

JENNIFER,  
I THOUGHT YOU MIGHT  
LIKE A COPY OF THE  
ORIGINAL ORDINANCE  
AS ADOPTED  
IN "1949"  
JERRY  
COUNCIL

ZONING ORDINANCE  
VIENNA, VIRGINIA

AN ORDINANCE TO DIVIDE THE TOWN OF VIENNA, VIRGINIA INTO DISTRICTS, TO REGULATE AND RESTRICT THE LOCATION, ERECTION, CONSTRUCTION, RECONSTRUCTION, ALTERATION, REPAIR OR USE OF BUILDINGS AND OTHER STRUCTURES, AND THE TRADE, INDUSTRY AND OTHER SPECIFIC USES OF THE PREMISES IN SUCH DISTRICT FOR THE PROMOTION OF HEALTH, SAFETY, MORALS, COMFORT, PROSPERITY, OR GENERAL WELFARE OF THE GENERAL PUBLIC OF THE TOWN OF VIENNA.

ARTICLE I - ZONES

1.1 The Town of Vienna, Virginia, is hereby divided into zones as shown on the zoning map dated December 5, 1949. This zoning map which is adopted hereby as part of this ordinance is filed with the Town Clerk.

ARTICLE II - USES

2.1 - In each zone land and structures may be used only for purposes specified in the zoning schedule, Article 5.

ARTICLE III - NON CONFORMING USES

3.1 - Any use or structure existing at the time of enactment or subsequent amendment of this ordinance, and not in conformity with its provisions may not be:

- 3.11 - Changed to another non-conforming use;
- 3.12 - Re-established after discontinuance for six months;
- 3.13 - Extended except in conformity to this ordinance;
- 3.14 - Rebuilt after damage exceeding one-half (1/2) of its fair sales value immediately prior to damage; or
- 3.15 - Continued for more than ten (10) years in non-conforming use after the adoption of this ordinance.

ARTICLE IV - OPEN SPACE AND HEIGHT

4.1 - In each zone each structure hereafter erected or altered shall be provided with the yards specified; shall be on a lot of the area and width and depth specified; and shall not exceed the heights specified in the zoning schedule, Article 5.

4.2 - No open space or lot required for building or structure shall during its life be occupied or counted as open space for another building or structure.

ARTICLE V - ZONING SCHEDULE

5.1 Residence Zone

5.11 - Uses Permitted: Dwellings; church; school offering general educational course; child care or nursery school; library; agriculture garden; poultry raising, provided no fowls shall be housed or penned within seventy-five (75) feet of any adjoining property; however, fowls may be housed or penned within seventy-five (75) feet

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5.27 - Maximum height: Buildings shall not exceed 35 feet in height or be over 3 stories.

### 5.3 Light Industry Zone

5.31 - Uses permitted: Any use permitted in a Business Zone; filling station, garage, parking space, any other business or service not specifically restricted or prohibited herein; tobacco warehouses, lumber storage yards, contractors plant, building materials storage, storage building.

5.32 - Uses prohibited: Any manufacture, trade, industry or other use detrimental to a neighborhood by reason of emission of odor, fumes, dust, smoke, vibration, noise, or other cause including those listed in Note B.

5.33 - Minimum yard size: Rear yards shall be at least 20 feet in depth; side yards for dwellings shall be at least 8 feet in width, and for other buildings at least 6 feet in width.

5.34 - Minimum setback from street right-of ways: All buildings shall be set back at least 15 feet from the street right-of-way.

5.35 - Maximum height: Buildings shall not exceed 55 feet in height or be over 4 stories.

5.4 - In all areas in all zones wherein sewer and water are not available, all lots shall contain at least 20,000 square feet and they shall be at least 80 feet wide.

NOTE A: The term "accessory use" shall not include:

(a) Any use not on the same lot with the use to which it is necessary unless authorized by the Appeal Board;

(b) Any use not customarily incident to a permitted use;

(c) Any use detrimental to a neighborhood by reason of emission of smoke, noise, odor, vibration, dust, or fumes;

(d) Storage of more than one commercial automobile;

(e) The sale of produce not grown on the premises;

(f) Advertising signs, except signs less than ten (10) square feet in area, pertaining to the lease, sale, or use of a lot or building on which placed. On a lot occupied by a dwelling there may not be more than two (2) signs, with a total area of two (2) square feet per sign for each family housed.

NOTE B. List of uses prohibited in a Business Zone:

Manufacture or refining of ammonia, bleaching powder, chlorine, asphalt, brick, terra-cotta, tile or pottery (except in handicrafts), cement, gypsum, lime, plaster of paris, coke, creosote, dextrin, glucose, starch, dye, explosives or fireworks or storage in excess of five hundred pounds, fertilizer, gas (fuel or illuminating) in excess of one thousand cubic feet per day or storage in excess of ten thousand cubic feet, except in a municipal or public service plant, gelatine or glue or size from fish or animal refuse or offal, hair, hydrochloric, nitric, picric sulphuric or sulphurous acid, lamp black, linoleum or oilcloth, match pyroxylin or articles thereof or storage

in excess of five hundred pounds, rubber or treatment thereof involving offensive odor, tar, turpentine, or varnish;

Blast furnace, coal, junk, or wood yard, distillation of bones, coal, wood, or tar, or manufacture of any of their products; drop forge; fat, grease, lard or tallow manufacture, refining or rendering; flour or grist mill, hot rolling mill, incineration, reduction or dumping of dead animals, garbage, offal or refuse; lumber yard with mill, petroleum or other inflammable liquids- production or refining or storage above ground in excess of one thousand gallons, slaughtering or stock yards except as permitted by the Board of Health; Tanning, curing or storage of raw hides or skins.

