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ORDINANCE NO. 109

AN ORDINANCE to regulate and restrict the location of buildings and structures and of premises to be used for trade, industry, residence or other specified uses within the City of Alexandria; to divide the City into zones, and to impose in each of said zones regulations designating the kinds or classes of trades, industries, residences or other purposes for which buildings or other structures or premises may be erected, altered or used; and to regulate the height, bulk and location of buildings and other structures and the areas of yards and open spaces.

BE IT ORDAINED BY THE CITY COUNCIL OF ALEXANDRIA, VIRGINIA:

That for the promotion of health, safety, morals, comfort, prosperity or general welfare of the citizens of the City of Alexandria; and pursuant to the provisions of Chapter 197 of the Acts of the General Assembly of Virginia of 1926, the City Council of Alexandria ordains as follows:

SECTION I—DEFINITIONS

Words used in the present tense include the future; words in the singular number include the plural number; the word "lot" includes the word "plot"; the word "building" includes the word "structure"; the word "shall" is mandatory and not directory.

For the purpose of this ordinance certain terms and words are herewith defined as follows:

1. Accessory Building: A subordinate building except structure used exclusively for farm operation, located in and occupying not more than 35 per cent of a rear yard and whose use is incidental to that of the main building, and which does not exceed 15 feet in height above the ground level.
2. Advertising Structure: Any sign, billboard or other object or structure serving primarily for advertising purposes.
3. Apartment House: Building used for the residential housing of more than two families.
4. Building: A structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals or chattels.
5. Building Line: A line beyond which no building foundation wall shall project.
6. Court: An open, unoccupied space on the same lot with a building, opening upon a street, alley, yard or set-back.
7. Depth of Lot: The mean horizontal distance between the front lot line and the rear lot line.
8. Dwelling, Multiple: A series of three or more single family attached dwellings separated by party walls.
9. Dwelling, Single: A building constructed for occupancy by a single family.
10. Dwelling, Two Family: A building arranged and built to accommodate two families, as separate housekeeping units.
11. Family: Any number of individuals living and cooking together on the premises as a single housekeeping unit.
12. Garage, Private: A building used for the storage of not more than three steam or motor driven vehicles, only one of which may be a commercial vehicle.
13. Garage, Public: Any building or premises used for housing or care of more than three steam or motor driven vehicles, or more than one commercial vehicle, or where any such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.
14. Height of Building: The vertical distance measured for the curb

level to the elevation of the highest point of the building.

15. Home Occupation: An occupation in connection with which there is used no display, (excepting signs as otherwise hereinafter provided), that will indicate from the exterior that the building is being utilized in whole or part for any purposes other than that of a dwelling; in connection with which there is kept no stock in trade nor commodity sold upon the premises, and no mechanical equipment used except such as is permissible for purely domestic or household purposes.

16. Hotel: A building containing six or more sleeping rooms for occupancy as a more or less temporary abiding place of individuals who are lodged with or without meals, in which the rooms are offered either singly or ensuite for hire and in which no provision is made in any room or suite for cooking, and in which is maintained a public dining room and a general kitchen.

17. Lot: Land occupied or to be occupied by a building and its accessory buildings and including such open spaces as are required under this ordinance, and having its frontage upon a public street.

18. Lot, Corner: A lot fronting on two or more streets intersecting at an angle of not more than one hundred thirty-five (135) degrees.

19. Lot, Interior: A lot with frontage on but one street.

20. Lot, Through: A parcel extending through a block from one street to another.

21. Lot Lines: Lines bounding a lot.

22. Non-Conforming Use: A building or premises occupied and used for a purpose other than the use authorized by the regulations in the zones in which it is located.

23. Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it then the space between such floor and the ceiling above it, provided that a cellar shall not be considered a story.

24. Street: A public thoroughfare 30 feet or more in width between property lines.

25. Structural Alterations: Any change in the supporting members of a building, such as bearing walls, columns, beams or girders, excepting such alterations as may be required for the safety of the building.

26. Yard, Rear: The area between the rear line of the main building and the rear lot line.

27. Yard, Side: An open, unoccupied space on the same lot with the building, between the building and the side lot lines and extending from the street line to the rear yard.

