

CITY OF ALEXANDRIA
VIRGINIA

#708

Zoning Ordinance



DECEMBER 28, 1951

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ORDINANCE NO. 708

AN ORDINANCE to amend and reordain Chapter 28 of the Code of the City of Alexandria, Virginia, enacted as a whole July 2, 1940 and made effective August 5, 1940, and amendments thereto, which said chapter relates to the use of land and premises, the zoning of land and all phases thereof and which said chapter contains the comprehensive zoning map of said City.

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,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

SEC. 1. That all language in this ordinance be construed and deemed as written in italics due to the comprehensive changes in, and scope of, the chapter.

SEC. 2. That Chapter 28, of the Code of the City of Alexandria, Virginia, enacted as a whole July 2, 1940 and made effective August 5, 1940, and all subsequent amendments thereto, which chapter, and amendments, refers to zoning in all its phases, be and the same hereby is amended and reordained to read as follows:

CHAPTER XXVIII

ZONING

ARTICLE I

Definitions

SEC. 1. For the purpose of this chapter certain terms and words are herein defined as follows:

(1) The words "used for" include "designed for", and vice versa; words used in the present tense include the future words in the singular number include the plural number and vice versa; the word "building" includes the word "structure"; the word "dwelling" includes the word "residence" the word "lot" includes the word "plot"; and the word "shall" is mandatory and not directory.

(2) ACCESSORY BUILDING—A subordinate building, the use of which is incidental to that of the main building or to the use of the premises.

(3) ADDITION—Any construction which increases the area or cubic content of a building or structure. The construction of walls which serve to enclose completely any portion of an existing structure, such as a porch, shall be deemed an addition within the meaning of this article.

(4) AIRPORT OF AIRCRAFT LANDING FIELD—Any landing area, runway or other facility designed, used or intended to be used either publicly or by any person or persons for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tiedown areas, hangars and other necessary buildings and open spaces.

(5) ADVERTISING STRUCTURE—Any sign, billboard or other object or structure serving primarily for advertising purposes independent of any other structure.

(6) ALLEY—A public or private right-of-way primarily designed to afford access to the side or rear of properties whose principal frontage is on a street as hereafter defined.

(7) ALTERATION, STRUCTURAL—Any change in the supporting members of a building, such as bearing walls, col

umns, beams or girders, excepting such alterations as may be required for the safety of the building.

(8) ALTERATION, NON-STRUCTURAL—Any change in a structure or building other than a structural alteration.

(9) APARTMENT HOTEL—A building or portion thereof designed for or containing both individual guest rooms or suites of rooms and dwelling units.

(10) AUTOMOBILE SERVICE STATION—Any premises used for supplying motor fuels and lubrication to vehicles including but not limited to gasoline and oil, including minor accessories and services for automobiles.

(11) AUTOMOBILE AND TRAILER SALES AREA—An open area, other than a street or required automobile parking space, used for the display or sale of new or used automobiles or trailers, and where no repair work is done except minor incidental repair of automobiles and trailers to be displayed and sold on the premises.

(12) BASEMENT—A story partly or wholly underground. For purposes of floor area measurement a basement shall be counted as a story, where the average surrounding finished grade is 4 feet or more below the bottom of first floor construction.

(13) BOARD—Shall mean the Board of Zoning Appeals.

(14) BOARDING HOUSE—A dwelling, other than a hotel, where for compensation meals, or lodging and meals, are provided for three or more persons.

(15) BUILDING—A structure having a roof for the shelter, support or enclosure of persons, animals, chattels or property of any kind.

(16) BUILDING, COMMUNITY—A building for social, educational and recreational activities of a neighborhood or community, provided any such use is not operated primarily for commercial gain.

(17) BUILDING, UNIT GROUP—Two or more buildings (other than dwellings) grouped upon a lot and held under single ownership, such as Universities, Hospitals and Institutions.

(18) BUILDING LINE—A line beyond which no part of any building except footings shall project.

(19) BUILDING, PUBLIC—A building owned by a governmental agency.

(20) COMMISSION—Shall mean the City Planning Commission of Alexandria, Virginia.

(21) COURT—An open, unoccupied space, other than a yard, on the same lot with a building or group of buildings and which is bounded *on two* or more sides by such building or buildings, or *building line in a zone where side yards are not required*.

(22) COURT, INNER—A court other than an outer court. The length of an inner court is the minimum horizontal dimension measured parallel to its longest side. The width of an inner court is the minimum horizontal dimension measured at right angles to its length.

(23) COURT, OUTER—A court the full width of which opens onto a required yard, or street or alley. The width of an outer court is the minimum horizontal dimension measured in the same general direction as the yard, street or alley upon which the court opens. The depth of an outer court is the minimum horizontal dimension measured at right angles to its width.

(24) CURB GRADE—The elevation of the established curb in front of the building measured at the midpoint of such frontage. Where no curb exists, the Director of Public Works shall establish such curb grade for the existing or proposed street in accordance with the existing Master Street Grading Plans of the City.

(25) DWELLING—A building or portion thereof, which is designed or used exclusively for residential purposes.

(26) DWELLING UNIT—A group of one or more rooms designed for or intended for occupancy of a single family. In doubtful cases consideration will be given to the separate use of or provision made for cooking, heating, and sanitary facilities whether installed or not. In determining whether a dwelling is a single dwelling, a two family dwelling or a row dwelling, the test shall be both the actual use to which the dwelling is being put and the potential use to which the dwelling might be put, regardless of the intentions of the parties involved. The location of more than one cooking stove, refrigerator, sink or other kitchen unit in any one house, or

the location of a wash basin in a bedroom in a house or the installation or existence of a photographic darkroom or similar room in a house may constitute prima facie evidence that the house is at least a two family dwelling. It is the intent of this provision to prohibit the installation of facilities which would extend the use of the premises for occupancy of more than one family.

(27) DWELLING, MULTI-FAMILY—A building, or portion thereof, containing three or more dwelling units having a common entrance or entrances.

(28) DWELLING, SINGLE FAMILY—A detached building, designed for or intended to be occupied by one (1) family.

(29) DWELLING, TWO FAMILY—A building designed for or intended to be occupied by not over two (2) families, living independently of each other. This shall include both duplex (one dwelling unit above another) and semi-detached (two dwelling units having a common vertical party wall).

(30) DWELLING, ROW—One of a series of three or more attached dwelling units under a common roof with a common exterior wall, and separated from one another by continuous vertical party walls without openings from basement to roof.

(31) FAMILY—One or more individuals living together on the premises as a single housekeeping unit.

(32) FLOOR AREA RATIO (FAR)—The floor area ratio of the building or buildings on any lot is the total aggregate area of all floors of such building or buildings on that lot divided by the area of that lot.

(33) FLOOR AREA—The floor area of the building or buildings on a lot (whether "Main" or "Accessory") is the sum of all gross horizontal areas under a roof or roofs. These areas shall be measured from the exterior faces of walls and from the eaves of all roofs where they extend beyond the wall line, or from the centerline of party walls and shall include all space with a headroom of 7' 6" or more, whether or not provided with a finished floor or ceiling. Excluded shall be only basements and sub-basements, elevator and stair bulkheads, accessory water tanks, cooling towers and similar construction not susceptible to storage or occupancy.

(34) GARAGE, PRIVATE—A building designed for the storage of not more than three steam or motor-driven vehicles, only one of which may be a commercial vehicle not to exceed one ton capacity or equivalent.

(35) GARAGE, PUBLIC—Any building or premises designed, used or intended to be 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.

(36) GUEST HOUSE—Living quarters within a detached accessory building located on the same premises with the main building, for use by temporary guests of the occupants of the premises; such quarters shall not have kitchen facilities and shall not be rented or otherwise used as a separate dwelling.

(37) GUEST ROOM—A room which is designed or intended for occupancy by one or more guests, but in which no provision is made for cooking, and not including dormitories for sleeping purposes.

(38) HEIGHT OF BUILDING—The vertical distance measured from the average ground level at the building to highest point of the building.

(39) HOME OCCUPATION—An occupation limited to persons residing on the premises and domestic servants, in connection with which there is used no evidence (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 which exceeds $\frac{1}{4}$ horsepower other than such as are permissible for purely domestic or household purposes.

(40) HOSPITAL—A building or group of buildings designed, used or intended to be used for the care of the sick, aged or infirm, but not including the care of mental, drug-addiction or alcoholic cases. This terminology shall include, but not be limited to sanitariums, nursing homes and convalescent homes.

(41) HOTEL—Any building or portion thereof which contains guest rooms which are designed or intended to be used,

let or hired out for occupancy by, or which are occupied by ten (10) or more individuals for compensation, whether the compensation be paid directly or indirectly.

(42) **KENNEL**—Any lot or premises on which four (4) or more dogs, more than four (4) months of age, are kept.

(43) **LOADING SPACE**—An off-street space on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts on a street or other appropriate means of access.

(44) **LOT**—A unit of land usable as a building site, having frontage on a public street in compliance with the requirements of the zone in which it is situated.

(45) **LOT, CORNER**—A lot fronting on two or more streets at their intersection. Any portion of a corner lot, the frontage of which is more than one hundred twenty (120) feet from the street intersection shall be considered to be an interior lot.

(46) **LOT, INTERIOR**—A lot with frontage on but one street.

(47) **LOT, THROUGH**—A parcel extending through a block from one street to another.

