

PROPER TO GIVE DUE PUBLICITY TO SUCH ELECTION.

ADOPTED BY THE COUNCIL

FEBRUARY 3, 1958

AYES: MR. COLEMAN, MR. DAVIS, MR. MICHIE,  
MR. SCRIBNER AND MR. WEINBERG.

NOES: NONE.

  
CLERK

  
PRESIDENT

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF CHARLOTTESVILLE BEING CHAPTER 33 OF THE CODE OF THE CITY OF CHARLOTTESVILLE ADOPTED AND APPROVED MAY 2, 1949, AND AS SUBSEQUENTLY AMENDED; ENTITLED AN ORDINANCE DIVIDING THE CITY OF CHARLOTTESVILLE INTO DISTRICTS TO REGULATE AND RESTRICT THE LOCATION, ERECTION, CONSTRUCTION, RECONSTRUCTION, REPAIR OR USE OF BUILDINGS AND OTHER STRUCTURES, THEIR HEIGHT, AREA AND BULK, AND THE PERCENTAGE OF LOT TO BE OCCUPIED BY BUILDINGS OR OTHER STRUCTURES, THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES, THE USE OF BUILDINGS OR PREMISES FOR TRADE, INDUSTRY, RESIDENCE OR OTHER SPECIFIC USES; AND TO ESTABLISH SET BACK BUILDING LINES; TO PROVIDE FOR A METHOD OF AMENDMENT, SUPPLEMENT, CHANGE AND REPEAL OF REGULATIONS, RESTRICTIONS AND BOUNDARIES; TO PROVIDE A METHOD OF ADMINISTRATION; TO PROVIDE FOR A BOARD OF APPEALS AND PRESCRIBE ITS POWERS AND DUTIES; TO PROVIDE FOR THE ENFORCEMENT OF THE PROVISIONS OF THIS ORDINANCE AND TO PRESCRIBE PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE THAT THE ZONING ORDINANCE OF CHAPTER 33 BE AND IS HEREBY AMENDED AND RE-ENACTED SO AS TO READ AS FOLLOWS:

#### ARTICLE I. PURPOSE

SECTION 33-1. THE PURPOSE OF THIS ORDINANCE IS TO LESSEN CONGESTION IN THE STREETS, TO SECURE SAFETY FROM FIRE, PANIC AND OTHER DANGERS, TO PROMOTE HEALTH, SANITATION AND THE GENERAL WELFARE, TO PROVIDE ADEQUATE LIGHT AND AIR, TO PREVENT THE OVERCROWDING OF LAND, TO AVOID UNDUE CONCENTRATION OF POPULATION, TO FACILITATE THE ADEQUATE PROVISION OF PUBLIC AND PRIVATE TRANSPORTATION, PUBLIC UTILITY SERVICES, SEWERAGE DISPOSAL, SCHOOLS, PARKS, PLAYGROUNDS AND OTHER PUBLIC IMPROVEMENTS AND REQUIREMENTS IN THE CITY OF CHARLOTTESVILLE.

#### ARTICLE II. DEFINITIONS

SECTION 33-2. FOR THE PURPOSE OF THIS CHAPTER, CERTAIN TERMS AND WORDS ARE HEREBY DEFINED. WORDS USED IN THE PRESENT TENSE SHALL INCLUDE THE FUTURE; THE SINGULAR NUMBER SHALL INCLUDE THE PLURAL, AND THE PLURAL THE SINGULAR; THE WORD "BUILDING" SHALL INCLUDE THE WORD "STRUCTURE"; THE WORD "LOT" SHALL INCLUDE THE WORD "PLOT"; AND THE WORD "SHALL" IS MANDATORY AND NOT DIRECTORY.

1. ACCESSORY BUILDING: A BUILDING OR USE SUBORDINATE TO THE MAIN BUILDING OR USE ON THE SAME LOT AND SERVING A PURPOSE NATURALLY AND NORMALLY INCIDENTAL TO SAID MAIN BUILDING OR USE, PROVIDED ANY SUCH SUBORDINATE BUILDING IS ERECTED AT THE SAME TIME OR AFTER THE CONSTRUCTION OF THE MAIN BUILDING. WHERE AN ACCESSORY BUILDING IS ATTACHED TO THE MAIN IN A SUBSTANTIAL MANNER BY A WALL OR ROOF, IT SHALL BE CONSIDERED PART OF THE MAIN BUILDING.
2. ALLEY: A THOROUGHFARE WHICH AFFORDS ONLY A SECONDARY MEANS OF ACCESS TO ABUTTING PROPERTY.
3. APARTMENT HOUSE: SEE "DWELLING, MULTIPLE".
4. AUDITORIUM: A BUILDING OR PART OF A BUILDING USED AS A PLACE OF ASSEMBLY FOR AN AUDIENCE.
5. BASEMENT: A STORY HAVING PART BUT NOT MORE THAN ONE-HALF ITS HEIGHT BELOW GRADE. A BASEMENT IS COUNTED AS A STORY FOR THE PURPOSE OF HEIGHT REGULATIONS IF SUBDIVIDED AND USED FOR BUSINESS OR DWELLING PURPOSES BY OTHERS THAN A JANITOR EMPLOYED ON THE PREMISES.
6. BOARDING HOUSE: A BUILDING OTHER THAN A HOTEL, WHERE FOR COMPENSATION AND BY PREARRANGEMENT FOR DEFINITE PERIODS, MEALS OR LODGING AND MEALS ARE PROVIDED FOR THREE (3) OR MORE PERSONS. A BOARDING HOUSE SHALL NOT BE DEEMED A HOME OCCUPATION.
7. BUILDING: ANY STRUCTURE FOR THE SHELTER, SUPPORT OR ENCLOSURE OF PERSONS, ANIMALS OR PROPERTY.
8. BUILDING, HEIGHT OF: THE VERTICAL DISTANCE FROM THE GRADE TO THE HIGHEST POINT OF THE COPING OF A FLAT ROOF OR TO THE DECK LINE OF A MANSARD ROOF, OR TO THE AVERAGE HEIGHT OF THE HIGHEST GABLE OF A PITCH OR HIP ROOF.
9. CELLAR: A STORY HAVING MORE THAN ONE-HALF ITS HEIGHT BELOW GRADE.
10. CLINIC: AN ESTABLISHMENT WHERE PATIENTS, WHO ARE NOT LODGED OVERNIGHT, ARE ADMITTED FOR EXAMINATION AND TREATMENT BY A GROUP OF PHYSICIANS OR DENTISTS PRACTICING MEDICINE OR DENTISTRY TOGETHER.
11. CLUB: A BUILDING OR PORTION THEREOF OR PREMISES OWNED OR OPERATED BY A CORPORATION, ASSOCIATION, PERSON OR PERSONS FOR A SOCIAL, EDUCATIONAL OR RECREATIONAL PURPOSE, BUT NOT PRIMARILY FOR PROFIT OR TO RENDER A SERVICE WHICH IS CUSTOMARILY CARRIED ON AS A BUSINESS.
12. DISTRICT: ANY SECTION OF THE CITY OF CHARLOTTESVILLE FOR WHICH THE REGULATIONS GOVERNING THE USE OF BUILDINGS AND PREMISES, OR THE HEIGHT AND AREA OF BUILDINGS ARE UNIFORM.
13. DWELLING: ANY BUILDING, OR PORTION THEREOF WHICH IS DESIGNED OR USED EXCLUSIVELY FOR RESIDENTIAL PURPOSES.
14. DWELLING DISTRICT OR RESIDENTIAL DISTRICT: ANY R-1, R-2 OR R-3 ZONING DISTRICT.
15. DWELLING, SINGLE-FAMILY: A BUILDING DESIGNED FOR OCCUPANCY BY ONE FAMILY.
16. DWELLING, TWO-FAMILY: A BUILDING DESIGNED FOR OCCUPANCY BY TWO FAMILIES.
17. DWELLING, MULTIPLE: A BUILDING OR PORTION THEREOF DESIGNED FOR OCCUPANCY BY THREE OR MORE FAMILIES.
18. FAMILY: ONE OR MORE PERSONS OCCUPYING A DWELLING AND LIVING AS A SINGLE HOUSEKEEPING UNIT AS DISTINGUISHED FROM A GROUP OCCUPYING A BOARDING HOUSE, LODGING HOUSE, FRATERNITY OR SORORITY HOUSE, CLUB OR HOTEL AS HEREIN DEFINED.

19. FILLING STATION: ANY BUILDING, STRUCTURE, OR LAND USED FOR THE DISPENSING, SALE OR OFFERING FOR SALE AT RETAIL OF ANY AUTOMOBILE FUELS, OILS, ACCESSORIES OR LUBRICATION OF AUTOMOBILES AND REPLACEMENT OR INSTALLATION OF MINOR PARTS AND ACCESSORIES, BUT NOT INCLUDING MAJOR REPAIR WORK, SUCH AS MOTOR REPLACEMENT, BODY AND FENDER REPAIR OR SPRAY PAINTING.

20. FRONTAGE: ALL THE PROPERTY ON ONE SIDE OF A STREET BETWEEN TWO INTERSECTING STREETS (CROSSING OR TERMINATING), MEASURED ALONG THE LINE OF THE STREET, OR IF THE STREET IS DEAD ENDED, THEN ALL OF THE PROPERTY ABUTTING ON ONE SIDE BETWEEN AN INTERSECTING STREET AND THE DEAD END OF THE STREET.

21. FUNERAL HOME: A BUILDING USED FOR THE PREPARATION OF A CORPSE FOR BURIAL OR FOR CREMATION (CREMATION NOT PERMITTED) WHICH MAY ALSO BE USED FOR FUNERAL SERVICES.

22. GARAGE, PRIVATE: AN ACCESSORY BUILDING DESIGNED OR USED FOR THE STORAGE ONLY OF NOT MORE THAN FOUR MOTOR-DRIVEN VEHICLES OWNED AND USED BY THE OCCUPANTS OF THE BUILDING TO WHICH IT IS ACCESSORY.

23. GARAGE, PUBLIC: A BUILDING OR PORTION THEREOF, OTHER THAN A PRIVATE OR STORAGE GARAGE, DESIGNED OR USED FOR EQUIPPING, SERVICING, REPAIRING, HIRING, SELLING OR STORING MOTOR-DRIVEN VEHICLES.

24. GARAGE, STORAGE OR PARKING: A BUILDING OR PORTION THEREOF DESIGNED OR USED EXCLUSIVELY FOR STORAGE OF MOTOR-DRIVEN VEHICLES, AND WITHIN WHICH MOTOR FUELS AND OILS MAY BE SOLD, BUT NO MOTOR DRIVEN VEHICLES ARE EQUIPPED, REPAIRED, HIRED OR SOLD.

25. GRADE:

(A) FOR BUILDINGS HAVING WALLS ADJOINING ONE STREET ONLY, THE ELEVATION OF THE SIDEWALK AT THE CENTER OF THE WALL ADJOINING THE STREET.

(B) FOR BUILDINGS HAVING WALLS ADJOINING MORE THAN ONE STREET, THE AVERAGE OF THE ELEVATION OF THE SIDEWALK AT THE CENTERS OF ALL WALLS ADJOINING THE STREETS.

(C) FOR BUILDINGS HAVING NO WALLS ADJOINING THE STREET, THE AVERAGE LEVEL OF THE FINISHED SURFACE OF THE GROUND ADJACENT TO THE EXTERIOR WALLS OF THE BUILDINGS.

ANY WALL APPROXIMATELY PARALLEL TO AND NOT MORE THAN FIFTEEN (15) FEET FROM A STREET LINE IS TO BE CONSIDERED AS ADJOINING THE STREET. WHERE SIDEWALKS DO NOT EXIST, THE GRADE SHALL BE AS ESTABLISHED BY THE OFFICE OF THE CITY ENGINEER.

26. HOME OCCUPATION: ANY OCCUPATION OR ACTIVITY WHICH IS CLEARLY INCIDENTAL AND SECONDARY TO USE OF THE PREMISES FOR DWELLING AND WHICH IS CARRIED ON WHOLLY WITHIN A MAIN BUILDING OR ACCESSORY BUILDING BY A MEMBER OF A FAMILY, RESIDING ON THE PREMISES, IN CONNECTION WITH WHICH THERE IS NO GROUP INSTRUCTION, NO ADVERTISING OTHER THAN AN IDENTIFICATION SIGN OF NOT MORE THAN ONE SQUARE FOOT IN AREA, AND NO OTHER DISPLAY OR STORAGE OF MATERIALS OR EXTERIOR INDICATION OF THE HOME OCCUPATION OR VARIATION FROM THE RESIDENTIAL CHARACTER OF THE MAIN BUILDING OR ACCESSORY BUILDING; THERE IS NO COMMODITY SOLD UPON THE PREMISES; NO PERSON IS EMPLOYED FOR THESE PURPOSES OTHER THAN A MEMBER OF THE IMMEDIATE FAMILY RESIDING ON THE PREMISES; NO MECHANICAL EQUIPMENT IS USED EXCEPT THAT WHICH IS NORMALLY USED FOR PURELY DOMESTIC OR HOUSEHOLD PURPOSES; NO EXTERIOR LIGHTING IS USED EXCEPT THAT WHICH IS NORMALLY USED IN CONNECTION WITH A DWELLING AND THAT NOT OVER ONE-FOURTH OF THE BUILDING AREA SHALL BE USED FOR SUCH PURPOSES. IN PARTICULAR, A HOME OCCUPATION INCLUDES, BUT IS NOT LIMITED TO THE FOLLOWING:

(A) ART STUDIO

(B) DRESSMAKING

(C) TEACHING, WITH MUSICAL INSTRUCTIONS LIMITED TO A SINGLE PUPIL DURING AN INSTRUCTION PERIOD.

