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TOWN OF PURCELLVILLE

IN

LOUDOUN COUNTY, VIRGINIA

ORDINANCE NO. 21-02-01

PRESENTED: APRIL 27, 2021

ADOPTED: JUNE 8, 2021

AN ORDINANCE: AMENDING THE ZONING ORDINANCE AS FOLLOWS:

AMENDING ARTICLE 6 (“SUPPLEMENTARY REGULATIONS”), SECTION 4 (“SUPPLEMENTARY HEIGHT, AREA, AND BULK REGULATIONS”), TO ADD SUBSECTION 4.10, “BUILDING HEIGHT CALCULATIONS;” AMENDING ARTICLE 15 (“DEFINITIONS”) TO DELETE THE DEFINITION OF “BUILDING HEIGHT OF;” AMENDING ARTICLE 4 (“DISTRICT REGULATIONS”), SECTION 9 (“C-4 CENTRAL COMMERCIAL DISTRICT”), SUBSECTION 9.1 (“HEIGHT”) TO MODIFY THE BUILDING AND STRUCTURE HEIGHTS ALLOWED IN THE C-4 ZONING DISTRICT; AMENDING ARTICLE 5 (“NONCONFORMITIES”), SECTION 5 (“DESTRUCTION OF NONCONFORMITIES”), TO ALLOW NONCONFORMING STRUCTURES TO BE RESTORED TO THEIR ORIGINAL NONCONFORMING CONDITION IF DESTROYED BY FIRE, NATURAL DISASTER OR ACT OF GOD

Be it ordained by the Council of the Town of Purcellville, Virginia:

Section I. That Zoning Ordinance Article 6 (“Supplementary Regulations”), Section 4 (“Supplementary Height, Area, and Bulk Regulations”) be amended and add the images as follows:

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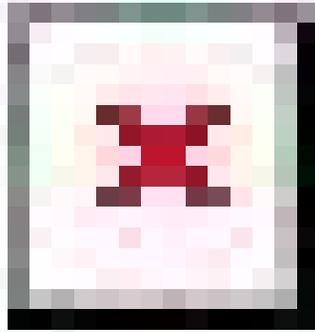
4.10 *Building Height Calculations.* Building height shall be the vertical distance of a building as measured from the “average finished grade” along the front façade of a building, to the: (i) midpoint between eaves and the ridge of a gable or hip roof; (ii) midpoint of the uppermost slope of a gambrel roof; (iii) deck line of a mansard roof; and (iv) highest point of a flat roof. If the eaves of a gable or hip roof are uneven, then the height is measured to the average of the midpoints between each of the eaves and the ridge of the highest roof line. If a building has two front façades, then average finished grade shall be measured along the façade fronting the street from which the property derives its street address.

The “average finished grade” shall be the average ground level at the point where the ground and building meet. Average finished grade shall be calculated by finding the average of the elevation points of the finished grade, taken at evenly spaced intervals of approximately 5 feet along the length of the front building façade. Average finished grade calculations shall not include: (i) the lower elevation of window wells that are not more than 10 feet in width along the wall of the building and extend from the building no more than 4 feet, or (ii) areaways (below-grade walled areas designed to allow light to enter a below-grade space) with a width less than 15 feet. Finished grades that are established with a retaining wall must be measured at a distance from the building sufficient to include the higher or lower grade elevation toward the average grade calculation. The images below are intended to assist with the interpretation of this ordinance.

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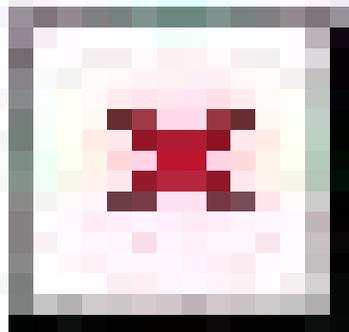
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Gable or Hip Roof.

Height is measured to the midpoint between the eaves and the ridge, regardless of the orientation of the gable to the street.

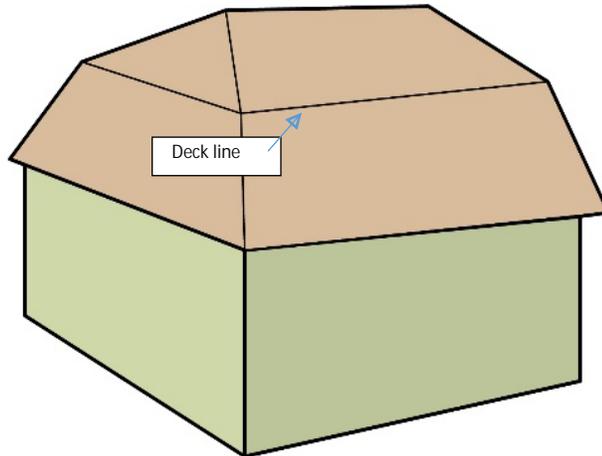


Gambrel Roof.