(48) **LOT, DEPTH**—The mean horizontal distance between front and rear lot lines measured perpendicular to the street or radially to the street when the street lies on a curve.

(49) **LOT LINES**—Lines bounding a lot.

(50) **NON-CONFORMING USE**—Any building, structure or land or the use of any building, structure or land which does not conform to the general regulation or restriction governing the zone in which such building or land is located and which lawfully existed at the time the regulation went into effect.

(51) **PARKING AREA**—An open area, other than a street or alley, used for the parking of automotive vehicles.

(52) **PARKING LOT**—A parking area, either publicly or privately operated, for whose use a fee is charged.

(53) **ROOMING HOUSE**—A dwelling or portion thereof which contains guest rooms designed or intended to be used, let out or hired for occupancy by, or which are occupied by, three or more, but not exceeding nine (9) individuals for compensation.

(54) **SERVANTS' QUARTERS**—An accessory building or a por-

tion of the main building designed exclusively for the shelter of domestic servants who are exclusively employed on the premises.

(55) SET BACK RATIO—The set back ratio is the ratio between the horizontal distance of any part of a building or structure from the nearest side or rear property line or from the centerline of a street or alley to the height of that part of the building above average finished grade on such line.

(56) SIGN—Any words, letters, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trade-marks, by which anything is made known, such as are used to designate an individual, a firm, an association, a corporation, a profession, a business, or a commodity or products, which is visible and is used to attract attention.

(57) STORY—That portion of a building included between the surface of any floor and the surface of the floor next above it, or any space which has or may have a floor with a minimum clear headroom of 7' 6".

(58) STREET—A public right-of-way dedicated or otherwise acquired for general public access to private properties and other streets, including but not limited to use for utilities, walks and vehicular traffic.

(59) TOURIST CAMP—Land used or intended to be used, let or rented for occupancy by campers traveling by automobile or otherwise, or for occupancy by or of trailers, tents or movable temporary dwellings, rooms or sleeping quarters of any kind; the parking of two or more trailers will be termed a tourist camp.

(60) TOURIST COURT—A group of attached or detached dwellings which are provided for transient guests including auto courts, motels and motor lodges.

(61) TOURIST HOME—A building in which board or rooms, or both, are offered to the traveling public for compensation and which is open to transient guests, as against a boarding or rooming house.

(62) TRAILER—A residence, house car, camp car or any portable or mobile vehicle on wheels, which is used or may be used for residential, commercial, hauling or storage purposes.

(63) YARD—An open space other than a court on the same lot with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward.

(64) YARD, FRONT—A yard extending across the street side of a lot measured between the side lot lines and being the minimum horizontal distance between the street line and the main building or any projection thereof.

(65) YARD, REAR—The area between the rear line of the main building and the rear lot line and being the minimum horizontal distance between the rear lot line and the main building or any projection thereof.

(66) 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 front yard to the rear yard and being the minimum horizontal distance between the side lot line and the main building or any projection thereof.

(67) ZONE—An area within the City for which the regulations governing the use of buildings and land are identical.

ARTICLE II

Zones and General Provisions

SEC. 1. Classification of Zones.

For the purposes of this ordinance, the City of Alexandria is hereby divided into fourteen (14) zones as follows:

- (1)-R-20—Residence Zone.
- (2)-R-12—Residence Zone.
- (3)-R-8—Residence Zone.
- (4)-R-5—Residence Zone.
- (5)-R-2-5—Residence Zone.
- (6)-RA—Residence Zone.
- (7)-RB—Residence Zone.
- (8)-RC—Residence Zone.
- (9)-RM—Residence Zone.
- (10)-C-1—Commercial Zone.
- (11)-C-2—Commercial Zone.

(12)-C-3—Commercial Zone.

(13)-I-1—Light Industrial Zone.

(14)-I-2—Heavy Industrial Zone.

SEC. 2. Location and boundaries of zones.

The boundaries of said zones shall be shown on the revised map designated "Third Revised Zoning Map" on file in the office of the Planning Commission, which is hereby made a part of this ordinance 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 revised map were fully described and incorporated herein.

SEC. 3. Except as otherwise provided in this ordinance—

(1) No building or structure shall be erected, converted, enlarged, reconstructed or altered for use, nor shall any building or structure or land be used or changed in use except in conformity with all of the zone regulations established by this ordinance for the zone in which the building or structure or land is located.

(2) The yard regulations and the lot area per family provisions required by this ordinance shall be considered minimum regulations for each and every building or structure existing at the time of the effective date of this ordinance and for any building or structure hereafter erected or altered. No land required for yards or for lot area per family provisions required for an existing building or structure or required for any building or structure hereafter erected or altered shall be considered as a yard or as a lot area for any other building or structure.

(3) Every building or structure hereafter erected or altered shall provide garage space or a parking area in compliance with all of the regulations established by Article V of this ordinance for the zone in which the building or structure is located.

(4) Every building or structure hereafter erected for or altered for commercial purposes shall provide adequate facilities for the loading and unloading of goods in compliance with all of the regulations established by Article V of this ordinance for the zone in which the building or structure or land is located.

(5) The floor area ratios prescribed under Article III of this ordinance shall be considered as maximum ratios for each and every building or structure existing at the time of the effective date of this ordinance and for any building or structure erected or altered thereafter.

ARTICLE III

Use and Area Regulations

Except as hereinafter provided, no land or buildings shall be used and no building or structure shall be erected, altered or repaired for any use other than those permitted by the following sections which set forth the regulations for the zone in which such land or buildings are located.

SEC. 1. R-20 Residence Zone

(a) Uses permitted. The following uses only shall be permitted in the R-20 residence zone:

- (1) One (1) single family residence per lot.
- (2) Amateur radio and television transmission facilities (permitted with special use permit as specified in Article X only).
- (3) Church, convent, monastery or seminary.
- (4) Country club, having a minimum nine hole standard golf course.
- (5) Farm and accessory buildings, except as otherwise prohibited by other city ordinances relating to livestock and poultry.
- (6) Public building (permitted with special use permit as specified in Article X only).
- (7) Public park or playground.
- (8) a. School, public.
b. School, private (permitted only with special use permit as specified in Article X).
- (9) Public utility service structures, including railroad rights of way, tracks (but excluding car barns, coal trestles, garages, shops, railroad yards, sidings, freight terminals, telephone exchanges, static

SEC. 2. R-12 Residence Zone.

(a) Uses permitted. The following uses only shall be permitted in the R-12 residence zone:

- (1) Any use permitted in the R-20 residence zone.
- (2) Community Buildings (permitted with special use permit as specified in Article X only).

(b) Area regulations. No structure shall be erected or placed on a lot containing less than 12,000 square feet, provided that any lot of record at the effective date of this ordinance, whose area or width are less than required by this section, may be occupied only by a single family dwelling and its accessory buildings.

(c) Frontage regulations. All interior lots in this zone shall have a minimum width at the front building line of eighty (80) feet. All corner lots shall have a minimum width at the front building line of ninety-five (95) feet. The minimum width at the front lot line shall not be less than sixty (60) feet. All measurements shall be calculated on a straight line or chord distance.

(d) Yard regulations.

- (1) Side yards. Same as in R-20 Residence Zone except that the minimum side yards for residences shall be ten (10) feet.
- (2) Front yards. The front building line shall be set back not less than thirty-five (35) feet from the front lot line.
- (3) Rear yards. Same as in R-20 Residence Zone except that the minimum rear yard for residences shall be ten (10) feet.

(e) Floor Area Ratio. The maximum floor area ratio shall be 0.30.

SEC. 3. R-8 Residence Zone.

(a) Uses permitted. The following uses only shall be permitted in the R-8 Zone:

- (1) Any use permitted in the R-12 Residence Zone.
- (2) Cemetery (permitted with special use permitted as specified in Article X only).

SEC. 4. R-5 Residence Zone.

(a) Uses permitted. The following uses only shall be permitted in the R-5 Residence Zone:

- (1) Any use permitted in the R-8 Residence Zone.
- (2) Hospital or sanitarium, for human use only (permitted with special use permit as specified in Article X only).

(b) Area regulations. No structure shall be erected or placed on a lot containing less than 5,000 square feet per dwelling unit for interior lots or 6,500 square feet per dwelling unit for corner lots, provided that any lot of record at the effective date of this ordinance, whose area or width are less than required by this section, may be occupied only by a single family dwelling and its accessory buildings.

(c) Frontage regulations. All interior lots in this zone shall have a minimum width at the front building line of fifty (50) feet and all corner lots shall have a minimum width at the front building line of sixty-five (65) feet. Every lot shall have a minimum width at the front lot line of forty (40) feet.

(d) Yard regulations.

- (1) Side yards. Same as in the R-20 Residence Zone, except that for residences the minimum side yard shall be seven (7) feet and the minimum set-back ratio for residences shall be 1:3.
- (2) Front yards. The front building line shall be set back not less than twenty-five (25) feet from the front lot line.
- (3) Rear yards. Same as in the R-20 Residence Zone, except that the minimum rear yards for residences shall be seven (7) feet.

(e) Floor Area Ratio. The maximum floor area ratio shall be 0.45.

SEC. 5. R-2-5 Residence Zone.

