of the street, within a block, the setback line shall not be less than thirty feet in an A residence district, nor less than 20 feet in an A-1 residence district.
- (6) Uncovered porches or covered but not enclosed porches may project not more than ten feet beyond the front wall of the building into a required front yard in an A residence and not more than eight feet in an A-1 residence district.
- (7) Paragraphs five and six of this section shall not apply to lots having a depth of less than one hundred feet, which have been platted prior to the passage of this chapter, but the setback line for such lots shall be not less than fifteen feet.
- (8) In any A-B or 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.

- (9) In any A-B, 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 setback requirement shall be the same as hereinbefore provided for in A-1 residence districts.
- (10) A minimum setback line of ten feet is established on both sides of the following streets: Preston Avenue from Main Street to Tenth Street West, and on both sides of Fourth Street West, from Main Street to Preston Avenue; High Street from Preston Avenue to the Rivanna River bridge; Jefferson Street from Second Street West, to Park Street; Tenth Street West from Preston Avenue to West Main Street; Seventh Street from Main Street to High Street; Ware Street from Garrett Street to Blenheim Avenue; Fourteenth Street from Main Street to Grady Avenue; Monticello Road from Chesapeake and Ohio right-of-way to South City Limits; Grady Avenue from Preston Avenue to Rugby Road; Rugby Road from Main Street to Barracks Road; Route 29 from the North City Limits to the South City Limits; Ivy Road from Rugby Road to West City Limits.

### Sec. 12. Rear yards.

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- (1) In any A or A-1 residence district a rear yard not less than twenty feet deep shall be required on every lot and every such yard shall extend from the rearmost portion of the building or structure, inclusive of unenclosed porches, to the rear line of the lot and be the full width of the lot between sidelines.
- (2) In any A-B business district or B business district a rear yard not less than ten feet deep shall be required on every lot and every such yard shall extend from the rearmost portion of the building or structure, inclusive of

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unenclosed porches, to the rear line of the lot and be the full width of the lot between side lines.

(3) In any A-B, 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 rear yard requirement shall be the same as hereinbefore provided for in A or A-1 residence districts. (Code 1932, § 495(11); Ord. March 29, 1939, April 7, 1941.)

# Sec. 13. Side yards.

- (1) The side line of a building on a corner lot shall be not less than 20 feet in A districts and 10 in A-1 districts and shall not be a factor in establishing the setback line.
- (2) In any A 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 ten feet.
- (3) In any 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 feet.
- 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.
- (4) In any A-B, 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 the same as hereinbefore provided for in A or A-1 residence districts.
- (5) In any A-B, 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 com-

mercial purpose, a side yard shall be required which shall be ten per cent of the lot width; provided, that no such side yard shall be less than three feet in width and shall not be required to be more than ten feet in width.

(6) Side yards shall not be required in any A-B, B, B-1 business district or C industrial district except as provided for in this section and section 14 of this chapter. (Code 1932, § 495 (12); Ord. March 29, 1939.)

### Sec. 14. Courts.

- (1) When a window in any A or A-1 residence district in any room except storage room, bathroom or clothes closet does not open on a street, alley, side or rear yard as required in this chapter, it shall open on a court conforming with the provisions hereinafter contained in this chapter. 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 fifty per cent 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:

No. of stories above the lowest level served by the court.	Width of Outer Court	Width of Enclosed Court
1	10 ft.	none allowed
2	16 ft.	16 ft.
3	20 ft.	20 ft.
For each story over three,		
if permitted, add	4 ft.	4 ft.

(5) Enclosed courts shall not be permitted in the ground story. Outer courts in the ground story shall be continued by passages at least ten feet wide to a street, alley or public space.

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- (6) The length of an enclosed court shall be at least equal to required width of the court.
- (7) When a court is located on the side of a lot or plot other than public streets or alleys, the lot line shall be deemed an enclosure of such court.
- (8) In A-B, B, B-1, B-2 business districts and C industrial districts no courts shall be required except as provided in section 14 of this chapter. (Code 1932, § 495(13); Ord. March 29, 1939.)

# Sec. 15. Exceptions and regulations in various districts.

- (1) Except as specified in this section, yards and courts required by this chapter 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 nearer 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 feet wide may project not more than three feet into any front yard or rear yard. An open porch or portecochere may extend into any side yard, provided it does not come nearer the side lot line than five feet.
- (5) The setback and yard requirements of this chapter shall not apply to any necessary retaining wall, or to any fence or wall which is less than five feet high and less than sixty per cent 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 section shall not apply to terraces, steps and uncovered porches which are not in any part more than three feet above the floor level of the

first story and not within five feet of any party lot line.