HOWEVER, A HOME OCCUPATION SHALL NOT BE INTERPRETED TO INCLUDE BARBER SHOPS, BEAUTY PARLORS, CONVALESCENT AND NURSING HOMES, TOURIST HOMES AND RESTAURANTS.

27. HOTEL: A BUILDING IN WHICH LODGING OR BOARDING AND LODGING ARE PROVIDED AND OFFERED TO THE PUBLIC FOR COMPENSATION, AND IN WHICH INGRESS AND EGRESS TO AND FROM ALL ROOMS ARE MADE THROUGH AN INSIDE LOBBY OR OFFICE SUPERVISED BY A PERSON IN CHARGE AT ALL HOURS. A HOTEL IS OPEN TO THE PUBLIC IN CONTRA-DISTINCTION TO A BOARDING HOUSE, A ROOMING HOUSE, OR AN APARTMENT, WHICH ARE HEREIN SEPARATELY DEFINED.

28. INSTITUTION: A NON-PROFIT CORPORATION OR A NON-PROFIT ESTABLISHMENT FOR PUBLIC BENEFIT.

29. LOADING SPACE: A SPACE WITHIN THE MAIN BUILDING OR ON THE SAME LOT THEREWITH, PROVIDING FOR THE STANDING, LOADING OR UNLOADING OF TRUCKS, AND HAVING A MINIMUM DIMENSION OF 12 X 35 FEET, AND A VERTICAL CLEARANCE OF AT LEAST FOURTEEN (14) FEET.

30. LOT: A PARCEL OF LAND OCCUPIED OR INTENDED FOR OCCUPANCY BY A USE PERMITTED IN THIS ORDINANCE, INCLUDING ONE MAIN BUILDING TOGETHER WITH ITS ACCESSORY BUILDINGS, AND THE YARDS AND PARKING SPACES REQUIRED HEREIN, AND HAVING ITS PRINCIPAL FRONTAGE UPON A STREET OR UPON AN OFFICIALLY APPROVED PLACE.

31. LOT, CORNER: A LOT ABUTTING UPON TWO OR MORE STREETS AT THEIR INTERSECTION.

32. LOT, DEPTH OF: THE MEAN HORIZONTAL DISTANCE BETWEEN THE FRONT AND REAR LOT LINE.

33. LOT, DOUBLE FRONTAGE: A LOT HAVING A FRONTAGE ON TWO NON-INTERSECTING STREETS AS DISTINGUISHED FROM A CORNER LOT.

34. LOT OF RECORD: A LOT WHICH IS PART OF A SUBDIVISION, THE MAP OF WHICH HAS BEEN RECORDED IN THE OFFICE OF THE CLERK OF THE COURT WHERE DEEDS ARE ADMITTED TO RECORD, OR A LOT DESCRIBED BY METES AND BOUNDS, THE DESCRIPTION OF WHICH HAS BEEN RECORDED IN THE OFFICE OF THE CLERK OF THE COURT WHERE DEEDS ARE ADMITTED TO RECORD.

35. LOT WIDTH: THE MEAN HORIZONTAL DISTANCE MEASURED AT RIGHT ANGLES TO THE DEPTH.

36. MOTEL OR MOTOR COURT-TOURIST COURT: A BUILDING OR GROUP OF BUILDINGS USED FOR THE TEMPORARY RESIDENCE OF MOTORISTS OR TRAVELERS.

37. NON-CONFORMING USE: ANY BUILDING OR LAND LAWFULLY OCCUPIED BY A USE AT THE TIME OF PASSAGE OF THIS ORDINANCE OR AMENDMENT THERETO WHICH DOES NOT CONFORM AFTER THE PASSAGE OF THIS ORDINANCE OR AMENDMENT THERETO WITH THE USE REGULATIONS OF THE DISTRICT IN WHICH IT IS SITUATED.

38. NURSING HOME: A HOME FOR THE AGED, CHRONICALLY ILL OR INCURABLE PERSONS IN WHICH THREE OR MORE PERSONS NOT OF THE IMMEDIATE FAMILY ARE RECEIVED, KEPT OR PROVIDED WITH FOOD AND SHELTER OR CARE FOR COMPENSATION; BUT NOT INCLUDING HOSPITALS, CLINICS OR SIMILAR INSTITUTIONS DEVOTED PRIMARILY TO THE

DIAGNOSIS AND TREATMENT OF THE SICK OR INJURED.

39. PLACE: AN OPEN, UNOCCUPIED SPACE OR THOROUGHFARE OTHER THAN A STREET OR ALLEY PERMANENTLY RESERVED AS A PRINCIPAL MEANS OF ACCESS TO ABUTTING PROPERTY.

40. ROOMING HOUSE: A BUILDING OTHER THAN A HOTEL WHERE LODGING FOR THREE (3) OR MORE PERSONS IS PROVIDED FOR DEFINITE PERIODS FOR COMPENSATION PURSUANT TO PREVIOUS ARRANGEMENT.

41. STORY: THAT PORTION OF A BUILDING, OTHER THAN A CELLAR, INCLUDED BETWEEN THE SURFACE OF ANY FLOOR AND THE SURFACE OF THE FLOOR NEXT ABOVE IT, OR, IF THERE BE NO FLOOR ABOVE IT, THEN THE SPACE BETWEEN THE FLOOR AND THE CEILING NEXT ABOVE IT.

42. STORY, HALF: A SPACE UNDER A SLOPING ROOF WHICH HAS THE LINE OF INTERSECTION OF ROOF DECKING AND WALL FACE NOT MORE THAN THREE (3) FEET ABOVE THE TOP FLOOR LEVEL, AND IN WHICH SPACE, NOT MORE THAN TWO-THIRDS OF THE FLOOR AREA IS FINISHED OFF FOR USE. A HALF-STORY CONTAINING INDEPENDENT APARTMENT OR LIVING QUARTERS SHALL BE COUNTED AS A FULL STORY.

43. STREET: A PUBLIC OR PRIVATE THOROUGHFARE WHICH AFFORDS THE PRINCIPAL MEANS OF ACCESS TO ABUTTING PROPERTY.

44. STREET LINE: A DIVIDING LINE BETWEEN A LOT, TRACT OR PARCEL OF LAND AND A CONTIGUOUS STREET.

45. STRUCTURE: ANYTHING CONSTRUCTED OR ERECTED, THE USE OF WHICH REQUIRES A LOCATION ON THE GROUND, OR ATTACHED TO SOMETHING HAVING A LOCATION ON THE GROUND, INCLUDING BUT WITHOUT LIMITING THE GENERALITY OF THE FOREGOING, ADVERTISING SIGNS, BILLBOARDS, BACK STOPS FOR TENNIS COURTS, FENCES, PERGOLAS OR SWIMMING POOLS.

46. STRUCTURAL ALTERATIONS: ANY CHANGE IN THE SUPPORTING MEMBERS OF A BUILDING, SUCH AS BEARING WALLS OR PARTITIONS, COLUMNS, BEAMS OR GIRDERS, OR ANY COMPLETE REBUILDING OF THE ROOF.

47. THEATRE: A BUILDING, OR PART THEREOF, WHICH CONTAINS AN ASSEMBLY HALL WITH OR WITHOUT STAGE WHICH MAY BE EQUIPPED WITH CURTAINS AND PERMANENT STAGE SCENERY, OR MECHANICAL EQUIPMENT ADAPTABLE TO THE SHOWING OF PLAYS, OPERAS, MOTION PICTURES, PERFORMANCES, SPECTACLES AND SIMILAR FORMS OF ENTERTAINMENT.

48. TOURIST COURT: SEE "MOTEL".

49. TOURIST HOME: A BUILDING OTHER THAN A HOTEL IN WHICH OVERNIGHT ACCOMMODATIONS ARE PROVIDED OR OFFERED FOR ONE OR MORE TRANSIENT GUESTS FOR COMPENSATION.

50. TRAILER: ANY STRUCTURE USED FOR LIVING, SLEEPING, BUSINESS OR STORAGE PURPOSES, HAVING NO FOUNDATION OTHER THAN WHEELS, BLOCKS, SKIDS, JACKS, HORSES OR SKIRTINGS AND WHICH HAS BEEN, OR REASONABLY MAY BE, EQUIPPED WITH WHEELS OR OTHER DEVICES FOR TRANSPORTING THE STRUCTURE FROM PLACE TO PLACE WHETHER BY MOTIVE POWER OR OTHER MEANS. THE TERM "TRAILER" SHALL INCLUDE CAMP CAR, HOUSE TRAILER AND HOUSE CAR.

51. TRAILER COURT: AN AREA CONTAINING ONE OR MORE STRUCTURES DESIGNED OR INTENDED TO BE USED AS TEMPORARY LIVING FACILITIES OF TWO OR MORE FAMILIES AND INTENDED PRIMARILY FOR AUTOMOBILE TRANSIENTS; OR PROVIDING SPACES WHERE TWO OR MORE TENTS OR AUTO TRAILERS CAN BE PARKED.

52. YARD: AN OPEN SPACE AT GRADE BETWEEN A BUILDING AND THE ADJOINING LOT LINES, UNOCCUPIED AND UNOBSTRUCTED BY ANY PORTION OF A STRUCTURE FROM THE GROUND UPWARD, EXCEPT AS OTHERWISE PROVIDED HEREIN. IN MEASURING A YARD FOR THE PURPOSE OF DETERMINING THE WIDTH OF A SIDE YARD, THE DEPTH OF A FRONT YARD OR THE DEPTH OF A REAR YARD, THE MINIMUM HORIZONTAL DISTANCE BETWEEN THE LOT LINE AND THE MAIN BUILDING SHALL BE USED.

53. YARD, FRONT: A YARD EXTENDING ACROSS THE FRONT OF A LOT BETWEEN THE SIDE YARD LINES AND BEING THE MINIMUM HORIZONTAL DISTANCE BETWEEN THE STREET LINE AND THE MAIN BUILDING OR ANY PROJECTION THEREOF, OTHER THAN STEPS, UNENCLOSED BALCONIES AND UNENCLOSED PORCHES.

54. YARD, REAR: A YARD EXTENDING ACROSS THE REAR OF A LOT BETWEEN SIDE LOT LINES AND BEING THE MINIMUM HORIZONTAL DISTANCE BETWEEN THE REAR LOT LINE AND THE REAR OF THE MAIN BUILDING OR ANY PROJECTIONS OTHER THAN STEPS, UNENCLOSED BALCONIES OR UNENCLOSED PORCHES. ON CORNER LOTS THE REAR YARD SHALL BE CONSIDERED AS PARALLEL TO THE STREET UPON WHICH THE LOT HAS ITS LEAST DIMENSION. ON BOTH CORNER LOTS AND INTERIOR LOTS, THE REAR YARD SHALL IN ALL CASES BE AT THE OPPOSITE END OF THE LOT FROM THE FRONT YARD.

55. YARD, SIDE: A YARD BETWEEN THE BUILDING AND THE SIDE LINE OF THE LOT AND EXTENDING FROM THE FRONT LOT LINE TO THE REAR YARD LINE AND BEING THE MINIMUM HORIZONTAL DISTANCE BETWEEN A SIDE LINE AND THE SIDE OF THE MAIN BUILDING OR ANY PROJECTIONS THEREOF OTHER THAN STEPS, UNENCLOSED BALCONIES, OR UNENCLOSED PORCHES.