28. Zone: An area within the city for which the regulations governing the use of buildings and premises are identical.

SECTION II—ZONE REGULATIONS

For the purpose of this ordinance the City is hereby divided into five zones as follows:

1. "A" Residence Zone
2. "B" Residence Zone
3. "C" Residence Zone
4. "D" Commercial Zone
5. "E" Industrial Zone

The boundaries of said zones shall be as shown upon the map attached hereto and made a part of this ordinance designated as "Zoning Map" and said map and all notations, references and other data shown thereon is by this reference made a part hereof to the same extent as if the information set forth on said map were fully described and incorporated herein.

SECTION III—"A" Residence Zone

A. Use Regulations: Unless hereinafter provided, no building or premises shall be used and no building or structure shall be hereafter erected, altered, or repaired except for one or more of the following uses:

- * 1. Aviation Field
- 2. Bus Passenger Station
- * 3. Cemetery
- * 4. Children's Home
- 5. Church, Convent or Monastery
- * 6. Club, Private
- 7. Dwelling, Single
- 8. Farm and buildings incidental thereto
- * 9. Foundling Home
- 10. Gravel Pit or Sand Pit.
- * 11. Greenhouse
- * 12. Hospital
- 13. Nursery, horticultural
- * 14. Orphanage
- 15. Public Park or Playground
- 16. Public Building
- 17. Public Water Works or Reservoir
- * 18. Railway Passenger Station
- * 19. Riding Academy
- * 20. Rock Quarry
- * 21. Sanitarium
- * 22. School, Private
- 23. Sign, advertising sale or lease of property upon which it stands, not exceeding six (6) square feet in area
- * 24. Stable, Private
- 25. Truck Garden
- 26. Accessory buildings and uses incident to any of the above uses when located on the same lot and not involving the conduct of a retail business, except as provided in paragraph d. of this Section, and including:—

a. One private garage when located not less than sixty (60) feet from the front lot line, not less than thirty (30) feet from the side street in the case of a corner lot except when built as a part of the main building, provided, however, that any accessory building, and any detached garage, which is erected within sixty (60) feet of any side street line, shall be distant not less than ten (10) feet from the party lot line intersecting such side street line.

b. Home occupations, provided that not more than one sign shall be displayed, such sign to be attached flat to the wall of the building and not exceeding two square feet in area.

c. Professional office when situated in the building used by a practitioner as a private dwelling, provided that no name plate shall be displayed exceeding one square foot in area, and such plate shall contain only the name and occupation of the resident of the premises.

d. Sale on the premises of farm products produced thereon.

* **PROVIDED HOWEVER,** That before any building or premises within the said "A" Residence Zone shall be used or any building or structure shall be hereafter erected, altered or repaired for any of the uses numbered 1, 3, 4, 6, 9, 11, 12, 14, 18, 19, 20, 21, 22, and 24, in the foregoing portion of this Section III. A, the application for the permit shall be presented to the City Council and the assent of the City Council to such proposed use shall first be obtained. Such assent shall be given by the adoption of a resolution by the City Council after it has determined whether or not the use desired in each instance will be for the best interests of the health,

safety and general welfare of the public.

A permit for not more than a six month period for the erection and maintenance of a larger sign for real estate sales purposes or for a temporary structure may be issued with the approval of the City Council.

B. Height Regulations: No building shall exceed a height of forty (40) feet or three (3) stories, except as provided in Section VIII, 1 and 2.

C. Area Regulations: The minimum dimensions of yards and the minimum lot area per family, except as provided in Section VIII, shall be as follows:

1. Lot area per family: Each dwelling hereafter erected in this zone shall occupy a lot with a minimum area of five thousand (5,000) square feet and a minimum width of fifty (50) feet at the front building line, except as provided in Section VIII, 3. No lot area shall be so reduced or diminished that the yards or open spaces shall be smaller than prescribed by this ordinance.

2. Front building line: The building line shall be set back from the front lot line not less than twenty-five (25) feet, provided that when the majority of buildings built on one side of a street between two intersecting streets have been built with a different minimum setback no building hereafter erected or altered shall project beyond the minimum setback line so established; provided further that no dwelling shall be required by this ordinance to set back more than forty (40) feet in any case.

3. Side Yard: There shall be a side yard of not less than seven (7) feet in width on each side of a main building except as provided in Section VIII, 3, 4, 6, and 7.

4. Rear Yard: There shall be a rear yard having a minimum depth of twenty (20) feet.

5. No dwelling shall be built on a lot or plot which does not front directly on a public street, road or highway.

SECTION IV.—"B" RESIDENCE ZONE

A. Use Regulations: Unless hereinafter provided, no building or premises shall be used and no building shall be hereafter erected, altered, or repaired, except for one or more of the following uses:

1. Any use permitted in the "A" Residence Zone, and subject to the same proviso in each case as set forth in Section III, A, of this ordinance.