(6) Every room in which one or more persons live, 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, except where acceptable means for ventilation and lighting are otherwise provided, 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 feet in width or upon a rear yard, side yard, outer court or enclosed court located upon the same lot and conforming to the requirement prescribed for these by this chapter as to minimum area and least dimensions.

In any A-B, 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 inches wide for each foot of building height over fifteen feet, but in no case shall the minimum width be less than three feet for side yards and five feet for rear yards.

- (7) No lot or plot shall hereafter be so reduced in area as to cause any open space required by this section to be less in any dimension than is herein required for the district and lot in question.
- (8) 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 feet wide to such a street. (Code 1932, § 494(14); Ord. March 29, 1939.)

## Sec. 16. Accessory buildings.

(1) Accessory buildings permitted by this section shall be placed in rear yards only. The aggregate ground area

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covered by accessory buildings, including the ground area covered by any projections or encroachments hereinbefore permitted, shall not exceed thirty per cent of the rear yard area in A residence districts and forty per cent in A-1 districts, and it is further required that the area used for dwelling purposes in such accessory buildings shall not exceed 50% of the first floor area of the main dwelling on that lot and in no case shall this area exceed 450 square feet. In A-B, B, B-1, B-2 business and C industrial districts, where a ground level rear yard is required, the aggregate ground area coverage shall not exceed fifty per cent of the rear area.

- (2) No accessory building in any A or A-1 residence district or A-B or B business district which is within fifteen feet of any rear lot line or ten feet of any side lot line shall be more than one story high. No accessory building in A, A-1, A-B or B districts shall exceed two stories in height. No accessory building which is not fireproof construction shall be nearer than five 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, except that this shall not require the distance from any street line to exceed thirty 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 per cent of the depth of the corner lot, and in no case shall such accessory building be nearer to said side street than the side line requirement set forth in this ordinance for the corner lot in question. (Code 1932, § 495(15); Ords. April 4, 1938, March 29, 1939.)

#### Sec. 17. Secondary detached dwellings.

(1) All secondary detached dwellings, such as servants quarters, guest houses, or other living quarters permitted by this section shall be placed in rear yards only.

The aggregate ground area covered by secondary detached dwellings, including accessory buildings, and the ground area covered by any projections or encroachments hereinbefore permitted, shall not exceed thirty per cent of the rear yard area in A residence and forty per cent in A-1 districts. In A-B, B, B-1, B-2 business and C industrial districts, where a ground level rear yard is required, the aggregate ground area coverage shall not exceed fifty per cent of the rear yard area.

- (2) No secondary detached dwelling unit or building containing a dwelling unit in any A or A-1 residence district or A-B or B business district which is within fifteen feet of any party lot line or alley shall be more than one story high. No secondary detached dwelling in A, A-1, A-B, or B districts shall exceed two stories in height. No secondary detached dwelling in A or A-1 residence district or A-B or B business district shall be nearer than ten feet of any party lot line or alley.
- (3) Within the limitations hereinbefore recited in this section, any secondary detached dwelling on a corner lot in A or A-1 districts shall be distant as far as possible from all street lines; but when the rear of any corner lot abuts any lot facing on any street which is a side street with reference to said corner lot, any secondary detached dwelling on the corner lot shall not be built nearer to the said side street than the side line required by this ordinance for the district in question.
- (4) No secondary detached dwelling unit shall be erected nearer than twenty feet from the main dwelling on said lot or nearer than ten feet of any secondary accessory building on said lot. If no main dwelling exists on said lot, a plot plan of said lot shall be filed with the City of Charlottesville

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at time of application for permit, which plot plan shall fix the size and location of a future main dwelling and its relative location with respect to the proposed secondary detached dwelling unit; and such plat shall be binding as to future construction on said lot within the limits of the requirements set forth herein.

# Sec. 18. Interpretation and purposes.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements adopted for the promotion of health, safety, morals, comfort, prosperity and general welfare of the public. It is not intended by this chapter 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 chapter 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 is imposed or required by such existing provisions of law or ordinance or by such rules, regulations or permits, the provisions of this chapter shall control. (Code 1932, § 495(16); Ord. March 29, 1939.)

### Sec. 19. General regulations.

Except as hereinafter provided for existing non-conforming uses in section 19, 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 chapter; except that nothing in this chapter shall affect the height, setback building line, yards or courts of any building or lot as such exists at the time of the passage of this chapter. (Code 1932, § 495(17); Ord. March 29, 1939.)

# Sec. 20. Existing non-conforming uses.

(1) If, at the time of the enactment of this chapter, or

any amendment thereof, any lot, building or structure is being used in a character or manner or for a purpose which does not conform to the provisions of this chapter or such amendment, and which is not prohibited by some other section, such character or manner of use or purpose may be continued, and no change of title or possession or right 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 chapter.