#### ARTICLE III. DISTRICTS AND BOUNDARIES THEREOF

SECTION 33-3. DISTRICTS: FOR THE PURPOSES ENUMERATED IN SECTION 33-1 OF THIS CHAPTER, THE CITY OF CHARLOTTESVILLE, VIRGINIA IS HEREBY DIVIDED INTO NINE DISTRICTS. THE USE, HEIGHT, AREA AND PARKING REGULATIONS ARE UNIFORM WITHIN EACH DISTRICT AND SAID DISTRICTS SHALL BE KNOWN AS:

- R-1 RESIDENTIAL DISTRICT
- R-2 RESIDENTIAL DISTRICT
- R-3 MULTIPLE DWELLING DISTRICT
- B OFFICE-SHOP DISTRICT
- B-1 BUSINESS DISTRICT
- B-2 BUSINESS DISTRICT
- B-3 BUSINESS DISTRICT
- M-1 RESTRICTED INDUSTRIAL DISTRICT
- M-2 INDUSTRIAL DISTRICT

SECTION <sup>33</sup>34-4. DISTRICT BOUNDARIES: THE BOUNDARIES OF THESE DISTRICTS ARE SHOWN UPON THE MAP MADE A PART OF THIS CHAPTER, WHICH MAP IS DESIGNATED AS THE "DISTRICT MAP" DATED FEBRUARY 17, 1958. THE DISTRICT MAP AND ALL THE NOTATIONS, REFERENCES AND OTHER INFORMATION SHOWN THEREON ARE A PART OF THIS ORDINANCE AND HAVE THE SAME FORCE AND EFFECT AS IF THE DISTRICT MAP AND ALL THE NOTATIONS, REFERENCES AND OTHER INFORMATION SHOWN THEREON WERE ALL FULLY SET FORTH OR DESCRIBED HEREIN, WHICH DISTRICT MAP IS ATTESTED BY THE CLERK OF THE CITY COUNCIL, IS ON FILE IN THE OFFICE OF THE BUILDING OFFICIAL AND IS ATTACHED HERETO AND MADE A PART OF THIS CHAPTER. THE DISTRICT BOUNDARY LINES ON SAID MAP ARE INTENDED TO FOLLOW EITHER STREETS OR ALLEYS OR LOT LINES, AND WHERE THE DISTRICTS DESIGNATED ON THE MAP ARE BOUNDED APPROXIMATELY

BY SUCH STREET, ALLEY OR LOT LINES, THE STREET OR ALLEY OR LOT SHALL BE CONSTRUED TO BE THE BOUNDARY OF THE DISTRICT UNLESS SUCH BOUNDARY IS OTHERWISE INDICATED ON THE MAP. IN THE CASE OF UNSUBDIVIDED PROPERTY, THE DISTRICT BOUNDARY LINES SHALL BE DETERMINED BY USE OF THE SCALE APPEARING ON THE DISTRICT MAP OR BY DIMENSIONS.

SECTION 33-5. ANNEXED PROPERTY: ALL TERRITORY WHICH MAY HEREAFTER BE ANNEXED TO THE CITY OF CHARLOTTESVILLE, VIRGINIA SHALL BE CONSIDERED AS BEING IN THE R-1 RESIDENTIAL DISTRICT UNTIL OTHERWISE CHANGED BY ORDINANCE.

SECTION 33-6. VACATED STREET OR ALLEY: WHENEVER ANY STREET, ALLEY OR OTHER PUBLIC WAY IS VACATED BY OFFICIAL ACTION OF THE CITY COUNCIL, THE ZONING DISTRICTS ADJOINING EACH SIDE OF SUCH STREET, ALLEY OR PUBLIC WAY SHALL BE AUTOMATICALLY EXTENDED TO THE CENTER OF SUCH VACATION AND ALL AREA INCLUDED IN THE VACATION SHALL THEN AND HERECFORTH BE SUBJECT TO ALL APPROPRIATE REGULATIONS OF THE EXTENDED DISTRICTS.

SECTION 33-7. GENERAL PROVISIONS: EXCEPT AS HEREINAFTER PROVIDED:

1. NO BUILDING SHALL BE ERECTED, CONVERTED, ENLARGED, RECONSTRUCTED OR STRUCTURALLY ALTERED, NOR SHALL ANY BUILDING OR LAND BE USED EXCEPT FOR A PURPOSE PERMITTED IN THE DISTRICT IN WHICH THE BUILDING OR LAND IS LOCATED.
2. NO BUILDING SHALL BE ERECTED, CONVERTED, ENLARGED, RECONSTRUCTED OR STRUCTURALLY ALTERED TO EXCEED THE HEIGHT LIMIT HEREIN ESTABLISHED FOR THE DISTRICT IN WHICH THE BUILDING IS LOCATED.
3. NO BUILDING SHALL BE ERECTED, CONVERTED, ENLARGED, RECONSTRUCTED OR STRUCTURALLY ALTERED, EXCEPT IN CONFORMITY WITH THE AREA REGULATIONS OF THE DISTRICT IN WHICH THE BUILDING IS LOCATED.
4. NO LOT AREA SHALL BE REDUCED OR DIMINISHED SO THAT THE YARDS OR OTHER SPACES SHALL BE SMALLER THAN PRESCRIBED BY THIS ORDINANCE, NOR SHALL THE DENSITY OF POPULATION BE INCREASED IN ANY MANNER EXCEPT IN CONFORMITY WITH THE AREA REGULATIONS HEREIN ESTABLISHED.
5. THE MINIMUM YARDS AND OTHER OPEN SPACES INCLUDING LOT AREA PER FAMILY, REQUIRED BY THIS CHAPTER FOR EACH AND EVERY BUILDING EXISTING AT THE TIME OF PASSAGE OF THIS CHAPTER OR FOR ANY BUILDING HEREAFTER ERECTED, SHALL NOT BE ENCROACHED UPON OR CONSIDERED AS YARD OR OPEN SPACE REQUIREMENTS FOR ANY OTHER BUILDING; NOR SHALL ANY LOT AREA BE REDUCED BEYOND THE DISTRICT REGULATIONS OF THIS CHAPTER.
6. EVERY BUILDING HEREAFTER ERECTED OR STRUCTURALLY ALTERED SHALL BE LOCATED ON A LOT AS HEREIN DEFINED, AND IN NO CASE SHALL THERE BE MORE THAN ONE MAIN BUILDING ON ONE LOT, EXCEPT AS OTHERWISE PROVIDED IN ARTICLE XIII HEREOF.

#### ARTICLE IV. R-1 RESIDENTIAL DISTRICT REGULATIONS

SECTION 33-8. THE REGULATIONS SET FORTH IN THIS ARTICLE, OR SET FORTH ELSEWHERE IN THIS CHAPTER, WHEN REFERRED TO IN THIS ARTICLE, ARE THE R-1 RESIDENTIAL DISTRICT REGULATIONS.

SECTION 33-9. USE REGULATIONS: A BUILDING OR PREMISES SHALL BE USED ONLY FOR THE FOLLOWING PURPOSES:

1. SINGLE-FAMILY DWELLING.
2. TWO-FAMILY DWELLING.
3. MUNICIPALLY OWNED OR OPERATED PARK, PLAYGROUND OR COMMUNITY BUILDING, MUSEUM, LIBRARY OR ART GALLERY, PROVIDED THAT ANY SUCH BUILDING SHALL BE LOCATED NOT LESS THAN TWENTY-FIVE (25) FEET FROM ANY SIDE LOT LINE.
4. CHURCH OR OTHER PLACE OF WORSHIP OR SUNDAY SCHOOL, PROVIDED THAT ANY SUCH BUILDING SHALL BE LOCATED NOT LESS THAN FIFTY (50) FEET FROM ANY SIDE LINE OTHER THAN STREET LINE.
5. PUBLIC SCHOOL, ELEMENTARY AND HIGH, PRIVATE SCHOOLS, SUCH AS KINDERGARTEN, NURSERY SCHOOL, PLAY SCHOOL OR A PRIVATE OR PAROCHIAL SCHOOL HAVING A CURRICULUM THE SAME AS ORDINARILY GIVEN IN A PUBLIC SCHOOL, PROVIDED THAT ANY SUCH BUILDING SHALL BE LOCATED NOT LESS THAN FORTY (40) FEET FROM ANY SIDE OR REAR LOT LINE.
6. COUNTRY CLUB OR GOLF COURSE, EXCEPT MINIATURE COURSE OR PRACTICE DRIVING TEE OPERATED FOR COMMERCIAL PURPOSES.
7. HOME OCCUPATIONS.
8. ACCESSORY BUILDINGS AND USES CUSTOMARILY INCIDENT TO THE ABOVE USES, INCLUDING A PRIVATE GARAGE AND SWIMMING POOLS. ANY ACCESSORY BUILDING THAT IS NOT A PART OF THE MAIN STRUCTURE SHALL BE LOCATED IN THE REAR YARD.
9. THE OFFICE OF A RESIDENT MEMBER OF A RECOGNIZED PROFESSION LIMITED TO TWO (2) EMPLOYEES AND NOT OVER FIFTY (50%) PER CENT OF THE FLOOR SPACE.

SECTION 33-10. HEIGHT REGULATIONS: NO BUILDING SHALL EXCEED TWO AND ONE-HALF STORIES OR THIRTY-FIVE (35) FEET IN HEIGHT, EXCEPT AS PROVIDED IN ARTICLE XIII HEREOF.

SECTION 33-11. AREA REGULATIONS:

1. FRONT YARD:
  - (A) THERE SHALL BE A FRONT YARD HAVING A DEPTH OF NOT LESS THAN THIRTY (30) FEET UNLESS FORTY (40) PER CENT OR MORE OF THE FRONTAGE ON THE SAME SIDE OF THE STREET BETWEEN TWO INTERSECTING STREETS IS IMPROVED WITH BUILDINGS THAT HAVE A FRONT YARD THAT IS GREATER OR LESS THAN THIRTY (30) FEET, IN WHICH INSTANCE, NO BUILDING SHALL PROJECT BEYOND THE AVERAGE FRONT YARD SO ESTABLISHED, BUT THIS REGULATION SHALL NOT BE INTERPRETED TO REQUIRE A FRONT YARD OF MORE THAN SIXTY (60) FEET.
2. SIDE YARD: EXCEPT AS PROVIDED IN ARTICLE XIII HEREOF, THERE SHALL BE A SIDE YARD ON EACH SIDE OF A BUILDING HAVING A WIDTH OF NOT LESS THAN TEN (10) FEET. SEE ALSO SECTION 33-55.
3. REAR YARD: EXCEPT AS PROVIDED IN ARTICLE XIII HEREOF, THERE SHALL BE A REAR YARD HAVING A DEPTH OF NOT LESS THAN TWENTY-FIVE (25) FEET.
4. LOT AREA:
  - (A) A LOT OCCUPIED BY A SINGLE-FAMILY DWELLING OR A TWO FAMILY DWELLING SHALL CONTAIN A LOT AREA OF NOT LESS THAN EIGHT THOUSAND, ONE HUNDRED AND TWENTY-FIVE (8,125) SQUARE FEET.

#### ARTICLE V. R-2 RESIDENTIAL DISTRICT REGULATIONS

SECTION 33-12. THE REGULATIONS SET FORTH IN THIS ARTICLE, OR SET FORTH ELSEWHERE IN THIS CHAPTER WHEN REFERRED TO IN THIS ARTICLE ARE THE R-2 RESIDENTIAL DISTRICT REGULATIONS.

SECTION 33-13. USE REGULATIONS: A BUILDING OR PREMISES SHALL BE USED ONLY FOR THE FOLLOWING PURPOSES:

1. ANY USE PERMITTED IN THE R-1 RESIDENTIAL DISTRICT.
2. TOURIST HOMES, ROOMING AND BOARDING HOUSES, ACCOMODATING NOT MORE THAN 10 PERSONS.
3. PRIVATE SCHOOLS, SUCH AS KINDERGARTEN, NURSERY SCHOOLS, AND PLAY SCHOOLS.
4. ACCESSORY BUILDINGS AND USES AS SPECIFIED IN THE R-1 RESIDENTIAL DISTRICT.

SECTION 33-14. HEIGHT REGULATIONS: THE HEIGHT REGULATIONS ARE THE SAME AS IN THE R-1 RESIDENTIAL DISTRICT.

SECTION 33-15. AREA REGULATIONS:

1. FRONT YARD: THE FRONT YARD REGULATIONS ARE THE SAME AS THE R-1 RESIDENTIAL DISTRICT.
2. SIDE YARD: EXCEPT AS PROVIDED IN ARTICLE XIII HEREOF, THERE SHALL BE A SIDE YARD ON EACH SIDE OF A BUILDING HAVING A WIDTH OF NOT LESS THAN FIVE (5) FEET. SEE SECTION 33-55.
3. REAR YARD: THE REAR YARD REGULATIONS ARE THE SAME AS THE R-1 RESIDENTIAL DISTRICT.
4. LOT AREA:
  - (A) A LOT OCCUPIED BY A SINGLE-FAMILY DWELLING OR BY A TWO FAMILY DWELLING SHALL CONTAIN A LOT AREA OF NOT LESS THAN SIX THOUSAND (6,000) SQUARE FEET.

#### ARTICLE VI. R-3 MULTIPLE DWELLING DISTRICT REGULATIONS.

SECTION 33-16. THE REGULATIONS SET FORTH IN THIS ARTICLE, OR SET FORTH ELSEWHERE IN THIS CHAPTER WHEN REFERRED TO IN THIS ARTICLE ARE THE R-3 MULTIPLE DWELLING DISTRICT REGULATIONS.

SECTION 33-17. USE REGULATIONS: A BUILDING OR PREMISES SHALL BE USED ONLY FOR THE FOLLOWING PURPOSES:

1. ANY USE PERMITTED IN THE R-2 RESIDENTIAL DISTRICT.
2. MULTIPLE DWELLINGS.
3. RELIGIOUS, EDUCATIONAL AND PHILANTHROPIC INSTITUTIONS, BUT NOT PENAL OR MENTAL INSTITUTIONS.
4. PRIVATE CLUBS, FRATERNITIES, SORORITIES, AND LODGES, EXCEPTING THOSE THE CHIEF ACTIVITY OF WHICH IS A SERVICE, CUSTOMARILY CARRIED ON AS A BUSINESS.
5. DORMITORIES.
6. ACCESSORY BUILDINGS AND USES CUSTOMARILY INCIDENT TO ANY ABOVE USES, INCLUDING PARKING LOTS OR STORAGE GARAGES WHERE THE LOT IS OCCUPIED BY A MULTIPLE DWELLING, HOSPITAL OR INSTITUTIONAL BUILDING, AND WHERE THE PARKING FACILITIES SERVE ONLY SUCH BUILDINGS. IF A STORAGE GARAGE IS NOT A PART OF THE MAIN BUILDING IT SHALL BE LOCATED IN THE REAR YARD.
7. HOSPITALS AND CLINIC, BUT NOT ANIMAL HOSPITALS OR CLINICS, NURSING HOMES, PROVIDED THAT ANY SUCH BUILDING SHALL BE LOCATED NOT LESS THAN FIFTY (50) FEET FROM ANY SIDE OR REAR LOT LINE OTHER THAN STREET LINE.
8. ROOMING AND BOARDING HOUSES.

