

Ordinance No. 463

AN ORDINANCE to amend and reordain Section 2, Article II, of Chapter 28; Section 3, Article II, of Chapter 28; Article III, of Chapter 28; Article VI, of Chapter 28; Section 19, of Chapter 28; Section 25, of Chapter 28; of The Code of the City of Alexandria, Virginia, enacted as a whole July 2, 1940, and made effective August 5, 1940, all relating to zoning.

Whereas, pursuant to due and timely notice of the time and place of hearing published in a paper of general circulation in the City of Alexandria, Virginia, a public hearing was held in relation to the matters hereinafter set forth, at which public hearing parties in interest and citizens had an opportunity to be heard,

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

Section 1. That Section 2, Article II, of Chapter 28, of The Code of the City of Alexandria, Virginia, enacted as a whole July 2, 1940, and made effective August 5, 1940, be and the same hereby is amended and re-enacted to read as follows:

Sec. 2. Classification of zones.

For the purpose of this chapter the city is hereby divided into six zones as follows:

- (1) "A-1" residence zone.
- (2) "A" residence zone.
- (3) "B" residence zone.
- (4) "C" residence zone, which zone is further subdivided hereby into "C-1" residence zone and "C-2" residence zone.
- (5) "D" commercial zone, which zone is further subdivided hereby into "D-1" commercial zone and "D-2" commercial zone.
- (6) "E" industrial zone.

Section 2. That Section 3, Article II, of Chapter 28, of the Code of the City of Alexandria, Virginia enacted as a whole July 2, 1940, and made effective August 5, 1940, as the same has been amended from time to time, be and the same hereby is amended and re-enacted to read as follows:

Sec. 3. Location and Boundaries of Zones.

The boundaries of said zones shall be as shown upon the revised map designated as "Second Revised Zoning Map", dated March, 1946, signed by the Mayor of Alexandria and the Clerk of the Council, on file in the office of the City Engineer, which is hereby made a part of this chapter, and said revised 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 3. That Article III, of Chapter 28, of the Code of the City of Alexandria, Virginia, enacted as a whole July 2, 1940, and made effective August 5, 1940, be and the same hereby is amended and re-enacted to read as follows:

ARTICLE III "A-1" Residence Zone and "A" Residence Zone.

Sec. 4. Use Regulations.

(A) In the "A-1" residence zone, 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) Cemetery.
- (2) Church, convent or monastery.
- (3) Dwelling, single.
- (4) Public park or playground.
- (5) Public building.
- (6) Sanitarium.
- (7) Sign, advertising sale or lease of property upon which it stands, not exceeding 6 square feet.
- (8) Schools, private.
- (9) Stable, private.
- (10) 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, and including:

(a) One private garage when located not less than 70 feet from the front lot line and not less than 40 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 70 feet of any side street line, shall be distant not less than 15 feet from the party lot line intersecting such side street line.

(b) Professional office when situated in the building used by a practitioner as a private dwelling, provided that no name plate shall be displayed exceeding 1 square foot in area, and such plate shall contain only the name and occupation of the resident of the premises.

(B) In the "A" residence zones, 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) Any use permitted in the "A-1" residence zone, subject to the same provisions in each case as hereinafter set forth in this section.
- (2) Aviation field.
- (3) Bus passenger station.
- (4) Childrens home.
- (5) Club, private.
- (6) Farm and buildings incidental thereto.
- (7) Foundling home.

- (8) Gravel pit or sand pit.
- (9) Greenhouse.
- (10) Hospital.
- (11) Nursery, horticulture.
- (12) Orphanage.
- (13) Public utility buildings constructed and used for non manufacturing purposes.
- (14) Public water works and reservoir.
- (15) Railway passenger station.
- (16) Riding academy.
- (17) Rock quarry.
- (18) Truck garden.
- (19) 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 (c) following and including:

(a) One private garage when located not less than 60 feet from the front lot line and not less than 30 feet from the side street in 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 60 feet of any side street line, shall be distant not less than 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) Sale on the premises of farm products produced thereon.

(C) The proviso is made that before any building or premises within the said "A-1" residence zone shall be used or any building or structure shall be hereafter erected, altered or repaired for any of the uses numbered (1), (6), (8) and (9) in subdivision (A) of this section, and before any building or premises within 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 (2), (4), (5), (7), (8), (9), (10), (12), (13), (15), (16), and (17) in subdivision (B) of this section, the application for the permit shall be presented to the City Council and the assent of the City Council shall be first obtained. Such assent shall be given by 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.