Height is measured to the midpoint of the uppermost slope of the roof.

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Mansard Roof.
Height is measured to the deck line.

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Section II. That Article 4 (“District Regulations”), Section 9 (“C-4 Central commercial district”), Subsection 9.8 (“Height standards”) be amended to add the underlined text and delete the strikethrough text as follows:

9.8 Height Standards

All buildings may be erected as a matter of right up to a maximum height of 35 feet and two and one-half stories (a basement shall not count as a “story” in the C-4 district). In addition:

1. Buildings may be erected up to three stories and 45 feet if approved by Town Council in accordance with the process set forth in Subsection 9 herein. Any lawfully existing building measuring between 35 feet and 45 feet in height is deemed to have obtained Town Council approval for the building height.
2. Publicly owned buildings and places of worship may be erected to a maximum height of three stories and 60 feet, as measured to the uppermost point of the roof, if approved by Town Council in accordance with the process set forth in Subsection 9 herein. Any lawfully existing public building or place of worship measuring between 35 feet and 60 feet in height is deemed to have obtained Town Council approval for the building height.
3. Church spires, belfries, and cupolas may extend above the maximum building height specified herein if approved by Town.

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Council in accordance with the process set forth in Subsection 9 herein.

4. Chimneys and flues may extend above the maximum building height specified herein, but only by the least amount possible to comply with the applicable building codes; chimneys and flues may extend beyond the minimum height required by the applicable building code if approved by Town Council in accordance with the process set forth in Subsection 9 herein.

5. Parapet walls shall not count toward building height and may be constructed as a matter of right up to four feet above the height of the building on which the walls rest.

6. Height shall be measured as prescribed in Article 4 Section 4.10 of this ordinance.

7. Flagpoles, monuments, and structures of a similar nature may be permitted up to 35 feet in height, or up to 45 feet in height if approved by Town Council in accordance with the process set forth in Subsection 9 herein.

8. “Over the Air Reception Devices” that are regulated by the FCC, including antenna and satellite dishes, may be installed and extend up to 12 feet above the height of the constructed building, or taller if approved by Town Council in accordance with the process set forth in Subsection 9 herein.

9. Town Council shall act upon requests for additional height after receiving recommendations from both the Planning Commission and the Board of Architectural Review, and after conducting a public hearing advertised in accordance with Virginia Code 15.2-2204. Persons requesting additional height shall submit an application form together with relevant supporting materials to the Director of Planning, using the Town’s application form for *Special Exceptions*. The Director of Planning shall review the application for completeness and, once complete, transmit the application to both:

- (a) the Planning Commission, who shall: (i) conduct a public hearing advertised in accordance with Virginia Code 15.2-2204, and (ii) consider the request and formulate a recommendation in accordance with the process and standards (those relevant to height) for *Special Exception* applications as set forth in Article 9, Section 5 of the Zoning Ordinance; and

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(b) the Board of Architectural Review, who shall consider the request in accordance with the process and standards (those relevant to height) set forth in Article 14A of the Zoning Ordinance.

The Planning Commission and Board of Architectural Review processes shall run concurrently, and joint meetings of the bodies are permitted but not required. Each body shall send a written recommendation to the Town Council through the Director of Planning, together with its findings concerning how the proposal measures against the standards by which it was reviewed. Any applicant seeking additional height as permitted under this ordinance shall pay a single application fee equal to the fee required for processing a *Special Use Permit for Construction*.

Section III. That Article 5 (“Nonconformities”) Section 5 (“Destruction of nonconformities”) of the Zoning Ordinance be amended to add the underlined text and delete the strikethrough text as follows:

The owner of any residential or commercial building damaged or destroyed by a fire, natural disaster or other act of God shall be permitted to repair, rebuild, or replace such building to its original nonconforming condition, or, at the option of the owner, to some condition that eliminates or reduces the nonconforming features without the need to obtain a variance as provided in § 15.2-2310 of the Code of Virginia, 1950, as amended.

Section IV. That if any provision or section of this ordinance shall be held by a court of competent jurisdiction to be invalid, void, or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

Section V. That this ordinance shall be effective upon its adoption.

PASSED THIS 8th DAY OF JUNE, 2021.

Kwasi A. Fraser, Mayor
Town of Purcellville

ATTEST:

Diana Hays, Town Clerk