NOTE C:

(a) Steps or stoops not exceeding 24 square feet in area, eaves, cornices, and window sills may project into any required yard.

(b) Where a parcel of land is to be occupied by more than one building each building shall be treated as though on a separate lot unless the Appeal Board authorizes a redistribution of required yard space in harmony with the intent of the requirements of this ordinance.

(c) On lots occupied by dwellings only, not exceeding 30 percent of the rear yard may be occupied by one-story buildings of accessory use.

(d) In any zone, on lots less than 100 feet deep, a rear yard may be reduced 1 percent for each foot that the lot's depth is less than 100 feet.

(e) On no lot, separately owned at the time of the passage of this ordinance, shall the aggregate width of required side yards be such that less than 24 feet of the width of the lot may be built upon.

NOTE D:

(a) On lots less than 100 feet in depth, the setback from a street may be reduced 1 percent for each foot that the lot is less than 100 feet deep.

(b) No building need be set back more than the average of the setbacks of the nearest buildings on either side. A vacant lot 100 feet or more in width, or a lot occupied by a building set back more than the minimum set forth in the zoning table, shall be counted as though occupied by a building with minimum setbacks.

(c) No dwelling shall be erected on a lot which does not abut on at least one street for at least 40 feet.

NOTE E:

(a) Minimum lot provisions do not apply to one-story buildings of accessory use.

(b) In a residence zone lot widths shall be measured through that part of the lot to be occupied by a building, and no lot shall be less than 50 feet frontage.

(c) One building and its accessory buildings may be erected on any lot of record which, at the time this ordinance is adopted, is

separately owned.

NOTE F:

(a) In measuring height a habitable basement extending at least five feet above the ground or an attic shall be counted as a story, provided that a story in a sloping roof, the area of which story at a height 4 feet above the floor does not exceed 2/3 the floor area of the story immediately below it, and which does not contain an independent apartment, shall be counted as a half story.

(b) Chimneys, elevators, poles, spires, tanks, towers, and other projections not used for human occupancy may extend above the height limit.

(c) In a residence a building housing not more than one family may be built to a height of 55 feet and 4 stories, if it sets back from each street and lot line 10 feet in addition to the open space requirements herein, plus one foot for each foot it exceeds the normal height limit.

NOTE G:

Parking space for motor vehicles shall be provided as follows:

Types of Buildings	One Parking Space required for each
Theatres and Auditoriums . . . . .	10 seats
Retail Business . . . . .	400 sq. ft. devoted to sales space
Office Buildings . . . . .	400 sq. ft. floor space
Restaurants . . . . .	6 seats
Hotels . . . . .	4 guest rooms
Industrial Buildings . . . . .	5 employees
Wholesale and Warehouse Bldgs. . . . .	1000 sq. ft. of floor area
Single Dwellings . . . . .	1 unit
Multiple Dwellings . . . . .	2 units
Rooming Houses and Tourist Homes . . . . .	2 guest rooms

ARTICLE VI - ADMINISTRATION

6.1 - This ordinance shall be enforced by a Zoning Inspector appointed by the Town Council.

6.2 - No land or structure shall be changed in use and no structure shall be erected, altered or moved until the Zoning Inspector has issued a permit certifying that the plans and intended use of the land, buildings, and structures are in conformity with this ordinance. No permit will be issued by the Zoning Inspector until a card designated as an Application For Building Permit is obtained from Zoning Inspector and displayed for a period of ten days in a prominent place on the front of the land or building for which the permit is sought. Objection to the issuance of said permit shall be made to the Zoning Inspector and the applicant for said permit shall be notified of the objection by the Zoning Inspector.

## ARTICLE VII APPEALS

There shall be an Appeal Board consisting of five members appointed by the Town Council for a term of three years and removable for cause by the appointing authority. The terms shall be staggered and one member of the original Board shall be appointed for one year, two members for two years and two members for three years. The Appeal Board shall, after public hearing duly advised decide (1) appeals from alleged error in zoning inspector's decision, (2) appeals for variance where exceptional and peculiar hardship would be caused by enforcement of the regulations in this ordinance and where such variance would not substantially derogate from the intent of this ordinance but not otherwise, and (3) appeals for permits in special cases designated in Article 5.

The Appeal Board shall always act with due consideration to promoting the public health, safety convenience and welfare, encouraging the most appropriate use of land and conserving property value, shall permit no building use detrimental to a neighborhood, and shall prescribe appropriate conditions and safeguards in each case. All the cost of an appeal to decisions of the Zoning Inspector pertaining to the issuance of a building permit shall be borne by the Appellant. An appeal bond not to exceed \$50.00 may be assessed by the Appeal Board before hearing any appeal.

## ARTICLE VIII PENALTIES

Any person violating any provision of this ordinance shall, upon conviction, be fined not more than \$50.00 or less than \$10.00 for each offense. Each day such violation continues after notice shall constitute a separate offense.

## ARTICLE VIII - a AMENDMENT

The Council may from time to time amend the number shape, boundary area or any regulation of any zone or zones set forth herein or any other provision of this Zoning Ordinance, but such amendment shall not be made or shall not become effective unless the same be first submitted to the Zoning and Planning Commission for its recommendation and after public hearing.

## ARTICLE IX - VALIDITY CLAUSE

Should any article section, subsection or provision of these zoning regulations be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not effect the validity or constitutionality of the Zoning Regulations as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

## ARTICLE X EFFECTIVE DATE

This ordinance shall take effect and be in force immediately after its adoption, the public welfare demanding it.

Adopted by the Town Council of Vienna, Virginia December 5, 1949.