(a) Uses permitted. The following uses only shall be permitted in the R-2-5 Residence Zone:

- (1) Any use permitted in the R-5 Residence Zone.
- (2) Two family dwellings.

han required by this section, may be occupied only by a single family dwelling and its accessory buildings.

(c) Frontage regulations. No dwelling shall be erected or placed on a lot having less than eighteen (18) feet of width at the front building line and at the front lot line.

(d) Yard regulations.

(1) Side yards. Same as R-5 residence zone except that minimum side yard for each residential building or group of buildings containing one or more dwelling units shall be eight (8) feet. No multiple family building shall be erected unless provisions are made for an eight (8) ft. side yard at each end of a building of 160 feet or less in length.

(2) Front yards. The front building line shall be set back not less than twenty (20) feet from the front lot line.

(3) Rear yards. Same as R-8 residence zone.

(e) Floor Area Ratio. The maximum floor area ratio shall be 0.75.

(f) Coverage. There shall be provided on each lot occupied by a dwelling, open and usable space, exclusive of space required for offstreet parking, of not less than 800 square feet per dwelling unit, plus an additional 400 square feet for each two (2) guest rooms in rooming houses and boarding houses.

SEC. 7. RB Residence Zone.

(a) Uses permitted. The following uses only shall be permitted in the RB zone:

(1) Any use permitted in the RA zone.

(2) Row dwellings.

(b) Area regulations. Same as RA zone.

(c) Frontage regulations. Same as RA zone, except that on a curved street, the width at the front lot line shall be not less than 15 feet, if approved by the Commission.

(d) Yard regulations. Same as RA zone, provided further that, in the case of row dwellings, eight (8) foot side yards shall be provided for each end lot in a group.

(e) Floor Area Ratio. Same as in RA zone.

(f) Coverage. Same as in RA zone.

(g) Subdivisions of record prior to effective date of this ordinance. Where a bona fide subdivision has been approved by the City Planning Commission and recorded prior to the effective date of this ordinance, for the purpose of erecting row houses, such provisions of this sections as are not applicable to such subdivision shall not apply.

SEC. 8. RC Residence Zone.

(a) Uses permitted. The following uses only shall be permitted in the RC zone:

- (1) Any use permitted in the RA zone.
- (2) Apartment hotels.
- (3) Any C-1 use or restaurant provided such use is confined to the first floor of a multi-storied multiple-family development of 4 stories or more in height, such use to be permitted only with special use permit as specified in Article X.

(b) Area regulations. For single family, and two-family dwellings the provisions of the RA zone shall apply. For all other uses the density of use shall be governed only by the provisions of (e) and (f) below.

(c) Frontage regulations. Same as RA zone.

(d) Yard regulations:

- (1) Front yards. None required except that all buildings shall conform to the setbacks established by the Highway Plan of the City.
- (2) Side yards. None required.
- (3) Rear yards. The setback ratio shall be 1:2.

(e) Floor Area Ratio. The maximum floor area ratio shall be 1.25.

(f) Coverage. There shall be provided on each lot used for dwelling purposes open and usable space, exclusive of space required for offstreet parking as required in Article V, of not less than 300 square feet per dwelling unit.

SEC. 9. RM Residence Zone.

(a) Uses permitted. The following uses only shall be permitted in the RM Residence Zone:

(1) Any use permitted in the R-2-5 Residence Zone.

(2) Row dwellings.

(b) Area regulations. No structure shall be erected or placed on a lot containing less than one thousand (1,000) square feet per dwelling unit, and provided further that any lot of record at the effective date of this ordinance, whose area or width is less than required by this section, may be occupied by a single family residence only and its accessory buildings.

(c) Frontage regulations. None required, except for row dwellings the requirements of the RB Residence Zone shall apply.

(d) Yard regulations.

(1) Front yards. The front building line shall be determined by the average line of the existing buildings within any frontage along a street in the block; provided that where the Highway Plan of the City establishes a different minimum setback line, all buildings shall conform to such line.

(2) Side yards. For any lot of record at the effective date of this ordinance, in the RM zone whose width at the front lot line is at least 25 feet, but less than 35 feet, there shall be provided one side yard at least 5 feet in width; if the lot width is in excess of 35 feet, two side yards, each at least 5 feet in width shall be provided; for lots less than 25 feet in width no side yard shall be required. Provided further that for uses other than residential, a minimum side yard of five feet on each side shall be required, irrespective of the width of the lot. Wherever land within this zone is subdivided in accordance with the provisions of the subdivision control ordinance of the City, the provisions of Sec. 7(d) shall apply.

(3) Rear yards. Same as RC Residence Zone.

(e) Floor Area Ratio. The maximum floor area ratio shall be 0.75.

(f) Coverage. There shall be provided on each lot used for residential purposes, open and usable space, exclusive of space required for offstreet parking, of not less than 300 square feet per dwelling unit.

(g) Offstreet parking. The provisions of Article V shall apply only where it is physically possible to provide adequate access to parking areas; provided that where an unbroken alley amounting to at least 50% of a standard city block shall be undeveloped, an alley at least 16 feet wide accessible to the street shall be provided.

SEC. 10. C-1 Commercial Zone.

(a) Uses permitted. The following uses only shall be permitted in the C-1 Commercial Zone:

- (1) Any use permitted in the RC Residence Zone.
- (2) Automatic public laundry (using one or more automatic washing machines and/or automatic clothes driers, coin operated or otherwise, operated by the customer or the proprietor or his employees for the customer. Examples: "Laundramat," "Laundrette").
- (3) Bank.
- (4) Barber or beauty shop.
- (5) Cleaning, laundry or pressing agency (no alterations or operations on the premises).
- (6) Drug store.
- (7) Food products store, where products are not prepared or consumed on premises.
- (8) Photographic studio.
- (9) Stationery store, including lending library.
- (10) Parking lots.
- (11) Static transformer station.
- (12) Undertaking establishment.

(b) Area regulations. For residential uses in this zone the area regulations of the RC Residence Zone shall apply. For commercial uses there shall be no area restrictions.

(c) Frontage regulations. For residential uses in this zone, the frontage regulations of the RA Residence Zone shall apply. For commercial use there shall be no frontage restrictions.

(d) Yard regulations:

- (1) Side yards. For buildings less than twenty-five (25) feet in height at the building line, no side

yard shall be required. For buildings over twenty-five (25) feet in height the set-back ratio shall be 1:1.

(2) Front yards. There shall be no front yard requirement except as may be required under the provisions of Article IV, Sec. 1 (c), (12), and Article VII.

(3) Rear yards. Same as RC Residence Zone.

(e) Floor Area Ratio. The maximum floor area ratio shall be 0.75 for residential use and 1.0 for all other uses.

(f) Coverage. For any building used wholly or in part for residential purposes, the provisions of Sec. 8 (f) above shall apply.

SEC. 11. C-2 Commercial Zone.

(a) Uses permitted. The following uses only shall be permitted in the C-2 Commercial Zone:

- (1) Any use permitted in the C-1 zone.
- (2) Ambulance service.
- (3) Antique shop, retail only.
- (4) Amusement enterprise, including but not limited to, theatres, bowling alleys, skating rinks, pool and billiard halls, miniature golf courses, dance halls, amusement arcades and similar uses provided that where such enterprise is not wholly operated within an enclosed building a special use permit as specified in Article X shall be required.
- (5) Art shop.
- (6) Automatic vending machine.
- (7) Automobile and/or trailer sales area (permitted only with special use permit as specified in Article X).
- (8) Automobile laundries (permitted with special use permit as specified in Article X).
- (9) Automobile rental agencies.
- (10) Automobile service stations (permitted only with special use permit as specified in Article X).
- (11) Building and Loan Associations and similar institutions.

- (12) Baths, Turkish or similar.
- (13) Business offices.
- (14) Caterer.
- (15) Detective agencies.
- (16) Garages, public (special use permit required as specified in Article X except where used for storage only).
- (17) Glass shops.
- (18) Hardware stores, excepting property yards.
- (19) Health and Athletic clubs.
- (20) Hotels.
- (21) Laundry, cleaning and dyeing works in which no combustible solvent is used (permitted only with special use permit as specified in Article X).
- (22) Loan Brokers.
- (23) Masseur.
- (24) Medical or dental laboratory.
- (25) Painting, plastering, paperhanging, plumbing or electrical contractors where business is conducted entirely within a completely enclosed building and where there is no storage of supplies or equipment outside the building.
- (26) Pawnshops.
- (27) Pet shops.
- (28) Physicians or nurses registry.
- (29) Radio or television broadcasting station.
- (30) Real estate broker.
- (31) Rental agency.
- (32) Repair services or businesses, including repair of bicycles, guns, radios, television sets, electrical appliances, locksmiths, refrigerators, and other home appliances, shoes, toys, typewriters, watches and clocks; provided that no equipment of over 5 H. P. shall be used.
- (33) Retail stores and businesses.
- (34) Storage of materials or supplies incidental to the conduct of any use listed above, provided such storage is entirely enclosed and is conducted in the same building as the business to which it is incidental or in a building immediately adjacent thereto.

- (b) Area regulations. Same as C-1 Commercial Zone.
- (c) Frontage regulations. Same as for C-1 Commercial Zone.
- (d) Yard regulations. No front yard or side yards shall be required but rear yard requirements shall be same as for C-1 Commercial Zone.
- (e) Floor Area Ratio. The maximum floor area ratio shall be 0.75 for residential use and 3.0 for all other uses.
- (f) Coverage. Same as for C-1 Commercial Zone.