Sec. 5. Height Regulations.

No building shall exceed the height of 40 feet or 3 stories, except as provided in subdivision (1) and (2) of Section 19 of this chapter.

Sec. 6. Area Regulations.

The minimum dimensions of yards and the minimum lot area per family, except as provided in Section 19 of this chapter, shall be as follows:

(1) Lot area per family: Each dwelling hereafter erected in the "A-1" residence zone shall occupy, if an interior lot, a lot with a minimum area of 8,000 square feet, a minimum width of 65 feet at the front lot line and a minimum width of 65 feet at the front building line, except as provided in subdivision (3) of Section 19 of this chapter; and if a corner lot, a lot with a minimum area of 9,000 square feet, a minimum width of 80 feet at the front lot line and a minimum width of 80 feet at the front building line, except as provided in subdivision (3) of Section 19 of this chapter.

Each dwelling hereafter erected in the "A" residence zone shall occupy a lot with a minimum area of 5,000 square feet, a minimum width of 50 feet at the front lot line and a minimum width of 50 feet at the front building line, except as provided in subdivision (3) of Section 19 of this chapter.

No lot area shall be so reduced or diminished that the yards or open spaces shall be smaller than prescribed by this chapter.

(2) Front building line: The building line in the "A-1" residence zone shall be set back from the front lot line not less than 35 feet, and the building line in the "A" residence zone shall be set back from the front line not less than 25 feet; provided, that when the majority of buildings on one side of the street between two intersecting streets have been built with a different minimum set back, no building hereafter erected or altered shall project beyond the minimum set back line so established; and provided further, that no dwelling shall be required by this chapter to set back more than 40 feet in any case.

(3) Side yard: There shall be a side yard in the "A-1" residence zone of not less than 10 feet in width on each side of the main building, and in the "A" residence zone there shall be a side yard of not less than 7 feet in width on each side of the main building, except as provided in subdivisions (3), (4), (6) and (7) of Section 19 of this chapter.

(4) Rear yard: There shall be a rear yard in the "A-1" residence zone having a minimum depth of 30 feet, and there shall be a rear yard in the "A" residence zone having a minimum depth of 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 4. That Article VI, of Chapter 28, of the Code of the City of Alexandria, Virginia, enacted as a whole July 2, 1940, and made effective August 5, 1940, as the same is amended by Ordinance No. 416, be and the same hereby is amended and re-enacted to read as follows:

ARTICLE VI. "D" Commercial Zones.

Sec. 13. Use Regulations:

(A) In the "D-1" commercial zone, unless hereinafter provided, no building on premises shall be used and no building or structure shall hereafter be erected, altered or repaired except for one or more of the following uses:

- (1) Any use permitted in the "C" residence zone, Section 10, of this chapter.
- (2) Antique shops, professional offices, tourist homes and tea rooms where no alcoholic beverages are sold, provided that no changes shall be made in the exterior construction of any buildings in the "D-1" commercial zone intended for any of these purposes.
- (3) Sign, not to exceed 8 square feet in area.

(B) In the "D-2" commercial zone, unless herein provided, no building or premises shall be used and no building or structure shall hereafter be erected, altered or repaired except for one or more of the following uses:

- (1) Any use permitted in the "C" residence zone, Section 10, and in "D-1" commercial zone, Section 13.
- (2) "Barbecue" establishment for outdoor cooking or roasting of food, or "dining car", being either converted railway or railroad cars or structures resembling in appearance railroad cars.
- (3) Gasoline filling station, provided no portion of said structure, pump, air standard or other accessory of same shall be located within 10 feet of a street property line or within 5 feet of an adjacent property line.
- (4) Laundry or dry-cleaning establishment
- (5) Public garage other than for storage.
- (6) Bottling works.
- (7) Sign, setting forth no more than the name of the concern or proprietor and advertising either the general business or a special type of business conducted on the premises and not projecting more than four feet beyond the wall of the building upon which placed. Signs may be placed or painted on only the front wall of the building, except a corner building, in which case the side of the building facing the intersecting street shall also be defined as frontage. No sign or signs shall have a larger area in the aggregate than one-tenth of the area of the said front wall of the building; and if a special type of business is advertised, only one-sixth of the area of the sign shall be used for such advertising.