SECTION 33-18. HEIGHT REGULATIONS: NO BUILDING SHALL EXCEED SIX (6) STORIES ABOVE THE HIGHEST STREET LEVEL ADJACENT TO THE PROPERTY.

SECTION 33-19. AREA REGULATIONS:

1. FRONT YARD: THERE SHALL BE A FRONT YARD HAVING A DEPTH OF NOT LESS THAN TWENTY-FIVE (25) FEET UNLESS FORTY (40) PERCENT OR MORE OF THE FRONTAGE ON THE SAME SIDE OF THE STREET BETWEEN TWO INTERSECTING STREETS IS IMPROVED WITH BUILDINGS THAT HAVE A FRONT YARD THAT IS GREATER OR LESS THAN TWENTY-FIVE (25) FEET, IN WHICH INSTANCE, NO BUILDING SHALL PROJECT BEYOND THE AVERAGE FRONT YARD SO ESTABLISHED, BUT THIS REGULATION SHALL NOT BE INTERPRETED TO REQUIRE A FRONT YARD OF MORE THAN FIFTY (50) FEET.
2. SIDE YARD: THERE SHALL BE A SIDE YARD OF NOT LESS THAN TEN (10) FEET ON EACH SIDE OF THE BUILDING. FOR THREE (3) STORY BUILDINGS THERE SHALL BE A SIDE YARD ON EACH SIDE OF THE BUILDING OF NOT LESS THAN TWELVE (12) FEET. SEE ALSO SECTION 33-55.

3. REAR YARD: THE REAR YARD REGULATIONS ARE THE SAME AS IN THE R-1 RESIDENTIAL DISTRICT.
4. LOT AREA:

(A) A LOT OCCUPIED BY A SINGLE-FAMILY DWELLING OR BY A TWO FAMILY DWELLING SHALL CONTAIN A LOT AREA OF NOT LESS THAN FIVE THOUSAND (5,000) SQUARE FEET.

(B) A LOT OCCUPIED BY A MULTIPLE DWELLING SHALL CONTAIN A LOT AREA OF NOT LESS THAN ONE THOUSAND (1,000) SQUARE FEET PER FAMILY.

#### ARTICLE VII. B OFFICE-SHOP DISTRICT REGULATIONS.

SECTION 33-20. THE REGULATIONS SET FORTH IN THIS ARTICLE, OR SET FORTH ELSEWHERE IN THIS CHAPTER WHEN REFERRED TO IN THIS ARTICLE ARE THE B OFFICE-SHOP DISTRICT REGULATIONS.

SECTION 33-21. USE REGULATIONS: A BUILDING OR PREMISES SHALL BE USED ONLY FOR THE FOLLOWING PURPOSES:

1. ANY USE PERMITTED IN THE R-3 MULTIPLE DWELLING DISTRICT.
2. AUTOMOBILE PARKING LOTS, AND FEES MAY BE CHARGED FOR THE USE THEREOF.
3. BANKS.
4. PERSONAL SERVICE USES, SUCH AS BARBER SHOPS, BEAUTY PARLORS, ARTISTS OR PHOTOGRAPHERS STUDIO AND SIMILAR USES, BUT NOT RESTAURANTS.
5. RADIO AND TELEVISION BROADCASTING STATIONS (EXCLUDING TOWERS).

## 6. OFFICES AND OFFICE BUILDINGS.

7. CHURCHES, NURSING HOMES, HOSPITALS OR CLINICS, BUT NOT ANIMAL HOSPITALS OR CLINICS, PROVIDED THAT SUCH BUILDING SHALL BE LOCATED NOT LESS THAN TWENTY (20) FEET FROM ANY SIDE OR REAR LOT LINE OTHER THAN A STREET LINE UNLESS IT ADJOINS A RESIDENTIAL DISTRICT, THEN IT SHALL NOT BE LOCATED NEARER THAN FIFTY (50) FEET TO ANY RESIDENTIAL LOT LINE.

## 8. HOTELS AND MOTELS.

9. RETAIL STORES, INCLUDING GROCERY STORES OR ESTABLISHMENTS SELLING FOOD, LIMITED TO NOT OVER 4000 FEET OF GROUND FLOOR AREA.

## 10. FUNERAL HOMES.

## 11. PICK UP AND DELIVERY STORES FOR DRY CLEANING AND LAUNDRY.

SECTION 33-22. HEIGHT REGULATIONS: THE HEIGHT REGULATIONS ARE THE SAME AS IN THE R-3 MULTIPLE DWELLING DISTRICT.

SECTION 33-23. AREA REGULATIONS:

1. FRONT YARD: THERE SHALL BE A FRONT YARD HAVING A DEPTH OF NOT LESS THAN TWENTY (20) FEET.

2. SIDE YARD: THE SIDE YARD REGULATIONS FOR DWELLINGS ARE THE SAME AS IN THE R-3 MULTIPLE DWELLING DISTRICT. IN ALL OTHER CASES, A SIDE YARD IS NOT REQUIRED EXCEPT ON THE SIDE OF A LOT ADJOINING A DWELLING DISTRICT, IN WHICH CASE, THERE SHALL BE A SIDE YARD HAVING A WIDTH OF NOT LESS THAN SIX (6) FEET. SEE ALSO SECTION 33-55.

3. REAR YARD: THE REAR YARD REGULATIONS FOR DWELLINGS ARE THE SAME AS IN THE R-3 MULTIPLE DWELLING DISTRICT. IN ALL OTHER CASES, A REAR YARD IS NOT REQUIRED EXCEPT ON THE REAR OF A LOT ABUTTING A DWELLING DISTRICT, IN WHICH INSTANCE, THERE SHALL BE A REAR YARD HAVING A DEPTH OF NOT LESS THAN FIFTEEN (15) FEET.

4. LOT AREA PER FAMILY: THE LOT AREA PER FAMILY REGULATIONS SHALL APPLY TO ALL DWELLING UNITS WHETHER ABOVE STORES OR IN RESIDENTIAL BUILDINGS, AND ARE THE SAME AS IN THE R-3 MULTIPLE DWELLING DISTRICT.

## ARTICLE VIII. B-1 BUSINESS DISTRICT REGULATIONS

SECTION 33-24. THE REGULATIONS SET FORTH IN THIS ARTICLE, OR SET FORTH ELSEWHERE IN THIS CHAPTER WHEN REFERRED TO IN THIS ARTICLE ARE THE B-1 BUSINESS DISTRICT REGULATIONS.

SECTION 33-25. USE REGULATIONS: A BUILDING OR PREMISES SHALL BE USED ONLY FOR THE FOLLOWING PURPOSES:

1. ANY USE PERMITTED IN THE B OFFICE-SHOP DISTRICT.
2. BAKERIES WHEN PRODUCTS ARE SOLD AT RETAIL AND ONLY ON THE PREMISES.
3. BUSINESS, DANCING OR MUSIC SCHOOLS.
4. FILLING STATIONS.
5. RETAIL STORES WITHOUT LIMITATION AS TO FLOOR AREA.
6. RESTAURANTS.
7. THEATRES, BUT NOT DRIVE-IN THEATRES.
8. LAUNDRIES AND DRY CLEANING ESTABLISHMENTS USING A NON-PETROLEUM BASE SOLVENT.
9. BOWLING ALLEYS.

SECTION 33-26. HEIGHT REGULATIONS: THE HEIGHT REGULATIONS ARE THE SAME AS IN THE R-3 MULTIPLE DWELLING DISTRICT.

SECTION 33-27. AREA REGULATIONS:

1. FRONT YARD: THERE SHALL BE A FRONT YARD HAVING A DEPTH OF NOT LESS THAN TWENTY (20) FEET.

2. SIDE YARD: THE SIDE YARD REGULATIONS FOR DWELLINGS ARE THE SAME AS IN THE R-3 MULTIPLE DWELLING DISTRICT. IN ALL OTHER CASES, A SIDE YARD IS NOT REQUIRED EXCEPT ON THE SIDE OF A LOT ADJOINING A DWELLING DISTRICT, IN WHICH CASE, THERE SHALL BE A SIDE YARD HAVING A WIDTH OF NOT LESS THAN SIX (6) FEET. SEE ALSO SECTION 33-55.

3. REAR YARD: THE REAR YARD REGULATION FOR DWELLINGS ARE THE SAME AS IN THE R-3 MULTIPLE DWELLING DISTRICT. IN ALL OTHER CASES, A REAR YARD IS NOT REQUIRED EXCEPT ON THE REAR OF A LOT ABUTTING A DWELLING DISTRICT, IN WHICH INSTANCE, THERE SHALL BE A REAR YARD HAVING A DEPTH OF NOT LESS THAN FIFTEEN (15) FEET.

4. LOT AREA PER FAMILY: THE LOT AREA PER FAMILY REGULATIONS SHALL APPLY TO ALL DWELLING UNITS WHETHER ABOVE STORES OR IN RESIDENTIAL BUILDINGS, AND ARE THE SAME AS IN THE R-3 MULTIPLE DWELLING DISTRICT.

## ARTICLE IX. B-2 BUSINESS DISTRICT REGULATIONS

SECTION 33-28. THE REGULATIONS SET FORTH IN THIS ARTICLE, OR SET FORTH ELSEWHERE IN THIS CHAPTER WHEN REFERRED TO IN THIS ARTICLE ARE THE B-2 BUSINESS DISTRICT REGULATIONS.

SECTION 33-29. USE REGULATIONS: A BUILDING OR PREMISES SHALL BE USED ONLY FOR THE FOLLOWING PURPOSES:

1. ANY USE PERMITTED IN THE B-1 BUSINESS DISTRICT.
2. BILLIARD PARLORS AND OTHER PLACES OF AMUSEMENT AND ENTERTAINMENT.
3. AUTO SALES ROOMS AND/OR LOTS.
4. FROZEN FOOD LOCKERS.
5. TINSMITH OR PLUMBING SHOP.
6. ANIMAL HOSPITALS.

## 7. SERVICE AND REPAIR SHOPS.

8. TRAILERS AND TRAILER COURTS IN ACCORDANCE WITH THE PROVISIONS OF OTHER CITY REGULATIONS, FROM TIME TO TIME APPLICABLE THERETO.

SECTION 33-30. HEIGHT REGULATIONS: THE HEIGHT REGULATIONS ARE THE SAME AS IN THE R-3 MULTIPLE DWELLING DISTRICT.

SECTION 33-31. AREA REGULATIONS:

1. FRONT YARD: NO FRONT YARD IS REQUIRED FOR ANY PROPERTY UNLESS FORTY (40) PER CENT OR MORE OF THE STREET FRONTAGE ON THE SAME SIDE OF THE STREET FRONTING SUCH PROPERTY BETWEEN THE NEAREST STREETS ON EACH SIDE OF SUCH PROPERTY WHICH INTERSECT THE FRONT STREET, IS IMPROVED WITH BUILDINGS HAVING A FRONT YARD, IN WHICH INSTANCE, NO BUILDING SHALL PROJECT BEYOND THE AVERAGE FRONT YARD AS SO ESTABLISHED.

2. SIDE YARD: THE SIDE YARD REGULATIONS FOR DWELLINGS ARE THE SAME AS IN THE R-3 MULTIPLE DWELLING DISTRICT. IN ALL OTHER CASES, A SIDE YARD IS NOT REQUIRED EXCEPT ON THE SIDE OF A LOT ADJOINING A DWELLING DISTRICT, IN WHICH CASE, THERE SHALL BE A SIDE YARD HAVING A WIDTH OF NOT LESS THAN SIX (6) FEET.

3. REAR YARD: THE REAR YARD REGULATIONS ARE THE SAME AS IN THE B-1 BUSINESS DISTRICT.

4. LOT AREA PER FAMILY: THE LOT AREA PER FAMILY REGULATIONS ARE THE SAME AS IN THE B-1 BUSINESS DISTRICT.

## ARTICLE X. B-3 BUSINESS DISTRICT REGULATIONS.

SECTION 33-32. THE REGULATIONS SET FORTH IN THIS ARTICLE, OR SET FORTH ELSEWHERE IN THIS CHAPTER, WHEN REFERRED TO IN THIS ARTICLE, ARE THE B-3 BUSINESS DISTRICT REGULATIONS.