SEC. 12. C-3 Commercial Zone.

- (a) Uses permitted. The following uses only shall be permitted in the C-3 Commercial Zone:
 - (1) Any use permitted in the C-2 Commercial Zone.
- (b) Area regulations. Same as for the C-2 Commercial Zone.
- (c) Frontage regulations. Same as for the C-2 Commercial Zone.
- (d) Yard regulations. Same as for the C-2 Commercial Zone.
- (e) Floor Area Ratio. The maximum floor area ratio shall be 6.0.
- (f) Coverage. Same as for C-2 Commercial Zone.

SEC. 13. I-1 Industrial Zone.

- (a) Uses permitted. The following uses only shall be permitted in the I-1 Industrial Zone:
 - (1) Any use permitted in the C-3 Commercial Zone except dwellings.
 - (2) The following uses to be conducted wholly within a completely enclosed building except for the on-site parking of delivery vehicles which are incidental thereto:
 - a. The manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, and food products except such as are specifically enumerated under Section 2 below.

- b. The manufacture, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fibre, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood (excluding planing mill), yarns and paint not employing a boiling process.
- c. The manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas.
- d. The manufacture and maintenance of electric and neon signs, billboards, commercial advertising structures, light sheet metal products, including heating and ventilating ducts and equipment, cornices, eaves, and the like.
- e. Manufacture of musical instruments, toys, novelties, and rubber and metal stamps.
- f. Automobile assembling, painting, upholstering, rebuilding, reconditioning, body and fender works, truck repairing or overhauling, tire retreading or recapping, battery manufacturing and the like.
- g. Stone monument works.
- h. Blacksmith shop and machine shop (punch presses over twenty (20) tons rated capacity, drop hammers, automatic screw machines and machines of similar vibration characteristics shall be excluded).
- i. Cleaning and dyeing works using combustible solvents and carpet and rug cleaning.
- j. Distribution plants, parcel delivery, ice and cold storage plant, bottling plant, and food commissary establishments.
- k. Printing and publishing plants.
- l. Wholesale businesses, storage buildings and warehouses, except for storage of such materials as are specifically enumerated under Sec. 2 below.
- m. Assembly of electrical appliances, electronic in-

struments and devices, radios and phonographs, television sets, including the electroplating of small parts only, such as coils, condensers, transformers, crystal holders and the like.

- n. Laboratories, research (permitted with special use permit as specified in Article X only).
- (3) Uses to be conducted wholly within a completely enclosed building or within an area enclosed on all sides with a solid masonry wall not less than eight (8) feet high, except that where such enclosure is physically impossible or would cause extreme hardship then they may be suitably screened in a manner approved by the Director of Planning where such facilities face residential or commercial property, or a park or parkways.
- a. Building material sales yard, not including concrete mixing and batching.
 - b. Contractor's equipment storage yard or plant.
 - c. Retail lumber yard, including only incidental mill work.
 - d. Feed and fuel yard.
 - e. Freighting or trucking terminal.
 - f. Public utility service yard or electrical receiving or transforming station.
 - g. Carpenter or cabinet shop.
 - h. Sheet metal shops.
 - i. Trailer camp (permitted with special use permit as specified in Article X only).
 - j. Veterinary or dog or cat hospitals and kennels.
 - k. Uses customarily incident to the above uses and accessory buildings when located on the same lot.
- (b) Area regulations. None required.
- (c) Frontage regulations. None required.
- (d) Yard regulations. None required.
- (e) Floor Area Ratio. The maximum floor area ratio shall be 6.0.

SEC. 14. I-2 Industrial Zone.

(a) Uses permitted. The following uses shall only be permitted in the I-2 Industrial Zone.

- (1) Any use whatsoever except dwellings or other residential use and provided that the following uses shall be permitted only with the issuance of a special use permit as specified in Article X:
 - a. Abattoir.
 - b. Ammonia, chlorine or bleaching powder manufacture.
 - c. Asphalt manufacture or mixing plant.
 - d. Arsenal.
 - e. Celluloid manufacture or treatment.
 - f. Disinfectants manufacture.
 - g. Distillation of bones, coal or wood.
 - h. Exterminators and insect poisons manufacture.
 - i. Fertilizer manufacture.
 - j. Forge plant.
 - k. Gas manufacture.
 - l. Gunpowder manufacture or storage.
 - m. Fireworks or explosives manufacture or storage.
 - n. Incineration or reduction of dead animals, offal or garbage.
 - o. Lampblack manufacture.
 - p. Oilcloth or linoleum manufacture.
 - q. Oiled, rubber or leather goods manufacture.
 - r. Paint, oil, shellac, turpentine or varnish manufacture.
 - s. Petroleum refining, or storage in more than tank car lots.
 - t. Railroad yard or roundhouse.
 - u. Rolling mill.
 - v. Rubber or gutta percha manufacture or treatment.
 - w. Sauerkraut manufacture.
 - x. Sausage manufacture.
 - y. Soap manufacture.
 - z. Soda and compound manufacture.

- a-1. Steel or iron fabrication.
- b-1. Stockyards.
- c-1. Storage, baling or sale of junk, including paper, metal, wood, provided each such use shall be entirely enclosed by a substantial fence or wall of wood or masonry designed to screen such operations from the public view.
- d-1. Sulphuric, nitric or hydrochloric acid manufacture.
- e-1. Ready-mixed concrete plant.
- f-1. Tanning, curing or storage of leather, raw hides or skins.
- g-1. Tar distillation or manufacture.
- h-1. Tar roofing or tar waterproofing manufacture.
- i-1. Vinegar manufacture.
- j-1. Yeast plant.
- k-1. Any other uses, which in the opinion of the City Council, may become so noxious or offensive by reason of the emission of odor, smoke, dust, gas, or noise as to justify approval only by special use permit as specified in Article X.

(b) Area regulations. There shall be no area restrictions in the I-2 zone.

(c) Frontage regulations. There shall be no frontage restrictions in the I-2 zone.

(d) Yard regulations. There shall be no yard restrictions in the I-2 zone.

(e) Floor Area Ratio. The maximum floor area ratio shall be 7.0.

- a-1. Steel or iron fabrication.
- b-1. Stockyards.
- c-1. Storage, baling or sale of junk, including paper, metal, wood, provided each such use shall be entirely enclosed by a substantial fence or wall of wood or masonry designed to screen such operations from the public view.
- d-1. Sulphuric, nitric or hydrochloric acid manufacture.
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- g-1. Tar distillation or manufacture.
- h-1. Tar roofing or tar waterproofing manufacture.
- i-1. Vinegar manufacture.
- j-1. Yeast plant.
- k-1. Any other uses, which in the opinion of the City Council, may become so noxious or offensive by reason of the emission of odor, smoke, dust, gas, or noise as to justify approval only by special use permit as specified in Article X.

(b) Area regulations. There shall be no area restrictions in the I-2 zone.

(c) Frontage regulations. There shall be no frontage restrictions in the I-2 zone.

(d) Yard regulations. There shall be no yard restrictions in the I-2 zone.

(e) Floor Area Ratio. The maximum floor area ratio shall be 7.0.

(c) AREA AND YARDS.

1. Minimum yards—The minimum yard dimensions specified in Art. III, Use and Area Regulations, shall be considered to be the minimum distance from the adjacent lot line to the nearest point of the building.

2. Vision Clearance—For the purpose of safety of travel on streets and highways, buildings on corner lots shall observe the set back provisions of the respective streets on which the building is located, provided that within the area enclosed by the centerline of the intersecting streets and a line joining points on such centerlines at distances from their intersection as prescribed below, there shall be no structure, fences, shrubbery or other obstruction to vision more than $3\frac{1}{2}$ feet above the curb level.

(a) All R zones and C-1 zones—100 feet.

(b) C-2, C-3, and I zones—75 feet.

3. One private garage may be erected within one foot of the front lot line when the floor of such garage is not lower than the established curb grade and the roof of such garage is entirely below the surface of the finished yard.

4. Outer Court—

(a) An "Outer Court" with window openings shall have a width equal to or greater than the height of the building above the floor level of the story containing such openings, but in no case shall said width be less than twenty (20) feet nor need it be more than twenty (20) feet when its depth is not more than eight (8) feet. The depth of the outer court shall not be more than one and one-half ($1\frac{1}{2}$) times its width, but shall in no case be less than eight (8) feet.

(b) Any other outer court without window openings shall have a width equal to or greater than one-third ($1/3$) the height of the building above the floor level of the lowest story served by such court, but in no case shall said width be less than ten (10) feet, nor need it be more than ten (10) feet when its depth is not more than six (6) feet. The depth of the court shall be not greater than twice its width.

5. Inner Court—An "Inner Court" shall not have any horizontal dimensions, measured at right angles to any wall

with window openings, which is less than the height of the building above the floor level of the story containing such openings; but in no case shall any dimension be less than 20 ft. (No other dimension of such court shall be less than one-third (1/3) the height of the building above the floor level of the lowest story served by such court.)

6. Every part of a required yard or court shall be open and unobstructed from its lowest point to the sky, except that fire escapes, open stairways, and chimneys may be permitted 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.