- (2) No building, structure or premises in which a nonconforming use is abandoned for a period exceeding one year or is superseded by a permitted use, subsequent to the enactment of this chapter, shall again be devoted to prohibited use.
- (3) Any non-conforming building or structure which is hereafter damaged to an extent exceeding fifty per cent of its then reproduction value exclusive of foundations, by fire, flood, earthquake, explosion, 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 chapter governing the district in which the building or structure is located.
- (4) Nothing in this chapter 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 the 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 chapter. (Code 1932, § 495(18); Ord. March 29, 1939.)

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## Sec. 21. Enforcement.

- (1) This chapter 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 chapter, or is to be located in any subdivision, the plot of which has not been approved by the City Planning Commission as set forth in Chapter 8, section 6 of this Code. 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 chapter. One copy of such plans, approved and certified by the building inspector, shall be returned to the owner.
- (2) It shall be unlawful to use or permit the use of any building or premises, or part thereof, hereafter created, erected, changed, converted, altered or enlarged, wholly or partly, in its use or structure, until a certificate of occupancy shall have been issued therefor by the 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 chapter.
- (3) Any persons who propose to construct or alter any building or to make some use of a lot, building or structure of any kind which proposed construction, alteration or use is apparently in conflict with the provisions of this chapter 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

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on such application intelligently. If such proposed structure, alteration or use is in conflict with the provisions of this chapter, 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.

(4) It is the intention of this section that all questions arising in connection with the enforcement of the chapter 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 building inspector; and that from the decision of the board of zoning appeals recourse shall be had to the courts, as provided by law. It is further the intention of this section that the duties of the council in connection with this chapter 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 this chapter shall be only the duty of considering and passing upon any proposed amendment or repeal of this chapter as provided by law. (Code 1932, § 495(19); Ord. March 29, 1939.)

#### Sec. 22. Violations and penalties.

Any person who violates any of the provisions of this chapter, shall, upon conviction, be fined not less than ten dollars nor more than two hundred 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 chapter. (Code 1932, § 495 (20); Ord. March 29, 1939.)

### Sec. 23. Board of zoning appeals; cost of appeals.

A Board of Zoning Appeals is hereby established. It shall consist of five members to be appointed, and exercise such powers as provided by the laws of the state.

In addition to the requirements of the state law rela-

CLERK

tive to an appeal from a decision of the building inspector to the Board of Zoning Appeals, every such appellant, before delivering a notice of appeal to said Board, shall deposit the sum of twenty dollars as costs with the Director of Finance, who shall note on said notice that the deposit required has been paid.

Each member of the Board of Zoning Appeals shall be allowed a fee of five dollars (\$5.00) for each meeting attended and heard by such member, which shall be paid by the City Treasurer upon presentation of proper voucher after being approved by the Director of Finance.

Sec. 24. Amendment.

- (a) The city council may from time to time upon proper recommendation of the City Planning Commission or on its own motion, amend, supplement or change the regulations and districts herein established in conformity with Chapter 88 of the Act of the General Assembly of Virginia, 1934.
- (b) All petitions for proposed amendments to this ordinance shall be in writing, preferably signed by at least a majority of both the property owners and residents who are within the area in which the proposed change is requested. Said petition shall specify the reasons for the proposed change, the change desired in terms of districts, the names and addresses, as far as practicable, of all property owners and residents within the area in which the proposed change is requested, and shall specify clearly by metes and bounds, or by courses and distances, or by plat and survey attached thereto, the boundaries of the proposed area in which the change is requested. Said petition, together with a copy thereof, shall be presented to the clerk of the council, who shall refer it to the City Planning Commission for action and recommendation.

Enacted May 2, 1949.

A copy: Teste.