2. Two-family Dwellings.

B. Height Regulations: Same as for "A" Residence Zone Section III B.

C. Area Regulations: Same as for "A" RESIDENCE ZONE Section III, C, except that in the case of two family dwellings the minimum lot area per family shall be two thousand five hundred (2,500) square feet, with side yards eight (8) feet or more in width.

SECTION V.—"C" RESIDENCE ZONE

A. Use Regulations: Unless hereinafter provided no building or premises shall be used and no building shall be hereafter erected or altered, except for one or more of the following uses:

1. Any use permitted in the "B" Residence Zone, and subject to the same proviso in each case as set forth in Section III, A, of this ordinance.

2. Apartments and Multiple Dwellings.

3. Public Garages for storage purposes only, and where no repair facilities are maintained, when located not less than sixty (60) feet from the street line, thirty (30) feet from the side street line in the case of a corner lot; provided however, when built beneath the main building such setback requirement shall not apply; and provided further, that any accessory building and any detached garage, which is erected within sixty (60) feet of any

side street line, shall be distant not less than ten (10) feet from the party lot line intersecting such side street line.

B. Height Regulations: No building shall exceed a height of fifty-four (54) feet or four (4) stories, except as provided in Section VIII, 1 and 2.

C. Area Regulations: The minimum dimensions of yards and the minimum lot area per family, except as provided in Section VIII, shall be as follows:

1. Lot area per family: Same as for "B" Residence Zone, Section IV, C, except that in the case of apartments and multiple dwellings the minimum, gross lot area per family shall be six hundred twenty-five (625) square feet.

2. Front Building Line: Same as for "A" Residence Zone, Section III, C 2, except that the minimum front yard depth of twenty-five (25) feet shall be increased by three (3) inches for each foot of building height over forty (40) feet.

3. Side Yard: Same as for "B" Residence Zone, Section IV, C, except in the case of apartments, and multiple dwellings the minimum side yard of eight (8) feet shall be increased by four (4) inches for each foot of building height over forty (40) feet.

4. Rear Yard: There shall be a rear yard having a minimum depth of twenty (20) feet measured from the rear lot line, such depth to be increased by three (3) inches for each foot of building height over forty (40) feet.

5. Courts: There shall be a minimum court width of eight (8) feet which shall be increased by three (3) inches for each foot of building height over forty (40) feet.

SECTION VI—"D" COMMERCIAL ZONE

A. Use Regulations: Unless herein provided no building or premises shall be used or any building or structure be hereafter erected, altered or repaired in the "D" Commercial Zone except for one or more of the following uses:

1. Any use permitted in the "C" Residence Zone, Section V, A, and subject to the same proviso in each case as set forth in Section III, A, of this ordinance.

*2. "Barbecue," establishments for outdoor roasting or cooking of food.

3. Gasoline Filling Station, provided that no portion of said structure, pump, air standard or other accessory of same shall be located within ten (10) feet of a street property line or within five (5) feet of an adjacent property line.

4. Laundry or dry cleaning establishment.

5. Public Garage other than for storage.

6. Sign, advertising only the general business conducted on the premises, and not projecting more than three (3) feet beyond the wall of the building upon which it is placed.

7. Or for any other use except the following:

a. Blacksmith or horseshoeing establishment.

b. Bottling works.

c. Carting or hauling yard.

d. Contractor's plant for storage yard.

e. Cooperage.

f. Fuel yard or storage.

g. Ice Plant or storage house for more than 10 tons capacity.

h. Lumber yard.

i. Machine shop or wood working plant having over five employees.

j. Stone yard or monument works.

k. Storage or baling of scrap paper, rags or junk.

l. Uses listed under the "E" Industrial Zone, Section VII.

m. Any kind of manufacture other than manufacture clearly incidental

to a retail business conducted on the premises, or any manufacturing or treatment which would constitute a nuisance.

PROVIDED HOWEVER, That before any building or premises within the said "D" Commercial Zone shall be used or any building or structure shall be erected, altered or repaired for any of the uses numbered, 2, 3, 4, and 5, in the foregoing portion of this Section VI, A, the application for the permit shall be presented to the City Council and assent of the City Council to such proposed use shall first be obtained. Such assent shall be given by the adoption of a resolution by the City Council after it has determined whether or not the desired use in each instance would be for the best interests of the health, safety and general welfare of the public.