7. Wherever the major portion of a block is developed, and the majority of the buildings built on one side of a street between two intersecting streets have been built with a different minimum set-back than that prescribed for the zone in which said buildings are located, no building hereafter erected or altered shall project beyond the minimum set-back line so established; provided further that no dwelling shall be required to set-back a distance more than 10 feet greater than the set-back as required by the regulation of the zone in which it is located.

8. In the R-20, R-12, R-8, R-5 zones, where a lot is of less width than is required by the regulations of the zone in which it is located and a single family dwelling is to be erected thereon, the minimum side yard shall not be less than five (5) feet.

9. No group of row houses shall exceed eight dwelling units.

10. In any case where a residential building is constructed in a zone where no side yards are required, the distance between sidewalls, with windows and the lot lines shall be considered as courts and shall conform to the requirements of (4) and (5) above.

11. Whenever an alley occurs in any residential zone, one half of the width of such alley shall be considered in the determination of the rear yard requirements of any lot abutting, on such alley.

12. In the application of the front yard requirements of Article III, wherever the Right-of-Way widths or set backs shown on the Highway Plan of the City require a greater setback than the provisions of Article III, the requirements of the Highway Plan shall take precedence.

13. In the case where a complete block, or the major portion thereof, of an existing subdivision contains lots, none of which conform to the requirements of the zone in which the property is located, such block or major portion thereof may be resubdivided in such a manner that, while the resubdivided lots do not conform in width nor area with said zone requirements, every new lot shall be greater in width and area than the original lots.

14. Wherever in Article III a use is first allowed with a special use permit from Council, such permit shall be required also in any subsequent zone in which said use is allowed.

15. Although occupations of most kind are prohibited in residential zones, for purpose of license taxation only, it is permissible to give a residential address as the site of such an occupation. This is not to be construed in any manner which would permit such occupations to be conducted on residential premises or which would permit the placing of equipment used in such occupations on residential premises.

16. 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.

17. The set back line on the Alexandria side of Duke Street (Little River Turnpike) from Roberts Lane west to Quaker Lane shall be at least sixty (60) feet from the existing centerline of said Duke Street (Little River Turnpike).

ARTICLE V

Offstreet Parking and Loading

SEC. 1. In order to lessen congestion on the streets of the City and facilitate the safe and expeditious movement of traffic throughout the city, it is the intent of these regulations to require that the owners and occupants of all buildings hereafter erected, altered, or occupied within the city shall provide offstreet space for the parking and/or loading and unloading of vehicles using the facilities of such buildings.

SEC. 2. Offstreet parking.

(a) For all buildings or structures erected, altered, or occupied for any of the uses listed below, offstreet parking facilities, consisting of not less than 200 square feet per vehicle exclusive of driveways and aisles, shall be provided in the number of spaces as listed below; provided that these requirements shall not apply to any building or structure used for any of the purposes listed below prior to the enactment of this section unless there is an increase in floor area exceeding 33% of the existing floor area on the effective date of this section.

(b) In the R-20, R-12, R-8, R-5, and R-2-5 zones, such facility shall be located on the same lot as the main building; in the RA, RB, RC, and RM residence zones, such facilities shall be located either on the same lot as the main building, on a lot immediately contiguous to the main building lot or on a lot separated from the main building only by an alley or such other location as may be approved under the Community Unit Plan; in the C and I zones the distance from the parking facility to the building which it serves shall not exceed 700 feet, provided that, if such facility serves a commercial or industrial zone, it shall be permitted in a residential zone only with a special use permit as specified in Article X.

(c) Means of ingress and egress for the parking facility shall be and remain adequate and unobstructed at all times.

(d) SCHEDULE OF REQUIREMENTS.

1. RESIDENTIAL BUILDINGS—1 space per dwelling unit.
2. BOARDING AND ROOMING HOUSES—1 space per each 4 guest rooms.
3. TOURIST HOMES—1 space per each guest room.
4. TOURIST COURTS—1 space per each dwelling unit or guest room.
5. HOTELS—1 space per each 3 guest rooms.
6. HOSPITALS—1 space per each 800 feet gross floor area.
7. THEATRES AND AUDITORIUMS—1 space per each 8 seats.
8. CHURCHES—1 space per each 10 seats.
9. ALL OTHER PLACES OF AMUSEMENT—1 space per each 400 sq. feet of area.
10. OFFICE BUILDINGS—1 space per each 400 sq. feet of area of 1st floor and one space for each 750 sq. feet of floor space above the first floor. (See also 14 below.)
11. RETAIL STORE—ONE STORY BUILDINGS—1 space for each 100 sq. ft. of gross floor area. (See also 14 below.)
12. ALL OTHER COMMERCIAL BUILDINGS—1 space for each 100 sq. ft. of gross floor area on 1st floor plus 1 space for each 500 sq. ft. of gross floor area on upper floors. (See also 14 below.)
13. SCHOOLS—1 space for each 25 students.
14. ALL COMMERCIAL AND INDUSTRIAL BUILDINGS—1 space for each 3 employees.

NOTE: Space required under 14 is in addition to any space required under 1 through 13 inclusive.

SEC. 3. Loading and unloading areas. Every hospital, hotel, commercial building or industrial building hereafter erected or occupied for such use on a lot having at least 5,000 sq. ft. area, shall have one permanently maintained loading and unloading space for the handling of goods and supplies, plus one space for each 10,000 sq. ft. additional area or major fraction thereof. Such space shall have adequate and unobstructed ingress and egress from a street or alley, and shall be not less than twelve (12) feet in width and thirty-three (33) feet in

length measured perpendicularly to the street or alley. This provision shall not apply to buildings erected or occupied prior to the enactment of this ordinance, unless there shall be an increase in floor area of more than 33%.

SEC. 4. Central Business District. The central business district is hereby defined as being that area bounded on the east by the Potomac River, on the south by the centerline of Duke Street; on the west by the centerline of West Street; and on the north by the centerline of Queen Street.

Within the Central Business District as hereby defined, the requirements of Sec. 2(d)-10 to 14 inclusive and those of Sec. 3 shall not apply.

ARTICLE VI

Non-Conforming Uses and Structures

SEC. 1. Any non-conforming use, lawfully existing at the time of the passage of a zoning ordinance, may be continued as such subject to the provisions of this ordinance; it being the intent of this ordinance to provide for the eventual elimination of all non-conforming uses.

SEC. 2. In case a non-conforming use shall be abandoned for twelve (12) months then such non-conforming use shall terminate and revert to the conforming use of the zone in which it is located. This provision shall not apply where the non-conformance is occasioned only by variation in area, yard, height or off-street parking requirements.

SEC. 3. In case a non-conforming use shall be damaged to the extent of more than 60% of its assessed taxable value then such non-conforming use shall terminate and revert to a conforming use of the zone in which it is located. In the event that there is a dispute as to the extent of the damage; whether the property has been damaged to the extent of more than 60% of its assessed taxable value, shall be determined by the average of the estimates of damage and based upon the cost of restoration as furnished by three independent qualified contractors, one of whom shall be selected by the owner,

one of whom shall be selected by the City, and a third to be selected by the first two mentioned contractors.

SEC. 4. Whenever a non-conforming use consists of two or more buildings or structures all under single ownership and operation and on one tract of land at the time at which any such buildings or structures first become non-conforming, all said buildings and structures shall in the application of the provisions of this article, be treated as a single non-conforming structure so long as they remain under single ownership.

SEC. 5. A non-conforming use in existence when a zoning ordinance is enacted can be changed into another use in the same zone classification, except as provided in Sec. 6 below, only if an application for a permit shall be presented to the City Council and assent of the City Council for 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.

SEC. 6. Whenever a non-conforming use has been changed to a more restricted or conforming use, such use shall not thereafter be changed to a less restricted use. In the application of the foregoing provision, a use requiring a special use permit by City Council shall be considered to be a less restricted use than uses allowed in the same zone without such permit.

SEC. 7. No structural alteration shall be made to a non-conforming use in such manner as to prolong the life of the non-conforming use unless the use shall conform to regulations of the zone in which it is located provided however that such structural alterations shall be permitted in those cases required by law for the safety and health of the occupants.

SEC. 8. No non-conforming use shall be extended, enlarged or added to unless such use is changed to conform to the use regulations prescribed for the zone in which it is situated.

SEC. 9. The maintenance, repair and minor alteration of a non-conforming use shall be permitted, provided the life of such non-conforming use will not be unduly lengthened.

SEC. 10. In all Residential Zones, every non-conforming building or structure used for commercial or industrial purposes shall be removed or converted and the building or structure thereafter used only for such uses as are permitted in the zone in which the building or structure is located, within forty (40) years of the effective date of this ordinance or within forty (40) years of the date on which such building becomes non-conforming.

SEC. 11. The non-conforming use of land, (not involving a main building) existing at the time this ordinance became effective, shall be discontinued within 2 years of the time this ordinance becomes effective, provided further that the use of land which becomes non-conforming due to any subsequent change in this ordinance shall be discontinued within two (2) years of the date on which such change became effective.

SEC. 12. The provisions of Sec. 1 through Sec. 11 above shall apply to buildings, structures, lands or uses which may hereafter become non-conforming by reasons of any change in this ordinance, except that where any period of time is specified therein, such period shall commence from the date on which such change became effective.

ARTICLE VII

Provisions Applying at Lines of Zone Change

SEC. 1. It is the intent of this article to provide for the gradual change of restrictions applying to a zone where two zones of different classification abut one another, in order that property in the more restricted zone shall not be adversely affected.