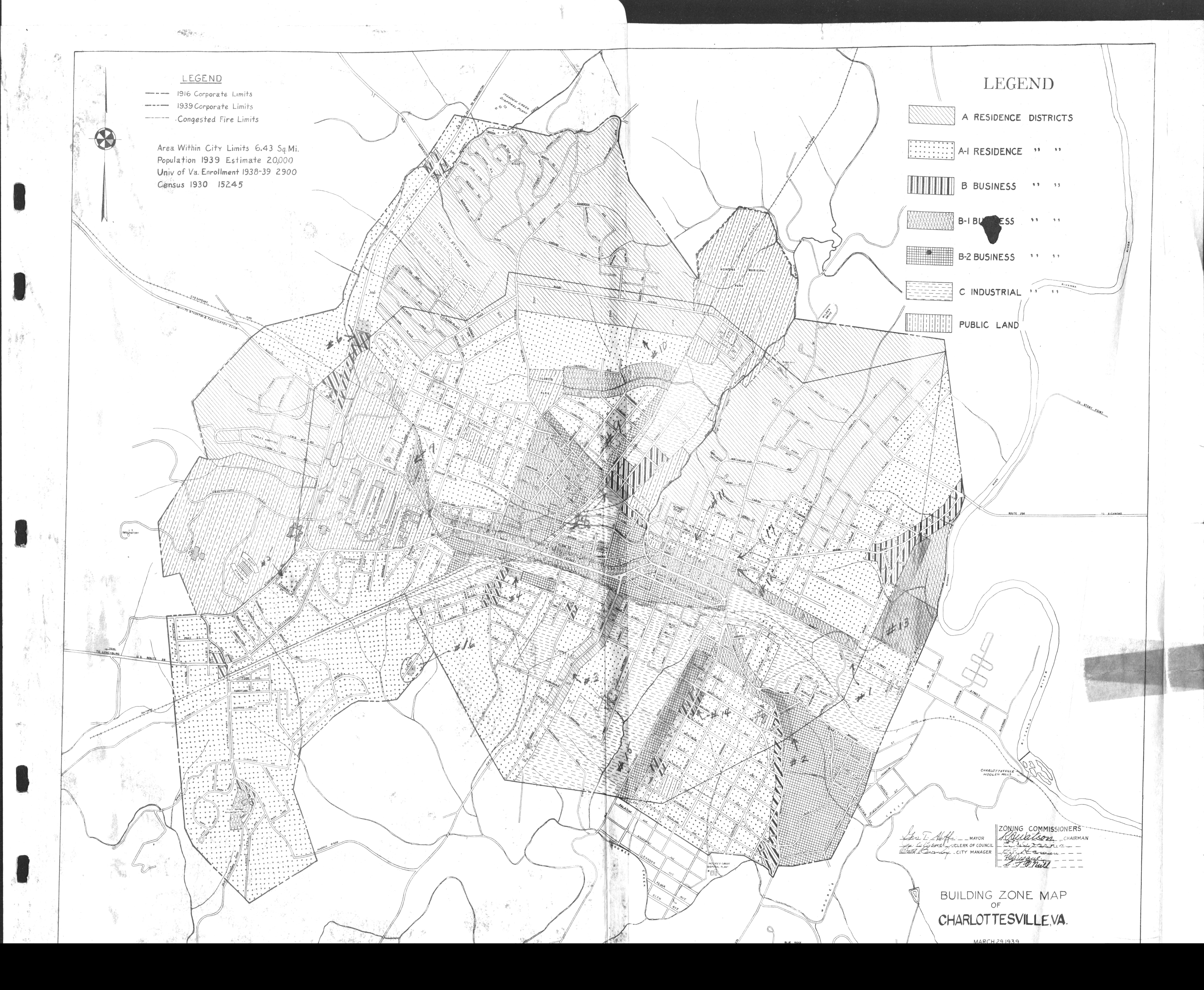
M. M. PENCE,

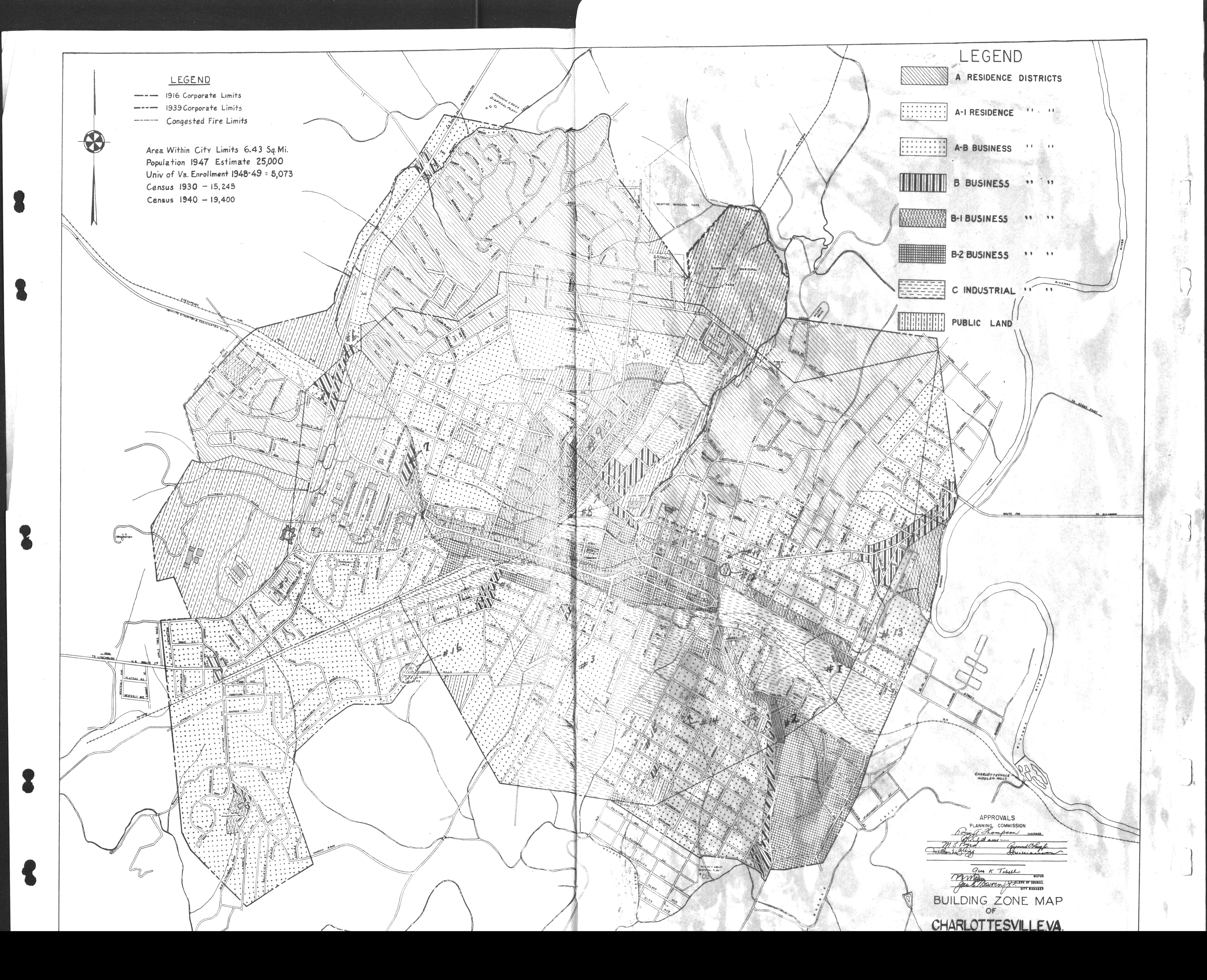
Clerk of the Council.

PRECIPENT

AN ORDINANCE ADOPTING REGULATIONS GOVERNING THE SUB-DIVISION OF LAND PURSUANT TO " THE VIRGINIA LAND SUB-DIVISION LAW".

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE THAT THE FOLLOWING REGULATIONS GOVERNING THE SUB-DIVISION OF LAND BE AND THE SAME ARE HEREBY ADOPTED PURSUANT TO "THE VIRGINIA LAND SUB-DIVISION LAW".





#### Sec. 1. Definitions.

- 1. The term "governing body" as used in these regulations means the governing body of the City of Charlottesvills, or the County of Albemarle, as the case may be.
- 2. A subdivision is the division of a tract of land into two or more lots or other divisions of land involving necessity for streets, roads or other public ways, for the purpose, whether immediate or future, of transfer of ownership or building development, including all changes in street or lot lines; provided, however, that this definition of a subdivision shall not include a bona fide division or partition of agricultural land not for development purposes, nor divisions of land which may be ordered or approved by the Courts.

#### Sec. 2.

From the effective date of these regulations, any owner or proprietor of any tract of land which is located wholly within the Corporate Limits of the City of Charlottesville or within a distance of three (3) miles airline measurement thereof, who subdivides the same, or who causes any streets or public way to be created, shall cause a plat to be made of such subdivision and the same to be recorded in the office of the respective clerk of the court in which the land is located, and which plat shall be in accordance with all of the following requirements:

No such plat or subdivision shall be recorded unless and until it shall have been submitted to and approved by the Planning Commission of the City of Charlottesville for property within the Corporate Limits of the City of Charlottesville or by the Albemarle County Planning Commission and the Planning Commission of the City of Charlottesville as required by "The Virginia Land Subdivision Law" for property without said Corporate boundaries and in Albemarle County.