B. Height Regulations: No building shall exceed a height of seventy-two (72) feet or six (6) stories except as provided in Section VIII, 1 and 2.

C. Area Regulations: For property occupied for residential use the Area Regulations, Section V, C, shall apply. For uses other than residential, that are permitted in this zone, the entire lot between the front building line and rear lot line may be used.

SECTION VII—"E" Industrial Zone

A. Use Regulations: In the "E" Industrial Zone buildings and premises may be used for any purpose whatsoever: **PROVIDED HOWEVER,** That before any building or premises within the "E" INDUSTRIAL ZONE SHALL be used or any building or structure shall be hereafter erected, altered or repaired for any of the following uses in this Section, the application for the permit shall be presented to the City Council and the assent of the City Council to such proposed use shall first be obtained. Such assent shall be given by the adoption of a resolution by the City Council after it has determined whether or not the desired use in each instance would be for the best interests of the health, safety and general welfare of the public.

1. Abattoir.
2. Advertising structure other than one pertaining to the general business conducted on the premises.
3. Ammonia, bleaching powder or chlorine manufacture.
4. Arsenal.
5. Celluloid manufacture or treatment.
6. Disinfectants manufacture.
7. Distillation of bones, coal or wood.
8. Exterminators and insect poisons manufacture.
9. Fertilizer manufacture.
10. Forge Plant.
11. Gas (heating or illuminating) manufacture.
12. Glue, size or gelatin manufacture.
13. Gunpowder manufacture or storage.
14. Fireworks or explosives manufacture or storage.
15. Incineration or reduction of dead animals, offal or garbage.
16. Lamp Black manufacture.
17. Oil cloth or linoleum manufacture.
18. Oiled, rubber or leather goods manufacture.
19. Paint, oil, shellac, turpentine or varnish manufacture.
20. Petroleum refining, or storage in more than tank car lots.
21. Railroad yard or roundhouse.
22. Rolling Mill.
23. Rubber or gutta percha manufacture or treatment.
24. Sauerkraut manufacture.
25. Sausage manufacture.
26. Soap manufacture.
27. Soda and compound manufacture.

28. Stockyards.
29. Sulphuric, nitric, or hydrochloride acid manufacture.
30. Tanning, curing or storage of leather raw hides or skins.
31. Tar distillation or manufacture.
32. Tar roofing or tar waterproofing manufacture.
33. Tobacco (chewing) manufacture or treatment.
34. Vinegar manufacture.
35. Yeast plant.
36. Such other uses, as in the opinion of the City Council, may become so noxious or offensive by reason of the emission of odor, dust, smoke, gas or noise as to justify approval by ordinance as set forth in the proviso, paragraph A of this Section.

B. Height Regulations: Same as for "D" Commercial Zone, Section VI, B.

C. Area Regulations: Same as for "D" Commercial Zone, Section VI, C.

SECTION VIII—GENERAL REGULATIONS AND EXCEPTIONS

1. In any residential zone wherein are permitted public and semi-public buildings, such buildings may be erected to a height not exceeding seventy-two (72) feet, when set back from all lot lines not less than one foot for each foot such building exceeds a height of forty (40) feet, this increased set-back to be in addition to the required yard dimensions for such zone.

2. Chimneys, towers, tanks, penthouses or necessary mechanical appurtenances may be erected to their required height. An accessory building may be built to a height of two stories, not to exceed twenty-four (24) feet, to provide quarters for servants employed on the premises.

3. In the case of a lot or parcel of land having a width of at least forty (40) feet but less than fifty (50) feet, and which is included in a plat or deed of record at the time of adoption of this ordinance, there shall be side yard on each side of a dwelling of not less than five (5) feet in width and the provisions of Section III, CI, shall not apply to such lot or parcel.

4. Every part of a required yard or court shall be open and unobstructed from its lowest point to the sky, except that open porches, fire escapes, open stairways and chimneys may be permitted by the City Manager where same are so placed as not to obstruct light and ventilation, and provided that the projection of such structure shall not reduce the width of an interior side yard to less than five (5) feet.

5. Uninclosed porches may extend beyond the front building line not to exceed nine (9) feet and shall not exceed one story in height, provided, that such porch shall not extend beyond the front lot line.

6. In the case of a corner lot having a side yard along a street upon which no lots front directly, between the two adjacent cross streets, such side yard may be reduced to a minimum width of fifteen (15) feet.

