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Christopher J. Walker, III
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Stephen Varnecky
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**TOWN OF PURCELLVILLE
IN
LOUDOUN COUNTY, VIRGINIA**

ORDINANCE NO. 10-01-01

PRESENTED: January 19, 2010
ADOPTED: January 19, 2010

**AN ORDINANCE: AMENDING THE TOWN OF PURCELLVILLE ZONING
ORDINANCE REGARDING FRONT SETBACKS & PORCHES**

WHEREAS, Purcellville Zoning Ordinance Article 4, Sections 2.6, 3.6 and 7.6 contain required front yard setbacks for structures in the R-2, R-3 and MC Zoning Districts, respectively, that are greater than required to implement the policies of the adopted Comprehensive Plan and that have created a number of non-conforming residential structures; and

WHEREAS, Purcellville Zoning Ordinance Article 6, Sections 4.4.4 and 4.5.1 include regulations for the location of porches in front and side yards that limit the ability to add front and side porches, especially in older neighborhoods; and

WHEREAS, the Planning Commission on August 6, 2009 held a duly advertised public hearing on this draft legislation at which one member of the public spoke in favor of the legislation; and

WHEREAS, the Planning Commission on August 6, 2009 following the public hearing recommended approval of the legislation; and

WHEREAS, the Town Council on October 13, 2009 held a duly advertised public hearing on this legislation; and

WHEREAS, the Infrastructure Committee recommended approval of the legislation at its November 23, 2009 meeting; and

WHEREAS, amending the zoning ordinance to reduce front yard setbacks in certain districts and to provide greater flexibility in the location of front and side porches is in the interest of the public necessity, general welfare and good zoning practice;

NOW, THEREFORE, BE IT ORDAINED that the Purcellville Town Council hereby amends the Purcellville Zoning Ordinance as follows:

**AMENDMENTS TO ARTICLE 4, SECTIONS 2.6, 3.6 AND 7.6 AND ARTICLE 6,
SECTIONS 4.4.4 AND 4.5.1 OF THE PURCELLVILLE ZONING ORDINANCE**

I. Amend Article 4, Section 2, R-2 Single-family Residential, Subsection 2.6 to delete the strikethrough and add the underlined text as follows:

“2.6 Yard & setback standards.

1. Single-family dwelling:
Minimum front yard: ~~35~~ 25 feet.
Minimum side yard: 10 feet. Total width of both sides yards shall be at least 25 feet.
Minimum rear yard: 25 feet.

The minimum front yard shall be measured from the front lot line to the front building setback line.

Minimum front yard shall be ~~55~~ 40 feet measured from the street centerline if street right-of-way is less than 50 feet in width.

II. Amend Article 4, Section 3, R-3 Duplex Residential, Subsection 3.6 to delete the strikethrough and add the underlined text as follows:

“3.6 Yard & setback standards.

1. Single-family and duplex dwellings:
Minimum front yard: ~~35~~ 25 feet.
Minimum side yard: Single-family dwelling: 10 feet. Total width of both side yards shall be at least 25 feet.
Duplex dwelling: No requirement for interior lot line or dwelling units with common vertical wall and separate lots; minimum side yard on lot line without common wall shall be 12.5 feet.
Minimum rear yard: 25 feet.

The minimum front yard shall be measured from the front lot line to the front building setback line.

Minimum front yard shall be ~~55~~ 40 feet measured from the street centerline if street right-of-way is less than 50 feet in width.

III. Amend Article 4, Section 7, MC Mixed Commercial, Subsection 7.6 to delete the strikethrough and add the underlined text as follows:

“7.6 Yard and setback standards.

1. Minimum front yard: ~~20~~ 10 feet. See Article 6 for exception for signs and certain other structures.
2. Minimum side yard: 15 feet, if adjacent to a residential district.

3. Minimum rear yard: 20 feet; 40 feet if adjacent to a residential district.
4. Refer to Article 7 for additional provisions that may qualify the minimum yard requirements set forth above.

IV. Amend Article 6, Section 4 - Supplementary height, area, and bulk regulations, Subsection 4.4 – Front yards, Subsection 4.4.4 to delete the strikethrough and add the underlined text as follows:

“4. Open, unenclosed porches, platforms or paved terraces, ~~not covered by a roof or canopy~~ and which do not extend above the level of the first floor of the building and which do not exceed ten (10) feet in depth, may extend or project into the front yard not more than ~~six~~ eight (8) feet, but not closer than five (5) feet to the front property line. An "open, unenclosed porch" is a porch that may have a roof, but no side enclosure (other than the side of the building to which the porch is attached) other than railings or a wall not exceeding 36 inches in height from the porch floor. Steps from the porch to grade may extend up to four (4) additional feet into the required yard.

V. Amend Article 6, Section 4 - Supplementary height, area, and bulk regulations, Subsection 4.5 – Side yards, Subsection 4.5.1 to delete the strikethrough and add the underlined text as follows:

4.5. Side yards.

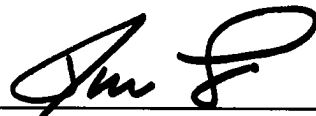
1. Open, unenclosed porches, platforms, or paved terraces, ~~not covered by a roof or canopy~~ and which do not extend above the level of the first floor of the building, may extend or project into the side yard not more than six feet, but not closer than five (5) feet to the side property line. An ‘open, unenclosed porch’ is a porch that may have a roof, but no side enclosure (other than the side of the building to which the porch is attached) other than railings or a wall not exceeding 36 inches in height from the porch floor.”

Section 6. Severability. Should any section, clause or provision of this ordinance be declared by any Virginia or federal court of competent jurisdiction to be invalid, the same shall not affect the validity of this ordinance as a whole or any part thereof other than that which is so declared to be invalid.”

AN ORDINANCE:

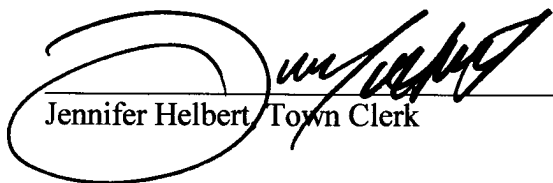
AMENDING THE TOWN OF PURCELLVILLE ZONING ORDINANCE REGARDING FRONT
SETBACKS & PORCHES

PASSED THIS 19th DAY OF JANUARY, 2010.



Robert W. Lazaro, Jr., Mayor
Purcellville Town Council

ATTEST:


Jennifer Helbert, Town Clerk