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Kwasi A. Fraser

Council

Chris Bledsoe

Ryan J. Cool

Kelli Grim

Karen Jimmerson

Douglass J. McCollum

Nedim Ogelman



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**TOWN OF PURCELLVILLE**

**IN**

**LOUDOUN COUNTY, VIRGINIA**

**ORDINANCE NO. 17-09-01**

**PRESENTED: SEPTEMBER 12, 2017**

**ADOPTED: SEPTEMBER 26, 2017**

**AN ORDINANCE: AMENDING THE TOWN OF PURCELLVILLE ZONING ORDINANCE, ARTICLE 4 (“DISTRICT REGULATIONS”), SECTION 9 (“C-4 CENTRAL COMMERCIAL DISTRICT”), SUBSECTION 9.8 (“HEIGHT STANDARDS”), TO REDUCE THE MAXIMUM BUILDING HEIGHTS ALLOWED IN THE C-4 ZONING DISTRICT UNDER VARIOUS CONDITIONS, REMOVING ZONING ADMINISTRATOR AUTHORITY TO MODIFY MAXIMUM BUILDING HEIGHTS IN THE C-4 ZONING DISTRICT, AND SPECIFYING HEIGHTS PARTICULAR TO PUBLICLY OWNED BUILDINGS AND PLACES OF WORSHIP IN THE C-4 ZONING DISTRICT**

**WHEREAS,** on October 11, 2016, the Purcellville Town Council (“Town Council”) adopted Resolution number 16-10-02, which initiated an amendment to the Purcellville Zoning Ordinance, Article 4, Section 9.8 to lower the maximum building heights in the C-4 zoning district under various conditions, and to refer such amendment to the Purcellville Planning Commission (“Planning Commission”) for preparation; and

**WHEREAS,** on March 16, 2017, the Planning Commission forwarded a draft amendment of Article 4, Section 9.8 to the Town Council for its review and comment; the Planning Commission’s draft amendment reduced the maximum building height in the C-4 zoning district, removed the Zoning Administrator’s authority to modify the

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maximum building heights, and added height regulations that are specific to public and semi-public buildings; and

**WHEREAS,** on March 28, 2017, the Town Council reviewed and discussed the draft text amendment. Town Council inquired about whether the amendments would create nonconforming structures, and staff responded that more research would be done in that regard. The Town Council requested no changes to the draft amendments, and the amendments were scheduled for a public hearing before the Planning Commission; and

**WHEREAS,** on April 20, 2017, the Planning Commission held a duly advertised public hearing to receive comments on the proposed amendments; and

**WHEREAS,** on May 4, 2017, upon a finding that reducing the maximum building heights in the C-4 Zoning District will serve the public necessity, convenience, and general welfare, the Planning Commission voted to forward the proposed amendments to the Town Council with a recommendation of approval, subject to two changes that were later incorporated into the text and are now shown in the text of this Ordinance; and

**WHEREAS,** on September 12, 2017, the Town Council held a duly advertised public hearing to receive comments on the proposed amendments; and

**WHEREAS,** for the reasons set forth in the staff report to the Town Council dated September 26, 2017, the Town Council finds that the general welfare, public necessity and convenience, and good zoning practice require adoption of the amendments to the Purcellville Zoning Ordinance as initiated by the Town Council, as recommended for approval by the Planning Commission, and as set forth in this Ordinance.

**THEREFORE,** the Council of the Town of Purcellville, Virginia hereby ordains:

**Section 1.** That Article 4, Section 9.8 of the Purcellville Zoning Ordinance is hereby amended and re-enacted to add the language shown as underlined text and delete the language shown as strikethrough text, as follows:

*9.8 Height standards.*

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Buildings may be erected up to three stories and 45 feet in height provided except that:

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.
2. Publicly owned buildings and places of worship may be erected to a maximum height of 60 feet provided that required front, side and rear yards shall be increased one foot for each foot in height over 50 feet. Any building may be erected to a height of 60 feet provided that the front façades of the building above 35 feet shall be set back at least ten additional feet from the front façade or front property line, whichever is greater distance from the public street.
3. ~~Notwithstanding the provisions of Section 9.8.2., for properties in common ownership that abut North 21st Street, the building height at the front façade or the front property line, whichever is the greater distance from the public street, may be up to 35 feet in height; and up to 50 percent of the width of the front façade may be up to 65 feet in height, and those portions of the building greater than ten feet behind the front façade may be a maximum of 75 feet in height.~~

~~For adjacent properties in common ownership that exceed an aggregate of two contiguous acres in size located in the C-4 district that abut East "O" Street, the maximum building height is 65 feet.~~

3. ~~4.~~ Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, and flag poles of any height, and television antennas up to 125 feet in height, are exempt from height regulations. Parapet walls may be up to a maximum of 4 feet above the height of the building on which the walls rest.
5. ~~The zoning administrator may grant an administrative modification of these height limitations upon recommendations of the board of architectural review, which shall include a written explanation of how any such modification will better accomplish the purpose and intent of the district.~~

**Section 2.** That all prior ordinances in conflict herewith are hereby repealed.

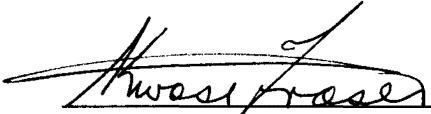
AN ORDINANCE:

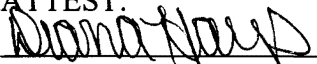
AMENDING THE TOWN OF PURCELLVILLE ZONING ORDINANCE, ARTICLE 2 ("DISTRICT REGULATIONS"), SECTION 9 ("C-4 CENTRAL COMMERCIAL DISTRICT"), SUBSECTION 9.8 ("HEIGHT STANDARDS"), TO REDUCE THE MAXIMUM BUILDING HEIGHTS ALLOWED IN THE C-4 ZONING DISTRICT UNDER VARIOUS CONDITIONS, REMOVING ZONING ADMINISTRATOR AUTHORITY TO MODIFY MAXIMUM BUILDING HEIGHTS IN THE C-4 ZONING DISTRICT, AND SPECIFYING HEIGHTS PARTICULAR TO PUBLICLY OWNED BUILDINGS AND PLACES OF WORSHIP IN THE C-4 ZONING DISTRICT

**Section 3.** That if any provision or any 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 4.** That this ordinance shall be effective upon its adoption.

**PASSED THIS 26<sup>TH</sup> DAY OF SEPTEMBER, 2017.**

  
Kwasi Fraser, Mayor  
Town of Purcellville

ATTEST:  
  
Diana Hays, Town Clerk