

**TOWN OF PURCELLVILLE
IN
LOUDOUN COUNTY, VIRGINIA**

ORDINANCE NO. 21-02-01

PRESENTED: _____

ADOPTED: _____

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 to add the underlined text, remove the strikethrough text, and add the images as follows:

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.

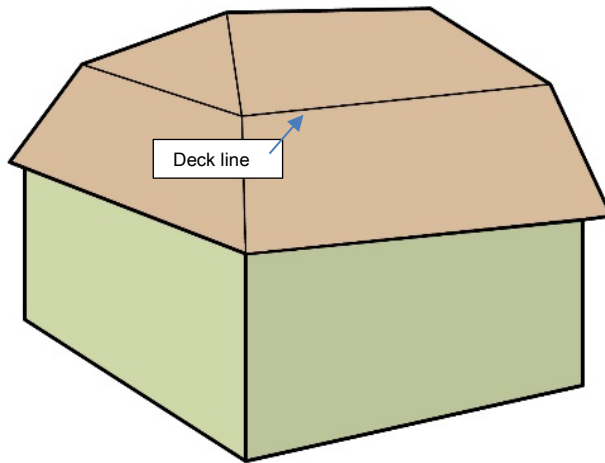
If a building has two front façades, then average finished grade shall be measured along the façade fronting the street from which the property derives its street address.

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.





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



Mansard Roof.
Height is measured to the
deck line.

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Section II. That Article 15 (“Definitions”) be amended to delete the strikethrough text as follows:

~~Building, Height of: The vertical distance from the average finished grade or from the average level of the finished grade at the front building line, if higher, to the highest point of the coping of a flat~~

~~roof, or the deck line or highest point of coping or parapet of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, shed, and gambrel roofs. When the highest wall of a building with a shed roof is within 35 feet of a street, the height of such building shall be measured to the highest point of coping or parapet.~~

Section III. 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). ~~Buildings may be erected up to three stories and 45 feet in height except that:~~ In addition:

~~1. Any business building or part of such building which is located within 50 feet of any residential district shall not exceed 35 feet in height.~~

1. Buildings may be erected up to three stories and 45 feet if approved by Special Use Permit issued by Town Council in accordance with Article 8 of the Zoning Ordinance.

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 Special Use Permit issued by Town Council in accordance with Article 8 of the Zoning Ordinance. ~~provided that required front, side and rear yards shall be increased one foot for each foot in height over 50 feet.~~

3. Church spires, belfries, and cupolas, monuments, water towers, chimneys, flues, and flag poles of any height, and television antennas up to 125 feet in height, may extend above the maximum building height specified herein if approved by Special Use Permit, issued by the Town Council in accordance with Article 8 of the Zoning Ordinance. ~~are exempt from height regulations.~~

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 Special Use Permit, issued by Town Council in accordance with Article 8 of the Zoning Ordinance.

5. Parapet walls shall not count toward building height and may be constructed as a matter of right up to ~~a maximum of~~ 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 Special Use Permit in accordance with Article 8 of the Zoning Ordinance.

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 a Special Use Permit is first obtained in accordance with Article 8 of the Zoning Ordinance.

Section IV. 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 ~~eliminate or reduce~~ the nonconforming features ~~to the extent possible~~, without the need to obtain a variance as provided in § 15.2-2310 of the Code of Virginia, 1950, as amended.

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

PASSED THIS ____ DAY OF APRIL, 2021.

Kwasi A. Fraser, Mayor
Town of Purcellville

ATTEST:

Diana Hays, Town Clerk