SEC. 2. Parking areas. Where the side or rear of a lot in any residential zone abuts (immediately adjoining and not separated by streets or alleys) on a lot in the commercial or industrial zones, parking areas for buildings in said commercial or industrial zones may extend into the residential zone; provided that such extension shall not exceed 100 feet from the boundary of the less restricted zone and provided that such

use shall not extend into the front yard setbacks of property in the residential zone; and provided further that the provisions of Article V, Sec. 2, (b) shall be complied with.

SEC. 3. Wherever one zone abuts another, the setback ratio and yard provisions of the more restrictive zone shall apply to the less restrictive for a distance of 200 feet where the zone boundary line is within a block, and across the street where the zone boundary line is within the street area.

SEC. 4. Wherever a commercial zone is surrounded by a residential zone, the yard and setback angle provisions of the residential zone shall apply to the boundary of such commercial zone.

SEC. 5. Where a Heavy Industrial I-2 Zone abuts a residential zone, no heavy industrial use shall be permitted within 100 feet of such residential zone but the use provisions of the Light Industrial I-1 Zone shall apply in such transitional area.

ARTICLE VIII

Community Unit Plan

SEC. 1. The owners or developers of any tract of land comprising an area of not less than 10 acres may submit to the Director of Planning a plan for the use and development of all of such tract of land for residential purposes. The Director of Planning shall refer such plan to the City Planning Commission for study, public hearing and report; which report shall be transmitted to the City Council. Upon receipt of the report from the Commission the City Council after a public hearing may authorize or deny the issuance of building permits and certificates of occupancy therefor even though the use of land and the use and location of structures, including yards and open spaces required by this ordinance, do not conform in all respects to the regulations contained in other sections of this ordinance. The Commission shall make a report to City Council setting forth their reasons for approval or disapproval of the application and specific evidence and facts showing that the proposed community unit plan if approved meets the following conditions:

(1) That the property adjacent to the area included in the plan will not be adversely affected.

(2) That said plan is consistent with the intent and purpose of this ordinance to promote public health, safety, morals and general welfare.

(3) That the buildings will be used only for residential purposes and uses enumerated in "C-1" zone, and the usual accessory uses such as automobile parking areas, garages and community activities including churches. The maximum commercial floor area shall be 25 sq. ft. per dwelling unit.

(4) That the average lot area per family contained in the site, exclusive of the area occupied by streets and alleys shall not be less than the lot area per family required for the zone in which the development is located, and that the Floor Area Ratio of all buildings on the site shall not be greater than the FAR specified for such zone.

SEC. 2. No amendment, supplement or change in the provisions of this article and no application of the provisions of this Article shall be considered or made by the Council unless the advertising and public hearing provisions prescribed in Article XV of this ordinance are followed and complied with, and such advertising and public hearing provisions of Article XV are hereby made a part of this Article as if set out at length.

ARTICLE IX

Signs

SEC. 1. No sign or signs shall be permitted in any residential zone other than a name plate not exceeding one (1) square foot in area, for the purpose of advertising a home occupation or professional office and which bears only the name and occupation of the occupant of the building; provided that church bulletin boards not to exceed twenty (20) square feet in area and apartment or apartment hotel signs not to exceed forty (40) square feet in area may be erected or displayed when located entirely on private property and not less than ten (10) feet from any lot line; and provided further that one sign not to exceed twelve (12) square feet in area, advertising the sale

or lease of real estate, may be erected on the property so advertised. The illumination of any sign in a residential zone shall be by indirect means only.

SEC. 2. In any commercial zone, the following signs only may be erected or displayed:

(a) Any sign allowed in a residential zone.

(b) Sign advertising only the general business conducted within the premises; such signs to be erected or painted only upon such wall or walls of a building as may face a street, a parking lot, or an alley; and subject to the following provisions as to size:

(1) One story buildings—two (2) square feet of sign area including roof signs for each foot of width of building wall facing the street, parking lot or alley on which the sign is to be erected.

(2) First floor stores or businesses in multi-storied buildings same as (1) above except that such signs shall be kept within a height of 20 feet above the sidewalk.

(3) Upper stories of multi-storied buildings containing one or more businesses—total area of signs on any wall above 20 foot height specified in (2) above shall not exceed 40 square feet or 1/40th the wall area above the 20 foot height, whichever is the greater.

(4) Multi-storied building entirely occupied by one business—where an entire building over one (1) story in height is occupied by one business, an area of signs of 100 sq. ft. or 1/40th of the wall area facing any street, alley or parking lot, may be substituted for (2) and (3) above, placed above or below such 20 foot height on such frontage.

(c) Where a business is conducted on a lot having a small building or no building, signs may be erected on the building or as free standing signs upon the lot; provided that the total area of all signs shall not exceed two (2) square feet for each foot of lot frontage nor a total of 150 square feet; and provided that any free standing sign shall be set back not less than five (5) feet from the front lot line; and provided further that where any commercial zone immediately adjoins a

residential zone, any sign erected in such commercial zone within 100 feet of the boundary of said residential zone shall be set back from the front lot line not less than twenty-five (25) feet and shall be set back from any side lot line adjoining the residential zone not less than ten feet.

(d) Roof signs may be erected or placed upon the roof of any building in the C-2 and C-3 zones only and shall not exceed an area of 100 square feet facing any street frontage; provided further that the area of any roof sign erected shall be included in the total area of signs permitted under (b) above. No roof sign shall project beyond the line of the building wall.

(e) Special advertising may be permitted in conjunction with a sign as permitted above, but such special advertising shall not exceed 33 1/3% of the total area of the sign of which it is a part unless the subject of the special advertisement constitutes more than 50% of the gross business of the concern or proprietor.

(f) Signs may be erected flat against a wall or at right angles thereto but shall not project more than four feet from such wall nor within one foot of the established curb line; for signs erected flat against a wall, the bottom of such sign shall be not less than 8 ft. 6 inches above the sidewalk or parking area; for signs projecting from a wall, the bottom of such signs shall be not less than 10 feet above the sidewalk or parking area, or not less than 14 feet above an alley.

(g) In the case of a sign having a double face, the area of such sign shall be considered to be the area of one face only.

SEC. 3. In any industrial zone, the following signs only shall be permitted:

(a) Any sign permitted in the commercial zones except that for signs facing commercial or industrial zones, the area of such signs may be 3 sq. ft. for each foot of width of building wall.

(b) Billboards subject to special use permit as specified in Article X; Provided that no billboard shall be erected within 200 feet of any dwelling; and provided further that no billboard shall be erected within 40 feet of any street line and shall not exceed 15 feet in height above the curb line.

SEC. 4. In addition to the provisions of Secs. 1, 2 and 3 above, the following regulations shall also be observed:

(a) No illuminated sign of the flashing or animated type shall be permitted.

(b) Illuminated signs, where permitted, which face land zoned for residential use shall not be illuminated after 10:30 p. m. Such signs shall be so constructed that the lighting elements shall be shielded from view of the residential zone by non-transparent or translucent material or other means designed to eliminate objectionable glare.

(c) Within the Old and Historic Alexandria District as defined in Article XIV, any unilluminated sign or signs of greater than 20 square feet gross area, and any illuminated sign of more than 10 square feet gross area shall be subject to approval by the Board of Architectural Review as specified in Article XIV.

ARTICLE X

Special Use Permits

SEC. 1. Intent—It is the intent of this Article to provide for review by City Council of the use of land for certain purposes which normally would be allowed in the zones as set forth in Article III, but which, due to peculiar conditions connected with such uses, may warrant further investigation and review.

SEC. 2. Special use permits may be granted by City Council for any of the uses for which a use permit is required by the provisions of this ordinance, provided that before any such use permit is granted the following provisions shall have been complied with:

(a) Written application for a use permit shall be transmitted to the City Manager together with a minimum fee of \$10.00 which shall be applied to the cost of advertising and expenses incidental to reviewing, publishing and reporting the facts.

(b) Not less than 15 days prior to the Council meeting at which an application is to be heard, the City Manager shall cause notice of such hearing to be published in a newspaper

of general circulation in the City setting forth the name of the applicant, the location and use for which the permit is desired and the date of the public hearing. Like notice of the hearing shall also be given by mail to the applicant and to each immediately adjoining property owner.

(c) The City Manager shall, at the same time at which he advertises the application for public hearing, refer the application to the City Planning Commission and departments concerned for study and report to Council not later than 3 days prior to the public hearing. The Commission shall submit their recommendations to the Council together with their reasons therefor.

(d) If the City Council shall find that, after a duly advertised public hearing into the circumstances of the particular situation, the use for which the Use Permit is sought will not (1) affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use, (2) will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood and (3) will be in accord with the purposes of the Master Plans of the City, it may issue the use permit provided all regulations and provisions of law shall have been complied with. In granting any use permit, the City Council shall designate such conditions in connection therewith as will, in its opinion, assure that the use will conform to the foregoing requirements and will continue to do so, and Council may designate whether such is granted to a specific person or persons or is granted to the owner or occupant and their successors in title.

SEC. 3. Construction or operation shall be commenced within one (1) year of date of issuance or the Use Permit shall become void.