SECTION 33-33. USE REGULATIONS: A BUILDING OR PREMISES SHALL BE USED ONLY FOR THE FOLLOWING PURPOSES:

1. ANY USE PERMITTED IN THE B-2 BUSINESS DISTRICT.
2. BAKERIES.
3. WAREHOUSES.
4. WHOLESALING ESTABLISHMENTS.
5. PRINTING PLANTS.
6. SOFT DRINK BOTTLING PLANTS.
7. MANUFACTURING AND PROCESSING PLANTS (SUCH AS ICE CREAM, CANDY, JEWELRY, MILLINERY AND CLOTHING) WHICH WILL HAVE A MINIMUM ADVERSE INFLUENCE ON SURROUNDING DEVELOPMENT BECAUSE OF SMOKE, ODOR, DUST, NOISE OR GAS.

SECTION 33-34. HEIGHT REGULATIONS: NO BUILDING SHALL EXCEED EIGHT (8) STORIES OR ONE HUNDRED (100) FEET.

SECTION 33-35. AREA REGULATIONS: NO FRONT YARDS ARE REQUIRED. SIDE AND REAR YARD REGULATIONS FOR DWELLINGS ARE THE SAME AS IN THE R-3 MULTIPLE DWELLING DISTRICT.

1. LOT AREA PER FAMILY: THE LOT AREA PER FAMILY REGULATIONS ARE THE SAME AS IN THE R-3 MULTIPLE DWELLING DISTRICT.

## ARTICLE XI. M-1 RESTRICTED INDUSTRIAL DISTRICT REGULATIONS.

SECTION 33-36. THE REGULATIONS SET FORTH IN THIS ARTICLE, OR SET FORTH ELSEWHERE IN THIS CHAPTER, WHEN REFERRED TO IN THIS ARTICLE, ARE THE M-1 RESTRICTED INDUSTRIAL DISTRICT REGULATIONS.

SECTION 33-37. USE REGULATIONS: A BUILDING OR PREMISES SHALL BE USED ONLY FOR THE FOLLOWING PURPOSES:

1. ANY USE PERMITTED IN THE B-3 BUSINESS DISTRICT.
2. LUMBER STORAGE YARDS, INCLUDING CONSTRUCTION YARDS.
3. DRY CLEANING ESTABLISHMENTS.
4. RESEARCH AND TESTING LABORATORIES.
5. TRUCK TERMINALS.
6. WEAVING AND DYEING PLANTS.
7. ANY USE NOT OFFENSIVE BECAUSE OF SMOKE, ODOR, DUST, NOISE OR GAS, PROVIDED, HOWEVER, THAT NO DWELLING UNIT SHALL BE ERRECTED OR PLACED IN ANY BLOCK OR TRACT WITHIN THE M-1 DISTRICT UNLESS THIRTY (30) PERCENT OR MORE OF THE AREA IN SAID BLOCK OR TRACT IS OCCUPIED BY DWELLINGS.

SECTION 33-38. HEIGHT REGULATIONS: A BUILDING OR STRUCTURE MAY BE ERRECTED TO ANY HEIGHT NOT IN CONFLICT WITH OTHER ORDINANCES EXCEPT THAT NO STRUCTURE WHICH ADJOINS A DWELLING OR B, B-1 OR B-2 BUSINESS DISTRICT SHALL EXCEED A HEIGHT OF SIX (6) STORIES ABOVE THE HIGHEST STREET LEVEL ADJACENT TO THE PROPERTY, UNLESS SET BACK FROM THE REQUIRED YARD LINES ONE (1) FOOT FOR EACH ONE (1) FOOT OF HEIGHT ABOVE SIX (6) STORIES.

SECTION 33-39. AREA REGULATIONS:

1. FRONT YARD: THERE SHALL BE A FRONT YARD HAVING A DEPTH OF NOT LESS THAN TEN (10) FEET.
2. SIDE YARD: NO SIDE YARD IS REQUIRED EXCEPT WHERE THE PREMISES ADJOIN A DWELLING DISTRICT, IN WHICH INSTANCE, THERE SHALL BE A SIDE YARD HAVING A WIDTH OF NOT LESS THAN TEN (10) FEET.
3. REAR YARD: NO REAR YARD IS REQUIRED EXCEPT WHERE THE PREMISES ABUT A DWELLING DISTRICT, IN WHICH INSTANCE, THERE SHALL BE A REAR YARD HAVING A DEPTH OF NOT LESS THAN TWENTY (20) FEET.

## ARTICLE XII. M-2 INDUSTRIAL DISTRICT REGULATIONS.

SECTION 33-40. THE REGULATIONS SET FORTH IN THIS ARTICLE, OR SET FORTH ELSEWHERE IN THIS CHAPTER, WHEN

REFERRED TO IN THIS ARTICLE, ARE THE M-2 INDUSTRIAL DISTRICT REGULATIONS.

SECTION 33-41. USE REGULATIONS: ANY BUILDING OR PREMISES MAY BE USED FOR ANY PURPOSE NOT IN CONFLICT WITH ANY ORDINANCE OF THE CITY OF CHARLOTTESVILLE REGULATING NUISANCES; PROVIDED, HOWEVER, THAT NO BUILDING SHALL BE ERRECTED, RECONSTRUCTED OR STRUCTURALLY ALTERED FOR RESIDENTIAL PURPOSES EXCEPT FOR RESIDENT WATCHMEN AND CARETAKERS EMPLOYED ON THE PREMISES; PROVIDED FURTHER, THAT NO BUILDING OR OCCUPANCY PERMIT SHALL BE ISSUED FOR ANY OF THE FOLLOWING USES:

1. SLAUGHTERHOUSE, EXCEPT FOR POULTRY AND INCIDENTAL TO A RETAIL STORE; STOCKYARD, STARCH, GLUCOSE OR DESTRENE 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 OF 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 WEED OR BONE.
5. EMERY CLOTH OR SANDPAPER MANUFACTURE.
6. MANUFACTURE OF LIME, GYPSUM, PLASTER OF PARIS, LITHOPHENE, LINSEED OIL, LINOLEUM, OILED CLOTH OR OIL CLOTHING, OR THE IMPREGNATION OF INFLAMMABLE FABRICS BY EXIDIZING 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 ONE HUNDRED POUNDS PER SQUARE INCH, WITHIN FIFTY (50) 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.
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 PYREZYLINE 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. AREAS HEREINAFTER DESIGNATED OR PROPOSED FOR USE FOR 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 ARE CREATED OR PRODUCED.
16. AIRPORT OR LANDING FIELD.
17. RIDING STABLES AND PRIVATE STABLES.
18. ROADSIDE STANDS AND RECREATIONAL ACTIVITIES FOR TEMPORARY OR SEASONABLE PERIODS.
19. ANY OTHER USE OR PURPOSE WHICH WILL CREATE OR IS LIKELY TO CREATE CONDITIONS, SUCH AS SMOKE, FUMES, NOISE, ODORS, DUST OR RADIATION DETRIMENTAL TO THE HEALTH, SAFETY OR GENERAL WELFARE OF THE COMMUNITY.

SECTION 33-42. HEIGHT REGULATIONS: THE HEIGHT REGULATIONS ARE THE SAME AS THE M-1 RESTRICTED INDUSTRIAL DISTRICT.

SECTION 33-43. AREA REGULATIONS: THE FRONT, SIDE AND REAR YARD REGULATIONS ARE THE SAME AS IN THE M-1 RESTRICTED INDUSTRIAL DISTRICT.

#### ARTICLE XIII. EXCEPTIONS AND MODIFICATIONS.

SECTION 33-44. CHIMNEYS, CHURCH STEEPLES, COOLING TOWERS, ELEVATOR BULKHEADS, FIRE TOWERS, MONUMENTS, STACKS, STAGE TOWERS OR SCENERY LOFTS, TANKS, WATER TOWERS, ORNAMENTAL TOWERS AND SPIRES, RADIO AND TELEVISION TOWERS, GRAIN ELEVATORS, OR NECESSARY MECHANICAL APPURTENANCES, MAY BE ERRECTED TO ANY HEIGHT NOT EXCEEDING THE LIMITATIONS IMPOSED BY ANY EXISTING OR HEREAFTER ADOPTED ORDINANCES OF THE CITY OF CHARLOTTESVILLE, VIRGINIA.

SECTION 33-45. ACCESSORY BUILDINGS NOT EXCEEDING TWO (2) STORIES IN HEIGHT MAY BE ERRECTED IN A REAR YARD, BUT SUCH ACCESSORY BUILDINGS SHALL NOT OCCUPY MORE THAN THIRTY (30) PERCENT OF A REAR YARD AND SHALL NOT BE NEARER THAN TWO (2) FEET TO ANY SIDE OR REAR LOT LINE, EXCEPT THAT WHEN A GARAGE IS ENTERED FROM AN ALLEY, IT SHALL NOT BE LOCATED CLOSER THAN TEN (10) FEET TO THE ALLEY LINE.

SECTION 33-46. NO ACCESSORY BUILDING SHALL BE CONSTRUCTED UPON A LOT UNTIL THE CONSTRUCTION OF THE MAIN BUILDING HAS BEEN ACTUALLY COMMENCED, AND NO ACCESSORY BUILDING SHALL BE USED FOR DWELLING PURPOSES.

SECTION 33-47. EVERY PART OF A REQUIRED YARD SHALL BE OPEN TO THE SKY, UNOBSTRUCTED BY ANY STRUCTURE EXCEPT FOR ACCESSORY BUILDINGS IN A REAR YARD AND EXCEPT FOR THE ORDINARY PROJECTIONS OF SILLS, COURSES, CORNICES AND ORNAMENTAL FEATURES PROJECTING NOT TO EXCEED TWELVE (12) INCHES.

SECTION 33-48. NO BASEMENT OR CELLAR SHALL BE OCCUPIED FOR RESIDENTIAL PURPOSES UNTIL THE REMAINDER OF THE BUILDING HAS BEEN SUBSTANTIALLY COMPLETED.

SECTION 33-49. OPEN LATTICE-ENCLOSED FIRE ESCAPES, FIREPROOF OUTSIDE STAIRWAYS AND BALCONIES OPENING UPON FIRE TOWERS AND THE ORDINARY PROJECTIONS OF CHIMNEYS AND FLUES INTO THE REQUIRED REAR YARD NOT MORE THAN FIVE (5) FEET ARE PERMITTED.



SECTION 33-50. AN OPEN UNENCLOSED PAVED TERRACE MAY PROJECT INTO THE REQUIRED FRONT YARD FOR A DISTANCE NOT EXCEEDING TEN (10) FEET. AN UNCOVERED ENTRANCE OR STEPS CONTAINING NOT MORE THAN SIXTY (60) SQUARE FEET MAY PROJECT INTO THE REQUIRED FRONT YARD FOR A DISTANCE NOT EXCEEDING SIX (6) FEET EXCLUSIVE OF STEPS.

SECTION 33-51. TERRACES, UNCOVERED PORCHES, PLATFORMS AND ORNAMENTAL FEATURES WHICH DO NOT EXTEND MORE THAN THREE (3) FEET ABOVE THE FLOOR LEVEL OF THE GROUND (FIRST) STORY MAY PROJECT INTO A REQUIRED YARD, PROVIDED THESE PROJECTIONS SHALL BE AT LEAST TWO (2) FEET FROM THE ADJACENT SIDE LOT LINE.

SECTION 33-52. WHERE A LOT OR TRACT IS USED FOR A COMMERCIAL OR INDUSTRIAL PURPOSE, MORE THAN ONE MAIN BUILDING MAY BE LOCATED UPON THE LOT OR TRACT, BUT ONLY WHEN SUCH BUILDINGS CONFORM TO ALL OPEN SPACE REQUIREMENTS AROUND THE LOT FOR THE DISTRICT IN WHICH THE LOT OR TRACT IS LOCATED, OR AS REQUIRED BY OTHER CODES OR ORDINANCES.

SECTION 33-53. NO SIDE YARDS ARE REQUIRED WHERE DWELLING UNITS ARE ERECTED ABOVE COMMERCIAL AND INDUSTRIAL BUILDINGS.

SECTION 33-54. WHEREVER SIDE YARDS ARE PROVIDED BETWEEN COMMERCIAL OR INDUSTRIAL STRUCTURES, THEY SHALL HAVE A MINIMUM WIDTH OF NOT LESS THAN FIVE (5) FEET.

SECTION 33-55. THE FRONT YARDS HERETOFORE ESTABLISHED SHALL BE ADJUSTED IN THE FOLLOWING INSTANCES:

1. WHERE LOTS HAVE A DOUBLE FRONTAGE, THE REQUIRED FRONT YARD SHALL BE PROVIDED ON BOTH STREETS.
2. WHERE A LOT IN THE R-1, R-2, R-3 OR B DISTRICTS IS LOCATED AT THE INTERSECTION OF TWO (2) OR MORE STREETS, THERE SHALL BE A SIDE YARD ON THE SIDE STREET FRONTAGE OF SUCH CORNER LOT OF NOT LESS THAN TWENTY (20) FEET IN THE R-1, R-2 AND R-3 DISTRICTS AND TEN (10) FEET IN THE B DISTRICT. NO ACCESSORY BUILDING SHALL PROJECT BEYOND THE FRONT YARD LINE ON EITHER STREET.
3. WHERE SET BACK LINES HAVE BEEN ESTABLISHED FOR STREET WIDENING PURPOSES, NO BUILDING OR STRUCTURE SHALL BE ERECTED OR STRUCTURALLY ALTERED TO EXTEND NEARER TO THE STREET THAN SUCH ESTABLISHED SET BACK.