7. No yard, court or other open space provided about any building for the purposes of complying with the provisions of these regulations shall be considered as a yard, court or other open space for another building, nor shall the size of any yard, court or open space be reduced to less than the area requirements of this ordinance.

8. In case a non-conforming structure or premises shall remain vacant for twelve (12) consecutive months, or a non-conforming structure shall be damaged to the extent of fifty (50) per cent of its value; then such non-conforming use shall terminate and revert to the conforming use of the zone in which it is located.

9. Whenever a non-conforming use of a building or premises has been

changed to a more restricted or conforming use, such use shall not thereafter be changed to a less restricted use.

SECTION IX—ADMINISTRATION

No building or structure shall be hereafter erected, altered or converted in usage, in the City of Alexandria without the application for and approval of a permit in conformity with this Zoning Ordinance. All applications for permits under the provisions of this Ordinance shall be filed with the City Manager and shall be checked in detail by the City Engineer as to compliance with this ordinance before being issued by the City Manager.

All applications for building permits shall be accompanied by a plat drawn to scale showing the actual dimensions of the lot to be built upon, the size of the building to be erected, and such other information as may be necessary to provide for the enforcement of these regulations. An accurate and complete record of such applications and plats shall be kept in the office of the City Manager.

SECTION X—BOARD OF APPEALS

A Board of Appeals is hereby created which shall have the powers granted by and be controlled by the provisions of Chapter 197 of the Acts of the General Assembly of Virginia, 1926.

The Board of Appeals shall have authority, in specific cases after public notice and hearing, to authorize by permit a variation of the application of the use, height and area regulations herein established in harmony with the general purpose and intent as follows:

1. Permit such modifications of the yard, open space, lot area or lot width regulations as may be necessary to secure an appropriate improvement of a parcel of land in separate ownership at the time of adoption of this ordinance.
2. Permit minor alterations to a building occupied by a non-conforming use, provided such alterations will not unduly lengthen the life of such non-conforming use.
3. Permit the erection and use of a structure or premises for public utility purposes.
4. Permit the extension of a non-conforming structure not to exceed twenty-five (25) per cent of its bulk on contiguous land.
5. Where a zone boundary line divides a lot in single ownership at the time of passage of these regulations, permit a use authorized on either portion of said lot to extend to the entire lot but not to exceed twenty (20) feet beyond the boundary line of the zone in which such use is authorized. The dedication of a twenty (20) foot alley at the rear of commercial or industrial lots may be made a condition of such use extension.

SECTION XI—INTERPRETATION, PURPOSE AND CONFLICT

In interpreting and applying this ordinance, the requirements contained herein are declared to be the minimum requirements for the protection of the health, morals, safety or welfare. This ordinance shall not be deemed to interfere with or abrogate or annul or otherwise affect in any manner whatsoever any easements, covenants, or other agreements between parties, provided however, that where this ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or permits, or by easements, covenants, or agreements, the provisions of this ordinance shall control.

SECTION XII—BOUNDARIES OF ZONES

Where uncertainty exists with respect to the boundaries of the various zones shown on the maps accompanying and made a part of this ordinance, the following rules shall apply:

1. The zone boundaries are either streets or alleys, unless otherwise shown, and where the designation on the maps accompanying and made a part of this ordinance indicating the various zones are approximately bounded by street or alley lines, said street or alley shall be construed to be the boundary of such zones.

2. Whenever a portion of any zone is indicated upon the zoning map as a strip paralleling an opened or unopened street, the width of this strip, unless dimensioned or otherwise shown, shall be assumed to be one hundred (100) feet measured at right angles from the lines of the street to which it is parallel and adjacent.

SECTION XIII—VIOLATIONS

Any violation of any of the provisions of this ordinance is hereby declared to be a misdemeanor and punishable as provided in Section 23 of Chapter 197 of the Acts of the General Assembly of Virginia of 1926.

SECTION XIV—AMENDMENTS AND MODIFICATIONS

The regulations, restrictions and boundaries prescribed by this ordinance may be amended, supplemented or changed from time to time, subject to the provisions of Chapter 197 of the Acts of the General Assembly of Virginia of 1926.

SECTION XV—SAVING CLAUSE

Should any section, clause or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

SECTION XVI—CONFLICT

All ordinances or parts thereof in conflict herewith are hereby repealed.

This ordinance shall take effect immediately upon its passage.

Approved this 25th day of July, 1931.

EDMUND F. TICER,
Mayor.