SEC. 4. The City Council may revoke or suspend any Use Permit granted by it under the provisions of this Article upon proof that the conditions set forth at the time of issuance are not being conformed with or upon proof that the provisions of regulations and/or law are being violated. Such suspension or revocation shall only be ordered after a public hearing which shall be duly advertised as provided for in Sec. 2 (c) above.

ARTICLE XI

Board of Zoning Appeals

SEC. 1. Creation and Composition. A Board of Zoning Appeals is hereby created in compliance with Sec. 9.14 of the Charter of the City of Alexandria, adopted April 7, 1950. Said board shall consist of five (5) members, all of whom shall reside in and be qualified voters of the City and shall hold no office of profit under the City government. They shall be appointed by the City Council for terms of four years each; provided that members appointed by Council in February 1951 shall hold office until the expiration of the terms for which they were appointed. Vacancies shall be filled by City Council for the unexpired portion of the term. A member may be removed by Council for neglect of duty or malfeasance in office, upon written charges and after public hearing. Members shall serve without compensation but may receive reimbursement for travel and expenses incurred by attendance at conventions, meetings and such other travel as may be in the interest of the City and the performance of the duties and activities of the Board.

SEC. 2. Procedure. The meetings of the board shall be held at the call of the chairman and such other time as the board may determine. The board shall keep minutes of its proceedings showing the vote of each member on 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 filed in the office of the board and shall be a public record.

SEC. 3. Appeals to Board. Appeals to the board may be taken by any person aggrieved, or by any officer, department, board, commission or agency of the city affected, by any decision of the director of planning, who shall enforce the ordinance establishing zones and regulating and restricting the use of land, buildings and structures therein. Appeals shall be taken within such reasonable time as shall be prescribed by the board by general rule by filing with the said director of planning and with the board a notice of appeal specifying the grounds thereof. The director of planning shall forthwith

transmit to the board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from unless the director of planning from whose decision the appeal is taken certifies to the board that by reason of the 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 or by a court of record on application and on notice to the director of planning and on due cause shown.

The board shall fix a reasonable time for the hearing of the appeal, give public notice thereof as well as due notice in writing to the parties in interest, such notices to be given not less than five days prior to the date set by said hearing and decide the issue within a reasonable time. At the hearing any party may appear in person, by agent or by attorney and shall be given opportunity to be heard. The board may prescribe a fee to be paid whenever an appeal is taken which fee shall be paid into the city treasury.

SEC. 4. Powers of Board. The board shall have the following powers and it shall be its duty:

(a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination by the director of planning in the administration and enforcement of the provisions of the ordinance.

(b) To grant variations in the regulations when a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness or shape of a specific piece of property at the time of the effective date of the ordinance or where by reason of the exceptional topographical conditions or other extraordinary or exceptional situation the strict application of the terms of the ordinance actually prohibit or unreasonably restrict the use of the property, or where the board is satisfied, upon the evidence heard by it, that the granting of such variation will alleviate a clearly demonstrable hardship approaching confiscation as distinguished from a special privilege or conven-

ience sought by the owner; provided, however, that all variations granted shall be in harmony with the intended spirit and purpose of this chapter and the ordinance.

(c) To permit, when reasonably necessary in the public interest, the use of land, or the construction or use of buildings or structures in any zone in which they are prohibited by the ordinance, by any agency of the city, state or the United States, provided such construction or use shall adequately safeguard the health, safety and welfare of the occupants of the adjoining and surrounding property, shall not unreasonably impair an adequate supply of light and air to adjacent property, shall not increase congestion in streets and shall not increase public danger from fire or otherwise affect public safety.

(d) To permit the following exceptions to the zone regulations and restrictions, provided such exceptions shall by their design, construction and operation adequately safeguard the health, safety and welfare of the occupants of the adjoining and surrounding property, shall not unreasonably impair an adequate supply of light and air to adjacent property, shall not increase public danger from fire or otherwise unreasonably affect public safety, and shall not diminish or impair the established property values in surrounding areas:

(1) Use of land or erection or use of a building or structure by a public service corporation for public utility purposes exclusively which the board finds to be reasonably necessary for the public convenience and welfare.

(2) Extension of a zone where the boundary line of a zone divides a lot in single ownership as shown of record at the time of the effective date of the ordinance, except that no such extension shall be permitted to extend more than 20 feet beyond the said boundary line.

(3) Reconstruction of buildings or structures that do not conform to the comprehensive zoning plan and regulations and restrictions prescribed for the zone in which they are located, which have been damaged by explosion, fire, act of God or the public enemy, to the extent of more than sixty per cent of their assessed taxable value, when the board finds some compelling public necessity for a

continuance of the use and such continuance is not primarily to continue a monopoly, provided that nothing herein shall relieve the owner of any such building or structure from obtaining the approval of such reconstruction by the council or any department or officer of the city when such approval is required by any law or ordinance.

SEC. 5. Appeals from Board of Zoning Appeals. Any person, firm, or corporation, jointly or severally aggrieved or in fact affected by a decision of the board of zoning appeals, or any officer, department, board or agency of the city government charged with the enforcement of any order, requirement or decision of said board, may appeal from such decision by filing a petition in the corporation court of the city, verified by affidavit, setting forth the alleged illegality of the action of the board and the grounds thereof. The petition shall be filed within thirty days from the date of the decision of the board.

ARTICLE XII

Certificate of Occupancy

SEC. 1. Certificates of Occupancy shall be required for any of the following:

- (a) Occupancy and use of a building hereafter erected or structurally altered.
- (b) Change in use of an existing building to a use of a different zone classification.
- (c) Any change in ownership of a commercial or industrial use.
- (d) Occupancy and use of vacant land.
- (e) Change in the use of land to a use of a different classification.
- (f) Any change in the use of a non-conforming use.

No occupancy, use or change of use, shall take place until a certificate of occupancy therefor shall have been issued by the building inspector.

SEC. 2. Written application for a certificate of occupancy for a new building or for an existing building which has been

altered shall be made at the same time as the application for the building permit for such building. Said certificate shall be issued within ten (10) days after a written request for the same has been made to said building inspector after the erection or alteration of such building or part thereof has been completed in conformity with the provisions of this ordinance.

SEC. 3. Written application for a certificate of occupancy for the use of vacant land, or for a change in the use of land, or for a change in the use of land or of a building, for a change in a non-conforming use, as herein provided, shall be made to said building inspector; if the proposed use is in conformity with the provisions of this ordinance, the certificate of occupancy therefor shall be issued within ten (10) days after the application for the same has been made. The fee for such certificate of occupancy shall be one dollar (\$1.00), to be paid to the Treasurer of Alexandria.

SEC. 4. Every certificate of occupancy shall state that the building or the proposed use of a building or land complies with all provisions of law and of all city ordinances and regulations. A record of all certificates of occupancy shall be kept on file in the office of the building inspector and copies shall be furnished on request, to any person having proprietary or tenancy interest in the building or land affected.

SEC. 5. A certificate of occupancy for all non-conforming uses but not including non-conformance occasioned only by variation in area, yard, height or offstreet parking requirements shall be applied for by the owner or agent of the property occupied by such non-conforming use within twelve (12) months from the effective date of this ordinance. It shall be the duty of the building inspector to give public notice in a local newspaper to this effect.

ARTICLE XIII

Administration

SEC. 1. Enforcement. This ordinance shall be enforced by the director of planning and the building inspector who shall review all building permits and certificates of occupancy for compliance with the provisions of this ordinance; after which the building permit or Certificate of Occupancy may be issued by the building inspector.

SEC. 2. Applications for Building Permits. Each application for a building permit 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 determine that the building will comply with the provisions of this ordinance, including a complete set of working drawings. One copy of such plat shall be kept in the office of the director of planning for future reference.

SEC. 3. Inspection. The director of planning or the building inspector or any authorized assistant thereof upon proper identification, shall have the right to enter premises for the purpose of making an inspection or acquiring information to determine whether or not the premises and use of premises conform to the requirements of this ordinance.

SEC. 4. Penalties for Violation. Any person violating any of the provisions of this ordinance shall upon conviction, if the offense be not wilful, be punished by a fine of not less than \$10.00 nor more than \$100.00, and if the offense be wilful by a fine of not more than \$250.00, and in every case \$10.00 for each day after the first day that such violation shall continue.

Violations of the provisions of this ordinance may also be restrained, prohibited or enjoined by appropriate action or proceeding.

ARTICLE XIV

Old and Historic Alexandria District

SEC. 1. Creation of the district. There is hereby created in the City of Alexandria a district to be known as the "Old and Historic Alexandria District", which is bounded on the north by a line parallel to and 176.58 feet north of the north line of Oronoco Street, on the east by the Potomac River, on the south by Hunting Creek, and on the west by a line parallel to and 123.42 feet westerly of the west line of Alfred Street.

SEC. 2. Certificate of appropriateness; its purpose. In order to promote the general welfare through the preservation and protection of historic places and areas of historic interest in the City of Alexandria and through the preservation of the memorial character of the George Washington Memorial Highway, no building or structure shall hereafter be erected, reconstructed, altered or restored unless and until the application for the building permit shall have been approved by the Board of Architectural Review hereinafter created, as to exterior architectural features including signs, which are subject to public view from a public street, way or place. Evidence of such required approval shall be a Certificate of Appropriateness issued by the Board of Architectural Review hereinafter created.