#### ARTICLE XIV. BUILDING LINES.

SECTION 33-56. A BUILDING SETBACK LINE OF NOT LESS THAN TEN (10) FEET IS HEREBY ESTABLISHED ON THE FOLLOWING STREETS WHICH SHALL BE IN ADDITION TO ANY OTHER SETBACKS HEREBY REQUIRED, PROVIDED THAT THE MAXIMUM REQUIRED SETBACK IN ANY BUSINESS OR INDUSTRIAL DISTRICT SHALL NOT EXCEED TWENTY (20) FEET:

1. PRESTON AVENUE BETWEEN MAIN STREET AND ROSSER AVENUE.
2. WEST FOURTH STREET BETWEEN MAIN STREET AND PRESTON AVENUE.
3. HIGH STREET BETWEEN PRESTON AVENUE AND LONG STREET.
4. JEFFERSON STREET BETWEEN WEST SECOND STREET AND PARK STREET.
5. WEST TENTH STREET BETWEEN PRESTON AVENUE AND WEST MAIN STREET.
6. EAST SEVENTH STREET BETWEEN MAIN STREET AND MAPLE STREET.
7. WARE STREET BETWEEN GARRETT STREET AND ELLIOTT AVENUE.
8. FOURTEENTH STREET BETWEEN WEST MAIN STREET AND GRADY AVENUE.
9. MONTICELLO ROAD BETWEEN MONTICELLO AVENUE AND THE SOUTH CITY LIMITS.
10. GRADY AVENUE BETWEEN PRESTON AVENUE AND RUGBY ROAD.
11. RUGBY ROAD BETWEEN WEST MAIN STREET AND BARRACKS ROAD.
12. U. S. #29 BETWEEN THE NORTH CITY LIMITS AND THE SOUTH CITY LIMITS.
13. IVY ROAD AND WEST MAIN STREET BETWEEN THE WEST CITY LIMITS AND RUGBY ROAD.
14. BARRACKS ROAD BETWEEN RUGBY ROAD AND WEST CITY LIMITS.
15. JEFFERSON PARK AVENUE BETWEEN WEST MAIN STREET AND EMMET STREET.
16. AVON STREET BETWEEN MONTICELLO AVENUE AND SOUTH CITY LIMITS.
17. LONG STREET BETWEEN ST. CLAIR AVENUE AND EAST CITY LIMITS.
18. WERTLAND STREET BETWEEN 10TH STREET, N. W., AND 14TH STREET, N. W.

#### ARTICLE XV. NON-CONFORMING USES.

SECTION 33-57. THE LAWFUL USE OF LAND FOR STORAGE PURPOSES WHICH DOES NOT CONFORM TO THE PROVISIONS OF THIS CHAPTER SHALL BE DISCONTINUED WITHIN THREE (3) YEARS FROM THE DATE OF THE APPROVAL OF THIS CHAPTER AND THE USE OF SUCH LAND FOR STORAGE PURPOSES WHICH BECOMES NON-CONFORMING BY REASON OF A SUBSEQUENT CHANGE IN THIS CHAPTER SHALL ALSO BE DISCONTINUED WITHIN THREE (3) YEARS FROM THE DATE OF THE CHANGE.

SECTION 33-58. THE LAWFUL USE OF A BUILDING EXISTING AT THE TIME OF THE ADOPTION OF THIS CHAPTER MAY BE CONTINUED, ALTHOUGH SUCH USE DOES NOT CONFORM WITH THE PROVISIONS HEREOF, AND SUCH USE MAY BE EXTENDED THROUGHOUT THE BUILDING, PROVIDED NO STRUCTURAL ALTERATIONS, EXCEPT THOSE REQUIRED BY LAW OR ORDINANCE ARE MADE THEREIN.

SECTION 33-59. NO NON-CONFORMING BUILDING WHICH HAS BEEN DAMAGED BY FIRE, EXPLOSION, ACT OF GOD, OR THE PUBLIC ENEMY TO THE EXTENT OF MORE THAN FIFTY (50) PERCENT OF ITS CURRENT APPRAISED (NOT ASSESSED) VALUE AS APPEARING IN THE TAX ASSESSMENT RECORDS OF THE CITY, OR AS DETERMINED BY THE REAL ESTATE ASSESSMENT BOARD OF THE CITY, SHALL BE RESTORED EXCEPT IN CONFORMITY WITH THE REGULATIONS OF THIS CHAPTER.

SECTION 33-60. IN THE EVENT THAT A NON-CONFORMING USE OF ANY BUILDING OR PREMISES IS DISCONTINUED OR ITS NORMAL OPERATION STOPPED FOR A PERIOD OF ONE (1) YEAR, THE USE OF THE SAME SHALL THEREAFTER CONFORM TO THE REGULATIONS OF THE DISTRICT IN WHICH IT IS LOCATED.

SECTION 33-61. No NON-CONFORMING BUILDING OR PREMISES, EXCEPT WHEN REQUIRED TO DO SO BY LAW OR ORDINANCE, SHALL BE ENLARGED, EXTENDED, RECONSTRUCTED OR STRUCTURALLY ALTERED, UNLESS SUCH USE IS CHANGED TO ONE PERMITTED IN THE DISTRICT IN WHICH SUCH BUILDING OR PREMISES IS LOCATED.

ARTICLE XVI. BOARD OF ZONING APPEALS.

SECTION 33-62. ORGANIZATION:

1. THE BOARD OF ZONING APPEALS SHALL CONSIST OF FIVE (5) MEMBERS, EACH TO BE APPOINTED FOR A TERM OF THREE (3) YEARS AND REMOVABLE FOR CAUSE BY THE CORPORATION COURT OF THE CITY OF CHARLOTTESVILLE, VIRGINIA UPON WRITTEN CHARGES AND AFTER PUBLIC HEARING. VACANCIES SHALL BE FILLED FOR THE UNEXPIRED TERM OF ANY MEMBER WHOSE TERM BECOMES VACANT. THE BOARD OF ZONING APPEALS AS NOW CONSTITUTED SHALL REMAIN IN OFFICE FOR THE REMAINDER OF THEIR TERMS AND UNTIL THEIR SUCCESSORS HAVE BEEN APPOINTED AS PROVIDED IN THIS ARTICLE.

2. THE BOARD OF ZONING APPEALS SHALL SELECT ONE OF ITS MEMBERS AS CHAIRMAN AND ONE AS VICE-CHAIRMAN AND ONE AS SECRETARY, WHO SHALL SERVE IN SUCH CAPACITY FOR A TERM OF ONE YEAR AND UNTIL THEIR SUCCESSORS HAVE BEEN SELECTED. A MAJORITY OF THE BOARD SHALL CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS.

SECTION 33-63. RULES AND MEETINGS; RECORDS AND MINUTES:

1. RULES: THE BOARD SHALL ADOPT SUCH RULES FROM TIME TO TIME AS IT MAY DEEM NECESSARY TO CARRY OUT THE PROVISIONS OF THIS ORDINANCE.

2. MEETINGS: MEETINGS OF THE BOARD SHALL BE HELD AT THE CALL OF THE CHAIRMAN, AND AT SUCH OTHER TIMES AS THE BOARD MAY DETERMINE. SUCH CHAIRMAN, OR IN HIS ABSENCE, THE ACTING CHAIRMAN MAY ADMINISTER OATHS AND COMPEL THE ATTENDANCE OF WITNESSES.

3. RECORDS AND MINUTES: THE BOARD SHALL KEEP MINUTES OF ITS PROCEEDINGS, SHOWING THE VOTE OF EACH MEMBER UPON EACH QUESTION OR, IF ABSENT OR FAILING TO VOTE, INDICATING SUCH FACT AND SHALL KEEP RECORDS OF ITS EXAMINATIONS AND OTHER OFFICIAL ACTIONS, ALL OF WHICH SHALL BE IMMEDIATELY FILED IN THE OFFICE OF THE BOARD AND SHALL BE A PUBLIC RECORD.

SECTION 33-64. APPEALS: APPEALS TO THE BOARD OF ZONING APPEALS MAY BE TAKEN BY ANY PERSON AGGRIEVED OR BY ANY OFFICER, DEPARTMENT, BOARD OR BUREAU OF THE CITY OF CHARLOTTESVILLE AFFECTED BY ANY DECISION OF THE BUILDING OFFICIAL IN THE ENFORCEMENT OF THIS ORDINANCE. SUCH APPEAL SHALL BE FILED WITH THE SECRETARY OF THE BOARD OF ZONING APPEALS WITHIN TWENTY-ONE (21) DAYS FROM THE DATE OF THE DECISION, OR ORDER OF THE BUILDING OFFICIAL CAUSING THE GRIEVANCE AND SHALL BE FILED AT LEAST SIX (6) DAYS PRIOR TO THE MEETING AT WHICH IT IS TO BE HEARD. THE BUILDING OFFICIAL SHALL FORTHWITH TRANSMIT TO THE BOARD ALL OF THE PAPERS CONSTITUTING THE RECORD UPON WHICH THE ACTION APPEALED FROM WAS TAKEN. EACH APPEAL SHALL BE ACCOMPANIED BY A FEE OF TWENTY-FIVE (\$25.00) DOLLARS TO DEFRAY THE COST OF PROCESSING SUCH APPEAL, SAID FEE TO BE PAID TO THE DIRECTOR OF FINANCE.

SECTION 33-65. STAY OF PROCEEDINGS: AN APPEAL STAYS ALL PROCEEDINGS IN FURTHERANCE OF THE ACTION APPEALED FROM UNLESS THE BUILDING OFFICIAL CERTIFIES TO THE BOARD OF ZONING APPEALS AFTER THE NOTICE OF APPEAL SHALL HAVE BEEN FILED WITH THE SECRETARY THAT BY REASON OF FACTS STATED IN THE CERTIFICATE A STAY WOULD, IN HIS OPINION, CAUSE IMMINENT PERIL TO LIFE OR PROPERTY. IN SUCH CASE, PROCEEDINGS SHALL NOT BE STAYED OTHERWISE THAN BY A RESTRAINING ORDER WHICH MAY BE GRANTED BY THE BOARD OF ZONING APPEALS OR BY A COURT RECORD OR APPLICATION OR NOTICE TO THE BUILDING OFFICIAL AND ON DUE CAUSE SHOWN.

SECTION 33-66. HEARING OF APPEAL: THE BOARD OF ZONING APPEALS SHALL FIX A REASONABLE TIME FOR THE HEARING OF THE APPEAL, GIVE PUBLIC NOTICE THEREOF AT LEAST FIVE (5) DAYS PRIOR TO THE HEARING IN A NEWSPAPER HAVING GENERAL CIRCULATION IN CHARLOTTESVILLE AND DECIDE THE SAME WITHIN A REASONABLE TIME.

SECTION 33-67. POWERS OF THE BOARD: THE BOARD OF ZONING APPEALS IN APPROPRIATE CASES AND SUBJECT TO APPROPRIATE CONDITIONS AND SAFEGUARDS SHALL HAVE THE FOLLOWING POWERS:

1. TO HEAR AND DECIDE APPEALS WHERE IT IS ALLEGED THERE IS ANY ERROR IN ANY ORDER, REQUIREMENT, DECISION OR DETERMINATION MADE BY THE BUILDING OFFICIAL IN THE ENFORCEMENT OF THIS CHAPTER OR ANY ORDINANCE ADOPTED PURSUANT THERETO.

2. TO AUTHORIZE UPON APPEAL IN SPECIAL CASES SUCH VARIANCE FROM THE TERMS OF THIS ORDINANCE AS WILL NOT BE CONTRARY TO THE PUBLIC INTEREST WHEN OWING TO SPECIAL CONDITIONS A LITERAL ENFORCEMENT OF THE PROVISIONS OF THIS ORDINANCE WILL RESULT IN UNNECESSARY HARDSHIP, AND SO THAT THE SPIRIT OF THE ORDINANCE SHALL BE OBSERVED AND SUBSTANTIAL JUSTICE DONE. SUCH SPECIAL CONDITIONS SHALL BE LIMITED TO EXCEPTIONAL NARROWNESS, SHALLOWSNESS OR SHAPE OF A SPECIFIC PIECE OF PROPERTY AT THE TIME OF THE ENACTMENT OF THIS ORDINANCE, OR EXCEPTIONAL TOPOGRAPHIC CONDITIONS OR OTHER EXTRAORDINARY AND EXCEPTIONAL SITUATION OR CONDITION OF SUCH PIECE OF PROPERTY AS WOULD RESULT IN PECULIAR, EXTRAORDINARY AND PRACTICAL DIFFICULTIES. NO VARIANCE SHALL BE AUTHORIZED UNLESS THE BOARD FINDS THAT ALL OF THE FOLLOWING CONDITIONS EXIST:

(A) THE SPECIAL CIRCUMSTANCES OR CONDITIONS APPLYING TO THE BUILDING OR LAND IN QUESTION ARE PECULIAR TO SUCH PROPERTY AND DO NOT APPLY GENERALLY TO OTHER LAND OR BUILDINGS IN THE VICINITY.

(B) THE GRANTING OF THE APPLICATION IS NECESSARY FOR THE PRESERVATION AND ENJOYMENT OF A SUBSTANTIAL PROPERTY RIGHT AND NOT MERELY TO SERVE AS A CONVENIENCE TO THE APPLICANT.