(C) The proviso is made that before any building or premises within the "D-1" commercial zone shall be used or any building or structure shall be erected, altered or repaired for any of the uses numbered (1), (6), (8) and (9), in subdivision (A) of Section 4, and for any of the uses numbered (2), (4), (5), (7), (8), (10), (12), (15) and (17) in subdivision (B) of Section 4, and for antique shops and tea rooms, and before any building or premises within the "D-2" 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), (5) and (6) in subdivision (B) of this Section 13, the application for the permit shall be presented to the City Council and the assent of the City Council shall be first obtained. Such assent shall be given by 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.

Sec. 14. Height Regulations

No building shall exceed a height of 72 feet or 6 stories except as provided in subdivisions (1) and (2) of Section 19 of this chapter.

Sec. 15. Area Regulations.

For property occupied for residential use the area regulations of Section 12 of this chapter shall apply. For uses other than residential that are permitted in this zone, the entire lot between the front building line and the rear lot may be used; provided, that when the majority of buildings built on one side of a street between two intersecting streets are built so as to establish a minimum setback line, no building hereafter erected or altered shall project beyond the minimum setback line so established; and provided further that the setback line on each side of Mt. Vernon Avenue from Braddock Road north to the corporation limits shall be at least 10 feet from the front lot line in every case.

Section 5. That Section 19, of Chapter 28, of the Code of the City of Alexandria, Virginia, enacted as a whole July 2, 1940 and made effective August 5, 1940, as the same is amended by Ordinance No. 315, be and the same hereby is amended and re-enacted to read as follows:

Sec. 19. General regulations and exceptions enumerated:

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

(2) Chimneys, towers, tanks, penthouses, or necessary mechanical appurtenances may be erected to their required height. A one story accessory building may be erected to an overall height of 15 feet above the ground immediately adjacent thereto and covering not more than 400 square feet to provide quarters for domestic servants who are employed exclusively on the premises.

(3) In the case of a lot or parcel of land having a width of at least 40 feet but less than 50 feet, and which is included in a plat or deed of record at the time of adoption of this ordinance, there shall be a side yard on each side of a dwelling of not less than 5 feet in width and the provisions of subdivision (1) of Section 6 of this chapter 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 5 feet.

(5) Unenclosed porches may extend beyond the front building line not to exceed 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 minimum width of 15 feet.

(7) No yard, court or other open space provided about any building for the purpose 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 requirement of this chapter.

(8) In case of 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. When the non-conforming use is industrial and the non-conforming industrial plant consists of two or more buildings and structures all under single ownership and operation and on one tract of land at the time at which any such buildings or structures first became non-conforming, all said buildings and structures shall, in the application of the foregoing provision of this paragraph, be treated as a single non-conforming structure.

(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.

(10) No fence shall be erected, altered or repaired, in any residential zone within the City of Alexandria, which is more than six feet in height.

Section 6. That Section 25, of Chapter 28, of the Code of the City of Alexandria, Virginia, enacted as a whole July 2, 1940, and made effective August 5, 1940, be and the same hereby is amended and re-enacted to read as follows:

Sec. 25. Procedure.

(1) The regulations, restrictions and boundaries prescribed by this chapter 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, as amended (Secs. 3091(1)-3091(26) of Michie's Code of 1942), and to the provisions of this chapter.

(2) No application for amendment, supplement or change in this chapter shall be heard by the Council, and no amendment, supplement or change by the Council on its own motion shall be made, unless and until the City Manager has caused to be prepared an advertisement stating the date of the proposed hearing, the nature of the amendment, supplement or change, the location of the property, if property is to be rezoned, and further has caused said advertisement to be published two times in the Alexandria Gazette, one of which publications shall be at least 15 days before the hearing date, and further has caused said advertisement to be posted by placard on the property, if property is to be rezoned.

(3) With each application for amendment, supplement or change in this chapter, there shall be filed with the City Manager cash, check or money order in the sum of ten dollars to cover the costs of publishing and posting the advertisement provided for above.

(4) In case of a protest against any such change signed by the owners of twenty per centum or more either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof, or of those directly opposite thereto, an amendment shall not become effective except by the favorable vote of three-fourths of all the members of the council.

(5) No application for amendment, supplement or change in this chapter which is denied by the council of the city shall be reconsidered by the said council for a period of 6 months.

Section 7. That this ordinance shall take effect on the day after its publication in the Alexandria Gazette.

William T. Wilkins
Mayor

May 28, 1946