### Sec. 3. General requirements for subdivision of land.

1. The subdivider shall observe the following general requirements and principles of land subdivision:

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- (a) The plat shall conform to the adopted Master Plan if one exists.
- (b) All streets which are designated as a part of the major highway system on the Master Plan shall be coordinated with adjoining links in said system.
- (c) Major Highway widths shall conform to the widths shown on the Major Highway Plan where such plan has been approved, and no street shall have a width of less than fifty (50) feet.
- (d) Cul-de-sac, or dead-end streets are not desirable, but may be permitted, provided they terminate in a circular right-of-way having a minimum outside radius of fifty (50) feet.
- (e) As far as practicable all proposed streets shall be continuous and made to connect existing streets without offset.
- (f) All lots controlled by these regulations shall front on a publicly dedicated street and should not extend through to another street.
- (g) Corner lots shall be platted not less than ten (10) feet wider than interior lots.
- (h) Property lines at corners of all intersecting streets shall be rounded by an arc having a radius of not less than ten (10) feet, except that property lying at major street intersections or at other locations where traffic hazards and congestion may be anticipated, shall be designed for a radius of thirty (30) feet.
- (i) Side lot lines in general shall be at right angles or radial to street lines.
- (j) Lots for residential purposes shall have the following minimum requirements: Where neither public water nor public sewage services are available, the minimum area shall be not less than 15,000 square feet and minimum width

shall be not less than 75 feet; where either public water or public sewage service is available, the minimum area shall be not less than 9,000 square feet and the minimum width shall be not less than 60 feet; where both public water and public sewage services are available, the minimum area shall be not less than 6,000 square feet and the minimum width shall be not less than 60 feet. In addition, it is expressly provided, however, that where the lot area regulations of any Zoning Ordinance require a larger lot area, then the requirements of such Zoning Ordinance shall govern.

- (k) The minimum width of any alley shall be twenty (20) feet, except in Business Districts the minimum width of any alley shall be twenty-four (24) feet. Alleys which dead-end against permanent barriers are prohibited unless adequate turning area is provided at the terminus.
- (1) No land shall be subdivided for residential use unless, in the opinion of the approving Commission, such land, by reason of topography, location and elevation, is suitable for building purposes.
- (m) Permanent monuments of stone or concrete shall be placed at all block corners or at the tangent points of carves connecting intersection street lines; at the points of curvature and tangency and at fifty foot chord intervals on curved street lines; at all corners in the exterior boundary of the subdivision, except at such corners that are inaccessible due to topography; and at such other points as may be designated by the Planning Commission of the City of Charlottesville or the Albemarle County Planning Commission. The location and character of all such monuments shall be clearly designated on the Final Plat. Such monuments shall be set flush with the surface of the ground or finished grade. Monuments shall be of pre-cast concrete two (2) feet in length and four (4) inches square or eight (8) inches in diameter, having a metal pin imbedded therein; or the monument may be a steel or iron pin fiveeights (5/8) inch by thirty (30) inches, or larger, set in one

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- (1) cubic foot of concrete eighteen (18) inches deep and ten (10) inches square, at top and bottom, marking the point represented on the Final Plat. All concrete mixture shall be 1: 3: 6: or equal. Any person, developer, builder, firm or corporation, including departments of the City of Charlottesville and the County of Albemarle, shall take the necessary precautions to protect all monuments and metal stakes and provided, further, that any monument which is moved or destroyed shall be immediately reported to the City Engineer of Charlottesville or to the County Executive of Albemarle County.
- (p) In general, the center lines of all intersecting streets streets or alleys will not be permitted. However, for the protection of a developer or development prior to the assumption of construction and/or maintenance of streets and utilities therein by the approving governing authority such may be permitted with the agreement of subsequent ceding of title to such strips to the governing authority upon assumption of construction and/or maintenance.

### (o) Easements

Except where alleys of not less than fifteen (15) feet are provided for the purpose, the Commission may require to be platted easements, not exceeding six (6) feet, on each side of all rear lot lines, and on side lot lines where necessary or, in the opinion of the Commission, advisable, for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains or other utility lines. Easements of the same or greater width may be required to be platted along the lines of or across lots where necessary for the development of future subdivisions or the extension of the existing or planned utilities.

- (p) In general, the center lines of all intersecting streets shall meet at a common point and shall intersect one another as near to a right angle as is practicable.
- (q) No existing local street names or subdivision names shall be duplicated and all street names shall be approved by the Planning Commission.

2. A variation from any specific item of these general requirements may be permitted by the Planning Commission of the City of Charlottesville or the Albemarle County Planning Commission when topography or other conditions necessitate or justify such variation.

#### Sec. 4. Preliminary plats.

- 1. In seeking to subdivide land, as defined herein, and record such subdivisions and to dedicate streets, alleys or other lands for public use, the owner or owners shall submit four copies of a Preliminary Plat, so marked, to the Planning Commission of the City of Charlottesville or the Albemarle County Planning Commission as the case may be for their approval, before submitting the Final Plat.
- 2. Three copies of the approved Preliminary Plat shall be kept on file and the other returned to the owner, surveyor or engineer. Sucn approval of the Preliminary Plat shall be valid for a period of ninety (90) days provided said time may be extended by the approving Commission.