(C) THE AUTHORIZING OF THE VARIANCE WILL NOT IMPAIR AN ADEQUATE SUPPLY OF LIGHT AND AIR TO ADJACENT PROPERTY OR UNREASONABLY INCREASE THE CONGESTION IN PUBLIC STREETS, OR INCREASE THE DANGER OF FIRE OR IMPERIL THE PUBLIC SAFETY OR UNREASONABLY DIMINISH OR IMPAIR ESTABLISHED PROPERTY VALUES WITHIN THE SURROUNDING AREAS, OR IN ANY OTHER RESPECT IMPAIR THE HEALTH, SAFETY, COMFORT, MORALS, OR GENERAL WELFARE OF THE INHABITANTS OF THE CITY OF CHARLOTTESVILLE.

(D) THE CONDITIONS CONSTITUTING A HARDSHIP HAVE NOT BEEN CREATED BY THE APPLICANTS' OWN ACTS.

3. TO HEAR AND DECIDE SPECIAL EXCEPTIONS TO THE TERMS OF THIS ORDINANCE UPON WHICH THE BOARD IS REQUIRED TO PASS UNDER SUCH ORDINANCE. SUCH SPECIAL EXCEPTIONS SHALL INCLUDE AND BE LIMITED TO THE FOLLOWING:

(A) PERMIT THE EXTENSION OF A DISTRICT WHERE THE BOUNDARY LINE OF A DISTRICT DIVIDES A LOT OR TRACT HELD IN SINGLE OWNERSHIP AT THE TIME OF THE PASSAGE OF THIS ORDINANCE.

(B) INTERPRET THE PROVISIONS OF THIS ORDINANCE WHERE THE STREET LAYOUT ACTUALLY ON THE GROUND VARIES FROM THE STREET LAYOUT AS SHOWN ON THE DISTRICT MAP MADE A PART OF THIS ORDINANCE.

(C) PERMIT THE ERECTION AND USE OF A BUILDING OR THE USE OF PREMISES IN ANY LOCATION FOR A PUBLIC SERVICE CORPORATION FOR PUBLIC UTILITY PURPOSES WHICH THE BOARD DEEMS REASONABLY NECESSARY FOR

THE PUBLIC CONVENIENCE OR WELFARE.

(D) PERMIT THE OCCUPANCY OF ANY SINGLE DETACHED RESIDENCE IN AN R-1 OR R-2 RESIDENTIAL DISTRICT BY MORE THAN TWO HOUSEKEEPING UNITS, PROVIDED:

- (1) THAT SUCH RESIDENCE SHALL HAVE BEEN IN EXISTENCE ON JANUARY 21, 1932.
- (2) THAT SUCH MULTIPLE OCCUPANCY SHALL NOT BE DEEMED TO ALTER THE CHARACTER OF THE NEIGHBORHOOD IN WHICH SUCH RESIDENCE IS LOCATED.
- (3) THAT THE OUTSIDE SHAPE OF THE RESIDENCE SHALL NOT BE ALTERED IN ANY MATERIAL PARTICULAR.

ANY PRIVILEGE OR VARIANCE GRANTED BY THE BOARD OF ZONING APPEALS UNDER PARAGRAPH (3) OF THIS SECTION SHALL BE CONSIDERED CANCELLED IF THE APPLICANT DOES NOT AVAIL HIMSELF OF SUCH PRIVILEGE WITHIN NINETY (90) DAYS FROM THE DATE OF THE ISSUANCE OF SUCH PRIVILEGE, PROVIDED HOWEVER, THAT THE BOARD FOR GOOD CAUSE SHOWN, MAY UPON PROPER APPLICATION AND AFTER DUE NOTICE EXTEND SUCH PRIVILEGE OR VARIANCE FOR A PERIOD NOT TO EXCEED NINETY (90) ADDITIONAL DAYS.

IN EXERCISING THE ABOVE MENTIONED POWERS THE BOARD MAY, IN CONFORMITY WITH THE PROVISIONS OF THIS ORDINANCE, REVERSE OR AFFIRM, WHOLLY OR PARTLY, OR MAY MODIFY THE ORDER, REQUIREMENT, DECISION OR DETERMINATION APPEALED FROM AND MAY MAKE SUCH ORDER, REQUIREMENT, DECISION OR DETERMINATION AS OUGHT TO BE MADE AND TO THAT END SHALL HAVE ALL THE POWERS OF THE BUILDING OFFICIAL. THE CONCURRING VOTE OF THREE MEMBERS OF THE BOARD SHALL BE NECESSARY TO REVERSE ANY ORDER, REQUIREMENT, DECISION OR DETERMINATION OF THE BUILDING OFFICIAL, OR TO DECIDE IN FAVOR OF THE APPLICANT ON ANY MATTER UPON WHICH IT IS REQUIRED TO PASS UNDER THIS ORDINANCE, OR TO EFFECT ANY VARIATION OF THIS ORDINANCE.

SECTION 33-68. REVIEW BY COURT OF RECORD:

1. ANY PERSON, OR PERSONS, JOINTLY OR SEVERALLY AGGRIEVED BY ANY DECISION OF THE BOARD OF ZONING APPEALS OR ANY TAXPAYER, OR ANY OFFICER, DEPARTMENT, BOARD OR BUREAU OF THE MUNICIPALITY, MAY PRESENT TO THE CORPORATION COURT OF THE CITY OF CHARLOTTESVILLE A PETITION, DULY VERIFIED, SETTING FORTH THAT SUCH A DECISION IS ILLEGAL, IN WHOLE OR IN PART, SPECIFYING THE GROUNDS OF THE ILLEGALITY. SUCH PETITION SHALL BE PRESENTED TO THE COURT WITHIN THIRTY (30) DAYS AFTER THE FILING OF THE DECISION IN THE OFFICE OF THE BOARD.

2. UPON THE PRESENTATION OF SUCH PETITION, THE COURT MAY ALLOW A WRIT OF CERTIORARI DIRECTED TO THE BOARD OF ZONING APPEALS TO REVIEW SUCH DECISIONS OF THE BOARD OF ZONING APPEALS AND SHALL PRESCRIBE THEREIN THE TIME WITHIN WHICH A RETURN THERETO MUST BE MADE AND SERVED UPON THE RELATORS ATTORNEY, WHICH SHALL NOT BE LESS THAN TEN (10) DAYS AND MAY BE EXTENDED BY THE COURT. THE ALLOWANCE OF THE WRIT SHALL NOT STAY PROCEEDING UPON THE DECISION APPEALED FROM, BUT THE COURT MAY, ON APPLICATION, ON NOTICE TO THE BOARD AND ON DUE CAUSE SHOWN, GRANT A RESTRAINING ORDER.

3. THE BOARD OF ZONING APPEALS SHALL NOT BE REQUIRED TO RETURN THE ORIGINAL PAPERS ACTED UPON BY IT, BUT IT SHALL BE SUFFICIENT TO RETURN CERTIFIED OR SWORN COPIES THEREOF, OR OF SUCH PORTIONS THEREOF AS MAY BE CALLED FOR BY SUCH WRIT. THE RETURN SHALL CONCISELY SET FORTH SUCH OTHER FACTS AS MAY BE PERTINENT AND MATERIAL TO SHOW THE GROUNDS OF THE DECISION APPEALED FROM AND SHALL BE VERIFIED.

4. IF, UPON THE HEARING, IT SHALL APPEAR TO THE COURT THAT TESTIMONY IS NECESSARY FOR THE PROPER DISPOSITION OF THE MATTER, IT MAY TAKE EVIDENCE OR APPOINT A COMMISSIONER TO TAKE SUCH EVIDENCE AS IT MAY DIRECT AND REPORT THE SAME TO THE COURT WITH HIS FINDINGS OF FACT AND CONCLUSIONS OF LAW, WHICH SHALL CONSTITUTE A PART OF THE PROCEEDINGS UPON WHICH THE DETERMINATION OF THE COURT SHALL BE MADE. THE COURT MAY REVERSE OR AFFIRM, WHOLLY OR PARTLY, OR MAY MODIFY THE DECISION BROUGHT UP FOR REVIEW.

5. COSTS SHALL NOT BE ALLOWED AGAINST THE BOARD, UNLESS IT SHALL APPEAR TO THE COURT THAT IT ACTED WITH GROSS NEGLIGENCE OR IN BAD FAITH OR WITH MALICE IN MAKING THE DECISION APPEALED FROM.

6. ALL ISSUES IN ANY PROCEEDING UNDER THIS SECTION SHALL HAVE PREFERENCE OVER ALL OTHER CIVIL ACTIONS AND PROCEEDINGS.

ARTICLE XVII. ADMINISTRATION.

SECTION 33-69. ENFORCEMENT:

1. IT SHALL BE THE DUTY OF THE BUILDING OFFICIAL TO ENFORCE THIS CHAPTER. THE BUILDING OFFICIAL SHALL RECEIVE APPLICATIONS REQUIRED BY THIS CHAPTER AND, WHERE APPROPRIATE, ISSUE PERMITS AND FURNISH THE PRESCRIBED CERTIFICATES. HE SHALL EXAMINE PREMISES FOR WHICH PERMITS HAVE BEEN ISSUED, AND SHALL MAKE NECESSARY INSPECTIONS TO SEE THAT THE PROVISIONS OF THIS CHAPTER ARE COMPLIED WITH. HE SHALL, WHEN REQUESTED BY THE CITY MANAGER, OR WHEN THE INTEREST OF THE MUNICIPALITY SO REQUIRE, MAKE INVESTIGATIONS IN CONNECTION WITH THE MATTERS REFERRED TO IN THIS CHAPTER AND RENDER WRITTEN REPORTS ON THE SAME. FOR THE PURPOSE OF ENFORCING COMPLIANCE WITH LAW, HE SHALL ISSUE SUCH NOTICES OR ORDERS AS MAY BE NECESSARY.

2. INSPECTIONS SHALL BE MADE BY THE BUILDING OFFICIAL OR A DULY APPOINTED ASSISTANT.

3. FOR CARRYING INTO EFFECT ITS PROVISIONS, THE BUILDING OFFICIAL MAY ADOPT PROCEDURES CONSISTENT WITH THIS ORDINANCE.

SECTION 33-70. RECORDS:

1. THE BUILDING OFFICIAL SHALL KEEP CAREFUL AND COMPREHENSIVE RECORDS OF APPLICATIONS, OR PERMITS ISSUED, OF CERTIFICATES ISSUED, OF INSPECTIONS MADE, OF REPORTS RENDERED AND OF NOTICES ISSUED. HE SHALL RETAIN ON FILE COPIES OF ALL PAPERS IN CONNECTION WITH BUILDING WORK SO LONG AS ANY PART OF THE BUILDING OR STRUCTURE TO WHICH THEY RELATE MAY BE IN EXISTENCE.

2. ALL SUCH RECORDS SHALL BE OPEN TO PUBLIC INSPECTION AT REASONABLE HOURS, BUT SHALL NOT BE REMOVED FROM THE OFFICE OF THE BUILDING OFFICIAL.

3. THE BUILDING OFFICIAL SHALL MAKE A REPORT TO THE CITY MANAGER ONCE EACH MONTH, OR OFTENER IF REQUESTED, INCLUDING STATEMENTS OF PERMITS AND CERTIFICATES ISSUED, AND ORDERS PROMULGATED.

4. THE BUILDING OFFICIAL MAY REQUEST AND SHALL RECEIVE SO FAR AS MAY BE NECESSARY IN THE DISCHARGE OF HIS DUTIES, THE ASSISTANCE AND COOPERATION OF THE CHIEF OF POLICE IN ENFORCING ORDERS, OF THE CITY ATTORNEY IN PROSECUTING VIOLATIONS AND OF OTHER CITY OFFICIALS.

SECTION 33-71. PERMITS:

1. IT SHALL BE UNLAWFUL TO CONSTRUCT, ALTER, REPAIR, REMOVE OR DEMOLISH OR TO COMMENCE THE CONSTRUCTION, ALTERATION, REMOVAL OR DEMOLITION OF A BUILDING OR STRUCTURE, WITHOUT FIRST FILING WITH

THE BUILDING OFFICIAL AN APPLICATION IN WRITING AND OBTAINING A FORMAL PERMIT.

2. AN APPLICATION FOR A PERMIT SHALL BE SUBMITTED IN SUCH FORM AS THE BUILDING OFFICIAL MAY PRESCRIBE. SUCH APPLICATION SHALL BE MADE BY THE OWNER OR LESSEE, OR AGENT OR EITHER, OR THE ARCHITECT, ENGINEER, OR BUILDER EMPLOYED IN CONNECTION WITH THE PROPOSED WORK.

3. IT SHALL BE THE DUTY OF THE BUILDING OFFICIAL TO EXAMINE APPLICATIONS FOR PERMITS WITHIN A REASONABLE TIME AFTER FILING. IF, AFTER EXAMINATION, HE FINDS NO OBJECTION TO THE SAME AND IT APPEARS THAT THE PROPOSED WORK WILL BE IN COMPLIANCE WITH THE LAWS AND ORDINANCES APPLICABLE THERETO, HE SHALL APPROVE SUCH APPLICATION AND ISSUE A PERMIT FOR THE PROPOSED WORK AS SOON AS PRACTICABLE. IF HIS EXAMINATION REVEALS OTHERWISE, HE WILL REJECT SUCH APPLICATION, NOTING HIS FINDINGS IN A REPORT TO BE ATTACHED TO THE APPLICATION AND DELIVERING A COPY TO THE APPLICANT.