SEC. 3. No building which existed within the Old and Historic Alexandria District in 1846 or prior thereto shall be razed without first obtaining a permit approved by the Board of Architectural Review and said Board shall be empowered to refuse such a permit for any structure of such architectural or historic interest, the removal of which in the opinion of said Board would be detrimental to the public interest of this City.

SEC. 4. Board of Architectural Review. For the purpose of making effective the provisions of this article, there is hereby created a board to be known as the "Board of Architectural Review", to be composed of seven members who are citizens of the City of Alexandria, five of whom shall be appointed by the City Council. Two members shall be certified architects;

one a member of the City Council; one an established, licensed real estate broker in the city; and two persons with knowledge of and demonstrated interest in the historical character of the old part of the city, one of whom shall be elected by the Planning Commission from its citizen members. The building inspector shall be a member by virtue of his office. The term of office of the members shall be three years, except that the term of the building inspector shall correspond to his official tenure of office. Any appointed member of the Board may be removed from office by the Council after public hearing for inefficiency, neglect of duty, or malfeasance. An appointment to fill a vacancy shall be only for the unexpired portion of the term.

SEC. 5. Organization; meeting; records. The Board of Architectural Review shall elect its chairman and the building inspector shall be its secretary. The Board shall meet within ten (10) days after notification by the building inspector of an application for a building permit, and it shall keep a permanent record of its resolutions, transactions and determinations.

SEC. 6. Powers and duties of board. The Board of Architectural Review shall pass upon the appropriateness of exterior architectural features including signs as provided for in Article IX, of buildings and structures hereafter erected, reconstructed, altered or restored in the Old and Historic Alexandria District wherever such exterior features are subject to public view from a public street, way or place. All plans, elevations and other information deemed necessary by the board to determine the appropriateness of the exterior features to be passed upon shall be made available to the board by the applicant through the building inspector.

The Board of Architectural Review, in passing upon the appropriateness of exterior architectural features in any case, shall keep in mind the purposes set forth in Sec. 2 of this ordinance, and shall consider among other things, the general design, arrangement, texture, material and color of the building or structure in question and the relation of such factors to similar features of buildings and structures in the imme-

diate surroundings. The board shall not consider detailed design, relative size of building or structure, interior arrangement, or features not subject to public view. The board shall not make any requirements except for the purpose of preventing developments obviously incongruous to the old historic aspect of the surroundings or the memorial character of the George Washington Memorial Highway, if in the latter case the building or structure faces on said highway.

In case of disapproval, the board shall state its reasons therefor in writing, and it may make recommendations to the applicant with respect to appropriateness of design, arrangement, texture, material, color and the like of the building or structure involved.

Upon approval of the plans, the board shall cause a Certificate of Appropriateness, signed by its chairman and dated, to be issued to the applicant or affixed to the plans. If the board shall fail to take any final action in any case within sixty (60) days after notice from the building inspector of any application, the application shall be deemed disapproved, unless by mutual agreement the time limit be extended.

ARTICLE XV

Procedure

SEC. 1. 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 the Code of Virginia (1950) section 15-823 and amendments thereto, the Charter of the City of Alexandria and amendments thereto, and to the provisions of this chapter.

(2) No change in zone boundaries shall be made so as to include less than the entire area fronting on the same street in one block, but such change need not include such portions of corner lots as may be within one hundred feet of the street line of the intersecting streets which bound the block, and in blocks where the frontage on the same street is seven hundred fifty feet or more the change need not include more than five hundred continuous feet thereof. Changes involving lesser

areas than the above may be made when the change consists of the inclusion of the balance of the frontage on the same street in any one block in the same zone in which the major portion of such frontage is already included. This section shall not apply when the comprehensive zoning plan of the city is revised from time to time.

(3) No amendment, supplement or change in this chapter initiated 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 time, date and place of a proposed hearing before both the Commission and the Council, the nature of the amendment, supplement or change, and the location of property, if property is to be zoned; and further has caused said advertisement to be published two times in a newspaper of general circulation in the City, one of which publications shall be at least five days before the proposed hearing before the Commission and the other publication shall be after that hearing and at least ten days before the proposed hearing before the City Council. Except in the case of comprehensive changes in the zoning plan, like notice of the hearings shall also be given by mail to the owner, abutting property owners, and owners directly opposite the property when the property borders on a street or right-of-way. Placing in the mail shall be sufficient service of this notice.

(4) Applications for amendment, supplement or change in this ordinance made by the owner of property or parties in interest shall be addressed to the City Council and shall be filed with the Director of Planning. Each such application for change in zoning classification of property shall correctly list the names and addresses of all abutting property owners, and when the property borders on a street, public way or public service company right of way, the names and addresses of the property owners directly opposite the property across such streets, public way or public service company right of way. Each such application shall be accompanied by a check or money order in at least the sum of Twenty-five dollars to cover costs in connection with the application and it shall be the duty of the City Manager to ascertain in any case whether or not such sum will cover the costs in connection therewith,

and if not, he shall require such additional sum as will actually cover such costs.

Upon the filing of such application or applications, the Director of Planning shall confer with the City Manager for the purpose of scheduling hearing dates before the Commission and before the City Council, respectively. The City Manager shall then cause to be prepared an advertisement stating the dates and time of the proposed hearings before the Commission and the Council and the nature of each proposed amendment, supplement or change in this chapter, and the location of the property, if any, to be rezoned; and he shall further cause said advertisement to be published two times in a newspaper of general circulation in the City, one of which publications shall be at least five days before the proposed hearing before the Planning Commission and the other publication shall be after that hearing and at least ten days before the proposed hearing before the Council. Except in the case of comprehensive changes of the zoning law, like notice of the hearings shall also be given by mail to the applicant and to each of the property owners listed in each application for change in zoning classification as required by this subsection. Placing in the mail shall be sufficient service of this notice.

If any person or organization shall pay to the City through the City Manager the sum of Ten (10) Dollars to cover costs, the City Manager shall cause to be mailed to each such person or organization for a period of one year notice of the respective public hearings on all zoning matters, which notice shall be mailed at least five days before the hearing of the Commission and shall state the dates, places and nature.

The City Planning Commission shall meet at such times arranged in relation to the meetings of Council as will permit of proper maturing of the publications hereinbefore provided for.

(5) After the public hearing by it, the City Planning Commission shall make its recommendation to the Council either for or against adoption of the proposed amendment, supplement or change and give its reasons. Such recommendation shall be sent to the Council the day after the hearing before

the Planning Commission. The Council at the time scheduled shall conduct a full and impartial public hearing on each application, and it shall grant such application by adoption of an ordinance effecting such amendment, supplement or change, or it shall deny such application by motion or resolution; provided however, that if the City Planning Commission shall recommend against adoption of any change in zoning classification of property, it shall require a recorded three-fourths vote of all members of Council to adopt an ordinance effecting the change against such recommendation.

(6) If a protest is filed with the city clerk against such amendment, supplement or repeal signed by the owners of twenty per cent or more of the total area of the lots included in such proposed change or of the total area of the lots outside of the proposed change any point in which is within two hundred feet of any point on the boundary of such area, the council shall not adopt the ordinance making such amendment, supplement or repeal, by less than three-fourths affirmative votes of the members of Council.

(7) Public hearings before the Council in relation to the adoption, supplement, amendment, alteration or change of regulations and restrictions and determination of zone boundaries, shall not be held more frequently than one every three months; provided however, that more frequent rezoning ordinances may be enacted under the emergency ordinance provision of the Charter of the City of Alexandria.

(8) The subject matter of any application for amendment, supplement, or change in this chapter which is denied by the Council shall not be considered thereafter by the City Planning Commission or the Council for a period of one year.

(9) Applications for amendment, supplement or change in the ordinance may be withdrawn at any time, but where the withdrawal is after the City Planning Commission has made its recommendation and there is opposition to the withdrawal by a citizen or a party in interest, the subject matter of the withdrawn application shall not be considered by the City Planning Commission or the Council for a period of one year after such withdrawal. Any such opposition to a withdrawal

shall be made not later than the time at which the application is first considered by the Council on its docket.

(10) After the City Planning Commission has heard an application and made its recommendation to the Council, such application shall not be referred back to the Commission by the Council.

(11) The subject matter of an application for amendment, supplement, or change in this ordinance which has been denied by the Council, or withdrawn with opposition, may be reconsidered by the City Planning Commission and Council after a period of six months if the new application differs in a material respect from the application denied or withdrawn.

ARTICLE XVI

Interpretation, Purpose and Conflict

SEC. 1. How construed.

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.

SEC. 2. Zone Boundaries.

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

(1) Zone boundary lines are intended to follow center-lines of streets or alleys or lot lines as they existed on the date of said map, unless otherwise shown.

(2) In case a zone boundary is not approximately on such a street, alley or lot line, or where it bisects undivided

acreage, the location of the zone boundary line shall be determined by the scale of the map.

ARTICLE XVII

Validity and Effective Date

SEC. 1. If any section, paragraph, subdivision, clause, phrase or provisions of this ordinance shall be judged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

SEC. 2. That this ordinance shall be published in a newspaper of general circulation in the City not later than two days following its introduction together with a notice containing the time and place for a public hearing. The clerk of the Council shall note the date of introduction and first reading, the date of publication, the date of the public hearing, and the date of the second reading and final passage in the minutes of the meeting. This ordinance shall become effective the date of its final passage.

FRANKLIN P. BACKUS,
Mayor.

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