#### Sec. 5. Final plats.

- 1. (a) Final Plats submitted for approval shall contain a surveyor's or civil engineers' certificate stating that the plat and subdivision was made by him at the direction of the owner; and that the subdivision is entirely within the boundaries of land owned by the subdivider; and that the monuments shown on the plat have been actually placed and that their location and character are correctly shown.
- (b) Every such plat shall contain, in addition to the surveyor's or civil engineer's certificate provided for, a statement to the effect that the subdivision, as appears in the plat, is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, if any, which shall be signed by the owners, proprietors and trustees, if any, and shall be duly acknowledged before some officer authorized to take acknowledgment of deeds, and when thus executed and acknowledged said plat, subject to the provisions herein, shall be filed and recorded in the

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office of the clerk of court where deeds are admitted to record for the lands contained in the plat.

- 2. (a) The Final Plat shall be in the form of an original tracing on tracing cloth. On the face of the plat a place shall be prepared to receive the signatures, with dates of approval of the Chairman and Secretary of the City Planning Commission of the City of Charlottesville, in the order named. Final Plats lying outside the Corporate Limits of the City of Charlottesville shall contain space for the signatures of the Chairman and Secretary of the Albemarle County Planning Commission and of the Planning Commission of the City of Charlottesville.
- (b) Following the signed approval of such Final Plat, the City or County will prepare for its files and other municipal uses four or more contact prints of the Final Plat, after which the signed original tracing will be returned to the owner.
- (c) Any additions, subtractions or alterations of any kind to a tracing, following approval, shall cancel and void such approval.
- (d) Approval of the Final Plat shall be void unless the said approved Final Plat is offered for filing and recordation in the office of the respective clerk of the court in which the land is located, within sixty (60) days from date of approval.
- 3. (a) All Final Plats shall be drawn to a legible scale of not less than one hundred (100) feet to one (1) inch, unless otherwise approved by the approving Commission.
- (b) All original tracings shall be  $(7\frac{3}{4})$  seven and three-quarters inches wide by seventeen (17) inches long for tracings to be recorded with the Clerk of the Court, provided that when more than one sheet is necessary to include the entire subdivision, all sheets needed shall be of the same sizes and shall show appropriate match marks

on each sheet, so that the several sheets might be conveniently assembled, and an index map on the same size sheet as are the several plats, shall be filed, showing the entire subdivision on one sheet, which shall show the various lot and block numbers within the subdivision. A small scale map showing the location of the property subdivided may be required.

- 4. The Final Plat shall be checked for conformity with the approval Preliminary Plat and shall show:
- (a) The Title or name under which the subdivision is to be recorded, such name or title shall not duplicate the name of any existing recorded subdivision.
- (b) Date, north point and scale; the scale shall be designated both graphically and by lettering.
- (c) All dimensions, both linear and angular, for locating boundaries of the subdivision, lots, streets, alleys, public easements and private easements. The linear dimensions shall be expressed in feet and hundredths of a foot, and all angular measurements shall be expressed by bearings or angles. All curves shall be defined by their radius, central angle, tangent, distance, tangent bearing and arc lengths. Such curve data shall be expressed by a curve table lettered on the face of the plat, each curve being tabulated and numbered to correspond with the respective numbered curves shown throughout the plat.
- (d) The description and location of all monuments shall be shown.
- (e) All dimensions, both linear and angular are to be determined by an accurate control survey in the field which shall be checked for closure and must balance and close within a limit of error of one in two thousand. No plat showing plus or minus distances will be approved. The Planning Commission of the City of Charlottesville or the Albemarle County Planning Commission, as the case may be, may require such office and field checks to be made as may be necessary to assure the accuracy of the plat.

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- (f) The boundary of the property being subdivided, the names of all proposed streets and the boundaries of all property within the subdivision intended to be dedicated to public use. In the case of the resubdivision of existing recorded lots, existing lot lines shall be shown by dotted lines and the resubdivision by full lines.
- (g) The exact length and bearings of boundary lines of blocks, public grounds, streets, alleys and exact location of all easements.
- (h) The exact widths of all easements, streets and alleys.
- (i) The angle of departure of adjoining property, street and alley lines, together with the name of abutting recorded subdivision. Abutting acreage property not subdivided shall be designated by the names of owners, when required.
  - (j) Widths and names of abutting streets and alleys.
- (k) A definite bearing and distance tie shall be shown between not less than two permanent monuments on the exterior boundary of the subdivision, and to existing street intersections where possible and reasonably convenient.
- (1) All lots in each block consecutively numbered or lettered.
- (m) The exact length and bearing of all lot lines; except, that when the lines in any rectangular tier of lots are parallel, it shall be sufficient to mark the bearings of the outer lines on one tier thereof.
- (n) Designating symbols for all lots and blocks. In case the Final Plat consists of one section of a proposed larger subdivision, then the block numbers shall run consecutively throughout the several sections of the entire proposed subdivision and each section designated by letter or number.
  - 5. (a) All plats of property abutting on any natural or

artificial body of water shall show the bluff or high water lines, where officially established.