4. THE BUILDING OFFICIAL MAY REVOKE A PERMIT OR APPROVAL ISSUED UNDER THE PROVISIONS OF THIS CHAPTER IN CASE THERE HAS BEEN ANY FALSE STATEMENT OR MISREPRESENTATION AS TO A MATERIAL FACT IN THE APPLICATION OR PLANS ON WHICH THE PERMIT OR APPROVAL WAS BASED.

5. NOTHING IN THIS SECTION SHALL PROHIBIT THE FILING OF AMENDMENTS TO AN APPLICATION OR TO A PLAN OR OTHER RECORD ACCOMPANYING SAME, AT ANY TIME BEFORE THE COMPLETION OF THE WORK FOR WHICH THE PERMIT WAS SOUGHT. SUCH AMENDMENTS, AFTER APPROVAL, SHALL BE FILED WITH AND BE DEEMED A PART OF THE ORIGINAL APPLICATION.

SECTION 33-72. CERTIFICATES OF OCCUPANCY: 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 OFFICIAL. 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.

#### ARTICLE XVIII. INTERPRETATION, PURPOSE AND CONFLICT.

SECTION 33-73. IN INTERPRETING AND APPLYING THE PROVISIONS OF THIS CHAPTER, THEY SHALL BE HELD TO BE THE MINIMUM REQUIREMENTS FOR THE PROMOTION OF THE PUBLIC SAFETY, CONVENIENCE, COMFORT, MORALS, PROSPERITY AND GENERAL WELFARE. IT IS NOT INTENDED BY THIS CHAPTER TO INTERFERE WITH OR ABROGATE OR ANNUL ANY ORDINANCE, RULES, REGULATIONS OR PERMITS PREVIOUSLY ADOPTED OR ISSUED, AND NOT IN CONFLICT WITH ANY OF THE PROVISIONS OF THIS CHAPTER, OR WHICH SHALL BE ADOPTED OR ISSUED PURSUANT TO LAW RELATING TO THE USE OF BUILDINGS OR PREMISES, AND LIKEWISE, NOT IN CONFLICT WITH THIS CHAPTER, NOR IS IT INTENDED BY THIS CHAPTER TO INTERFERE WITH OR ABROGATE OR ANNUL ANY EASEMENTS, COVENANTS OR OTHER AGREEMENTS BETWEEN PARTIES, EXCEPT THAT IF THIS CHAPTER IMPOSES A GREATER RESTRICTION THIS CHAPTER SHALL CONTROL.

#### ARTICLE XIX. AMENDMENTS AND CHANGES.

SECTION 33-74. REQUIREMENTS FOR CHANGE: WHENEVER THE PUBLIC NECESSITY, CONVENIENCE, GENERAL WELFARE, OR GOOD ZONING PRACTICE JUSTIFIES SUCH ACTION, AND AFTER CONSIDERATION BY THE CITY PLANNING COMMISSION, THE CITY COUNCIL MAY, BY ORDINANCE, CHANGE THE REGULATIONS SET FORTH IN THIS ORDINANCE AND MAY CHANGE THE ZONING DISTRICTS AS ESTABLISHED ON THE DISTRICT MAP.

SECTION 33-75. PETITION FOR OR INITIATION OF CHANGE: A PROPOSED CHANGE OF DISTRICT OR TEXT MAY BE INITIATED BY THE CITY COUNCIL ON ITS OWN MOTION, OR ON RECOMMENDATION BY THE CITY PLANNING COMMISSION, OR BY PETITION OF AT LEAST A MAJORITY OF THE PROPERTY OWNERS AND RESIDENTS WITHIN THE AREA PROPOSED TO BE CHANGED OR AFFECTED BY A CHANGE IN THE DISTRICT MAP OR TEXT. ALL PETITIONS SHALL BE IN WRITING AND SHALL SPECIFY; THE NATURE AND EXTENT OF THE CHANGE DESIRED, REASONS FOR SEEKING THE CHANGE, AND THE NAMES AND ADDRESSES, AS FAR AS PRACTICABLE, OF PROPERTY OWNERS AFFECTED BY THE CHANGE, 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 CHANGE IS REQUESTED. THE PETITION AND ALL DATA PERTAINING THERETO SHALL BE FILED IN THE OFFICE OF THE CLERK OF THE CITY COUNCIL AT LEAST THIRTY (30) DAYS IN ADVANCE OF A HEARING.

SECTION 33-76. ACTION ON PETITION: THE COUNCIL SHALL REFER SUCH PETITION TO THE CITY PLANNING COMMISSION FOR RECOMMENDATION AND REPORT.

UPON RECEIPT OF THE REPORT FROM THE CITY PLANNING COMMISSION, THE COUNCIL, BEFORE ADOPTING ANY SUCH PROPOSED CHANGE, SHALL CONDUCT A PUBLIC HEARING THEREON GIVING AT LEAST FIFTEEN (15) DAYS NOTICE THEREOF IN A NEWSPAPER HAVING GENERAL CIRCULATION IN THE CITY. SUCH AMENDMENT SHALL NOT BECOME EFFECTIVE EXCEPT BY THE FAVORABLE VOTE OF THREE-FOURTHS OF THE COUNCIL.

THE PROVISIONS OF THIS ARTICLE ARE SUBJECT TO THE REQUIREMENTS OF SECTIONS 15-821 AND 15-822, CODE OF VIRGINIA.

#### ARTICLE XX. VIOLATION AND PENALTY.

SECTION 33-77. ANY PERSON WHO VIOLATES ANY OF THE PROVISIONS OF THIS ORDINANCE, SHALL, UPON CONVICTION, BE FINED NOT LESS THAN TEN (\$10.00) DOLLARS NOR MORE THAN TWO HUNDRED DOLLARS (\$200.00) 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.

#### ARTICLE XXI. VALIDITY.

SECTION 33-78. IF ANY SECTION, SUBSECTION, SENTENCE, CLAUSE OR PHRASE OF THE TEXT, OR IF ANY DISTRICT, ZONE, DIVISION, TRACT OR SECTION OF THE MAP OF THIS ORDINANCE IS FOR ANY REASON DECLARED INVALID BY A COURT OF JURISDICTION, SUCH DECISION SHALL NOT AFFECT THE VALIDITY OF THE REMAINING PORTIONS OF THIS ORDINANCE.

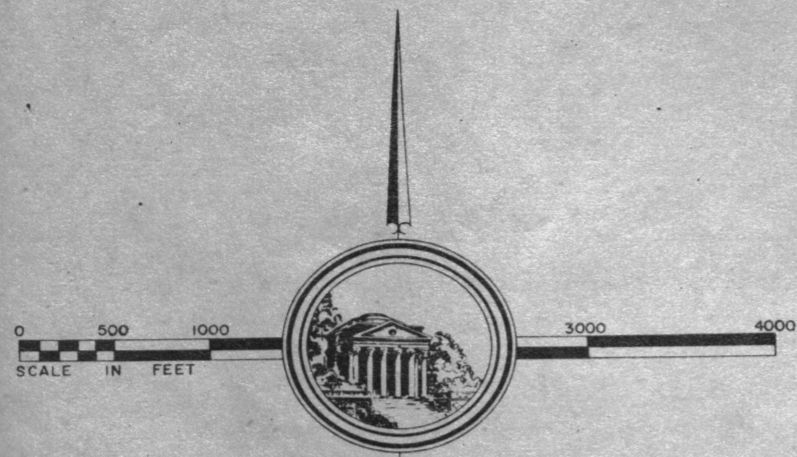
#### ARTICLE XXII. CONFLICTING PROVISIONS REPEALED.

SECTION 33-79. REPEAL OF CONFLICTING ORDINANCES: ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH ARE HEREBY REPEALED.

#### ARTICLE XXIII. EFFECTIVE DATE.

SECTION 33-80. THIS ORDINANCE, INCLUDING THE BUILDING ZONE MAP OF CHARLOTTESVILLE, DESIGNATED "DISTRICT MAP", DATED FEBRUARY 17, 1958, AS HERETOFORE AMENDED, SHALL BECOME EFFECTIVE ON FEBRUARY 17, 1958.

# CITY OF CHARLOTTESVILLE VIRGINIA



CITY PLANNING COMMISSION  
CHARLOTTESVILLE VIRGINIA

HARLAND BARTHOLOMEW & ASSOCIATES  
CITY PLANNERS  
ST. LOUIS ATLANTA HONOLULU

## ZONING DISTRICT MAP

FEBRUARY 17, 1958

### APPROVALS

PLANNING COMMISSION

CITY COUNCIL

*W. Thompson* CHAIRMAN *W. Davis* MAYOR  
*W. Smith* SECRETARY *J. Lusk* CLERK OF COUNCIL

### LEGEND AND SUMMARY OF ZONING REGULATIONS

DISTRICT	USE	SYMBOL	HEIGHT		YARD, IN FEET			LOT AREA
			STORIES	FEET	FRONT	SIDE	REAR	
R-1	<b>RESIDENTIAL</b> SINGLE & TWO-FAMILY DWELLINGS, GOLF COURSES, PARKS, CHURCHES, SCHOOLS, HOME OCCUPATIONS, & RESIDENT PROFESSIONAL OFFICES.	[Symbol: Dotted pattern]	2 1/2	35	* 30	* 10	25	8,125 SQ. FT.
R-2	<b>RESIDENTIAL</b> USES PERMITTED IN R-1 DISTRICTS, ROOMING & BOARDING HOUSES, KINDERGARTENS, NURSERY & PLAY SCHOOLS, TOURIST HOMES.	[Symbol: Horizontal lines]	2 1/2	35	30	5	25	6,000 SQ. FT.
R-3	<b>MULTIPLE DWELLING</b> USES PERMITTED IN R-2 DISTRICTS, MULTIPLE DWELLINGS, RELIGIOUS & EDUCATIONAL INSTITUTIONS, PRIVATE CLUBS, FRATERNITIES, DORMITORIES, HOSPITALS & CLINICS.	[Symbol: Cross-hatch pattern]	*	*	25	10	25	5,000 SQ. FT.- SINGLE FAM. 2,500 SQ. FT.- TWO FAMILY 1,000 SQ. FT.- PER FAMILY IN MULTIPLE
B	<b>OFFICE - SHOP</b> USES PERMITTED IN R-3 DISTRICTS, PARKING LOTS, BANKS, PERSONAL SERVICES, RADIO & TELEVISION STUDIOS, OFFICE BLDGS., RETAIL STORES, HOTELS, MOTELS & FUNERAL HOMES.	[Symbol: Vertical lines]	*	*	20	6	15	FOR DWELLINGS, SAME AS R-3 DIST.
B-1	<b>BUSINESS</b> USES PERMITTED IN B DISTRICTS, BAKERIES, BUSINESS SCHOOLS, FILLING STATIONS, RESTAURANTS, THEATERS, BOWLING ALLEYS AND LAUNDRIES.	[Symbol: Diagonal lines /]	*	*	20	6	15	FOR DWELLINGS, SAME AS R-3 DIST.
B-2	<b>BUSINESS</b> USES PERMITTED IN B-1 DISTRICTS, BILLIARD PARLORS, AUTO SALES, FROZEN FOOD LOCKERS, PLUMBING SHOP, ANIMAL HOSPITALS, REPAIR SHOPS, TRAILERS AND TRAILER CAMPS.	[Symbol: Diagonal lines \]	*	*	NONE	6	15	FOR DWELLINGS, SAME AS R-3 DIST.
B-3	<b>BUSINESS</b> USES PERMITTED IN B-2 DISTRICTS, WAREHOUSES, LIGHT MANUFACTURING, WHOLESALE ESTABLISHMENTS, PRINTING PLANTS, AND SOFT DRINK BOTTLING PLANTS.	[Symbol: Solid black]	8	100	* * *	* * *	* * *	FOR DWELLINGS, SAME AS R-3 DIST.
M-1	<b>RESTRICTED INDUSTRIAL</b> USES PERMITTED IN B-3 DISTRICTS, LUMBER YARDS, TESTING & RESEARCH LABS, TRUCK TERMINALS & DYEING PLANTS.	[Symbol: Diagonal lines /]	SEE ORDINANCE	10	SEE ORDINANCE	SEE ORDINANCE	SEE ORDINANCE	NO DWELLINGS PERMITTED
M-2	<b>INDUSTRIAL</b> ANY USE NOT IN CONFLICT WITH ANY ORDINANCE REGULATING NUISANCES OR LIKELY TO CREATE DETRIMENTAL CONDITIONS SUCH AS ODORS, DUST AND RADIATION.*	[Symbol: Diagonal lines \]	SAME AS M-1 DIST.	10	SAME AS M-1 DIST.	SAME AS M-1 DIST.	SAME AS M-1 DIST.	NO DWELLINGS PERMITTED

\* FOR ADDITIONAL VARIATIONS AND EXCEPTIONS, SEE TEXT OF ORDINANCE