(b) Where bluff, or high water lines are intersected by lot or block lines measurements locating such intersections shall be given along said lot or block lines.

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No street shall be accepted and maintained by the City, nor shall any public utility, such as water, gas, sewers and street lights be extended to, or connected with any subdivision of land, nor shall any permit be issued by any administrative agent, department or bureau of the City of Charlottesville or the County of Albemarle, for the construction of any building, or other improvement or work requiring a permit, upon any land concerning which, a plat is required by these regulations, unless and until the requirements thereof have been met.

The foregoing regulation shall be effective for the City of Charlottesville upon passage by the City Council; and shall be effective within the three mile bordering area of Albemarle County upon adoption by the Board of Supervisors of Albemarle County or, in the absence of such adoption by said County, upon entering of Court Order as provided in cited Chapter 211-A, Statutes, Commonwealth of Virginia.

Adopted: May 16, 1949.

A copy: Teste.

M. M. PENCE,

Clerk of the Council.

Yus K Tabele
PRESIDENT

AN ORDINANCE AMENDING AND RE-ENACTING SUBSECTION 10 OF SECTION 3 OF CHAPTER 33 OF THE CHARLOTTESVILLE CITY CODE OF 1945 ENTITLED " A - RESIDENCE DISTRICT USES"

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE THAT SUBSECTION 10 of Section 3 of Chapter 33 of the Charlottesville City Code of 1945 as Heretofore AMENDED BE AND THE SAME IS HEREBY AMENDED AND RE-ENACTED SO AS TO READ AS FOLLOWS:

> SMALL PROFESSIONAL OR OTHER ANNOUNCEMENT SIGNS; PROVIDED, HOWEVER, THAT NO SIGN SHALL BE GREATER THAN SIXTEEN (16) INCHES IN HEIGHT AND TWENTY-EIGHT (28) INCHES IN LENGTH; THAT NO SIGN SHALL BE LOCATED CLOSER THAN FIVE (5) FEET TO ANY PROPERTY LINE; THAT NO SIGN SHALL BE LOCATED AT A HEIGHT GREATER THAN TEN (10) FEET FROM THE GROUND TO THE TOP OF THE SIGN; THAT IF ANY SIGN IS TO BE LIGHTED, INCANDESCENT LIGHTS OF NOT GREATER THAN TWENTY-FIVE (25) WATT CAPACITY SHALL BE USED.

NO SIGN MAY BE ERECTED IN ACCORDANCE WITH THE FOREGOING PARAGRAPH UNLESS AND UNTIL PERMIT SHALL HAVE BEEN SECURED FROM THE BUILDING INSPECTOR AND NO SUCH PERMIT SHALL BE GRANTED UNLESS THE PERSON MAKING; APPLICATION THEREFOR HAS SECURED A CURRENT CITY LICENSE UNDER THE CITY LICENSE TAX ORDINANCE FOR THE ACTIVITY ADVERTISED BY SUCH SIGN AND NO PERMIT FOR

SIGNS NOT OVER SIX (6) SQUARE FEET IN AREA ADVERTISING REAL ESTATE FOR SALE MAY BE ERECTED, PROVIDED THAT SUCH SIGN IS DISPLAYED BEHIND THE FRONT BUILDING LINE OF THE LOT AND PROVIDED THAT SUCH SIGN IS USED ONLY FOR ADVERTISING THE PREMISES UPON WHICH IT IS ERECTED.

THIS ORDINANCE SHALL BE IN FORCE FROM THE DATE OF ITS PASSAGE, PROVIDED, HOWEVER, THAT PERSONS NOW MAINTAINING EXISTING SIGNS IN VIOLATION OF THIS ORDINANCE SHALL BE ALLOWED UNTIL APRIL 1, 1950 IN WHICH TO COMPLY WITH THE ORDINANCE.

> ADOPTED BY THE COUNCIL June 20, 1949 AYES: Mr. ADAMS, Mr. BARR, Mr. HAMM, Mr. HADEN, AND MR. TEBELL.

Noes: None

K PRESIDENT