

**BOARD OF SUPERVISORS**  
**Agenda Item**




<b>Meeting Date:</b>	March 1, 2016
<b>Title:</b>	Refer to the Planning Commission a Zoning Text Amendment for Regulations Regarding Measurement of Building Height
<b>Department:</b>	Planning and Zoning
<b>Staff Contact:</b>	Jeffrey A. Harvey, Director
<b>Board Committee/ Other BACC:</b>	Community and Economic Development Committee
<b>Staff Recommendation:</b>	Approval
<b>Fiscal Impact:</b>	N/A
<b>Time Sensitivity:</b>	N/A

**ATTACHMENTS:**

1.	Background Report	3.	Proposed Ordinance 016-18
2.	Proposed Resolution R16-64	4.	Graphics

<input checked="" type="checkbox"/>	<b>Consent Agenda</b>	<input type="checkbox"/>	<b>Other Business</b>	<input type="checkbox"/>	<b>Unfinished Business</b>
<input type="checkbox"/>	<b>Discussion</b>	<input type="checkbox"/>	<b>Presentation</b>	<input type="checkbox"/>	<b>Work Session</b>
<input type="checkbox"/>	<b>New Business</b>	<input type="checkbox"/>	<b>Public Hearing</b>	<input type="checkbox"/>	<b>Add-On</b>

**REVIEW:**

<input checked="" type="checkbox"/>	County Administrator	
<input checked="" type="checkbox"/>	County Attorney	
<input checked="" type="checkbox"/>	Public Works	

<b>DISTRICT:</b>	N/A
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## **BACKGROUND REPORT**

Staff recently encountered difficulties with reviewing building permit applications for new home construction. There is an issue with determining how a building is measured according to the Uniform Statewide USBC (USBC) versus the County's Zoning Ordinance. The discord between the two Codes has forced some builders to modify house design plans to lower roof pitches.

The USBC states that the height measurement shall be made from the average grade of the structure to the mid-line of the roof, or the highest point of a flat roof. The USBC applies uniformly across every jurisdiction in the Commonwealth. The County's Zoning Ordinance states that the measurement shall be made from the average grade of the structure to the highest point of the roof. Both of these methods rely on the grade around the entire structure as points of reference.

For example, if the height limitation in the Zoning Ordinance is 35 feet, the measurement would be taken from the grade on all sides of the building, and a measurement would be made from the average of those points to the highest point of the roof. The same points at grade would be used in the USBC, except the measurement would be made to the mid-line of the roof. This can mean a difference of several feet. (See Attachment 4 for an example of this discrepancy.)

This discrepancy can make the difference between whether or not a structure is built. The USBC uses this measurement to determine the type of construction needed to ensure the safety of the structure. The Zoning Ordinance uses the height of the structure as a regulatory measure for building size and massing. If a structure exceeds the height limit, it would violate the Zoning Ordinance. If the structure is designed with a walk-out basement and constructed with a steeply pitched roof, it may not comply with the Zoning Ordinance regulations and therefore, may not be approved to be built. The only remedies are reducing the buildings' height or requesting a variance from the Board of Zoning Appeals (BZA). A variance may be difficult to obtain because a hardship must be shown that is not self-imposed.

Staff recommends that the Zoning Ordinance be amended to be consistent with the USBC, allowing for the height of a building to be measured from the average grade at the front building line to the mid-line of the roof. This would allow the builders to measure the height of the building using the same method as required by the USBC, and help to prevent the issues of non-compliance with the Zoning Ordinance or the denial of permit requests.

Staff presented this amendment to the Board's Community and Economic Development Committee (CEDC) at its February 2, 2016 meeting. After a discussion, the CEDC voted to forward this proposed text amendment to the Board for referral to the Planning Commission, for a public hearing and its recommendation. Proposed Resolution R16-64 refers proposed Ordinance O16-18 to the Planning Commission.

PROPOSED

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 1<sup>st</sup> day of March, 2016:

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MEMBERS:

Robert "Bob" Thomas, Jr., Chairman  
Laura A. Sellers, Vice Chairman  
Meg Bohmke  
Jack R. Cavalier  
Wendy E. Maurer  
Paul V. Milde, III  
Gary F. Snellings

VOTE:

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On motion of , seconded by , which carried by a vote of , the following was adopted:

A RESOLUTION REFERING PROPOSED ORDINANCE O16-18  
TO THE PLANNING COMMISSION TO CONSIDER  
AMENDMENTS TO STAFFORD COUNTY CODE SEC. 28-24,  
"MEASUREMENTS"

WHEREAS, the height of a structure is a regulatory tool in the County's Zoning Ordinance to promote good planning design and in the Uniform Statewide Building Code (USBC) to determine construction methods; and

WHEREAS, the method of measuring the height of a structure is not the same between the Zoning Ordinance and USBC, which causes discord between the two Codes; and

WHEREAS, the Board desires to consider amending the Zoning Ordinance to be consistent with the USBC for measuring the height of a structure; and

WHEREAS, the Board desires and is required to receive the recommendation of the Planning Commission on this issue;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1<sup>st</sup> day of March, 2016, that it be and hereby does refer proposed Ordinance O16-18, proposed amendments to Stafford County Code Sec. 28-24 "Measurements," to the Planning Commission for its review, to hold a public hearing, and to provide its recommendation to the Board.

PROPOSED

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

ORDINANCE

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the \_\_\_\_ day of \_\_\_\_\_, 2016:

MEMBERS:

- Robert “Bob” Thomas, Jr., Chairman
- Laura A. Sellers, Vice Chairman
- Meg Bohmke
- Jack R. Cavalier
- Wendy E. Maurer
- Paul V. Milde, III
- Gary F. Snellings

VOTE:

On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, which carried by a vote of \_\_\_\_\_, the following was adopted:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD  
COUNTY CODE SEC. 28-24 “MEASUREMENTS”

WHEREAS, the height of a structure is a regulating tool in the County’s Zoning Ordinance to promote good planning design and in the Uniform Statewide Building Code (USBC) to determine construction methods; and

WHEREAS, the method of measuring the height of a structure is not the same between the Zoning Ordinance and USBC, causing discord between the two Codes; and

WHEREAS, the Board desires to remove such discord by amending the Zoning Ordinance to be consistent with the USBC for measuring of the height of a structure; and

WHEREAS, the Board considered the recommendation of the Planning Commission and staff, and the public testimony, if any, received at the public hearing; and

WHEREAS, the Board desires to amend Stafford County Code Sec. 28-24 to modify the method of measuring the height of a structure from the highest point of a roof to the mid-line of a roof; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practices require adoption of this ordinance;

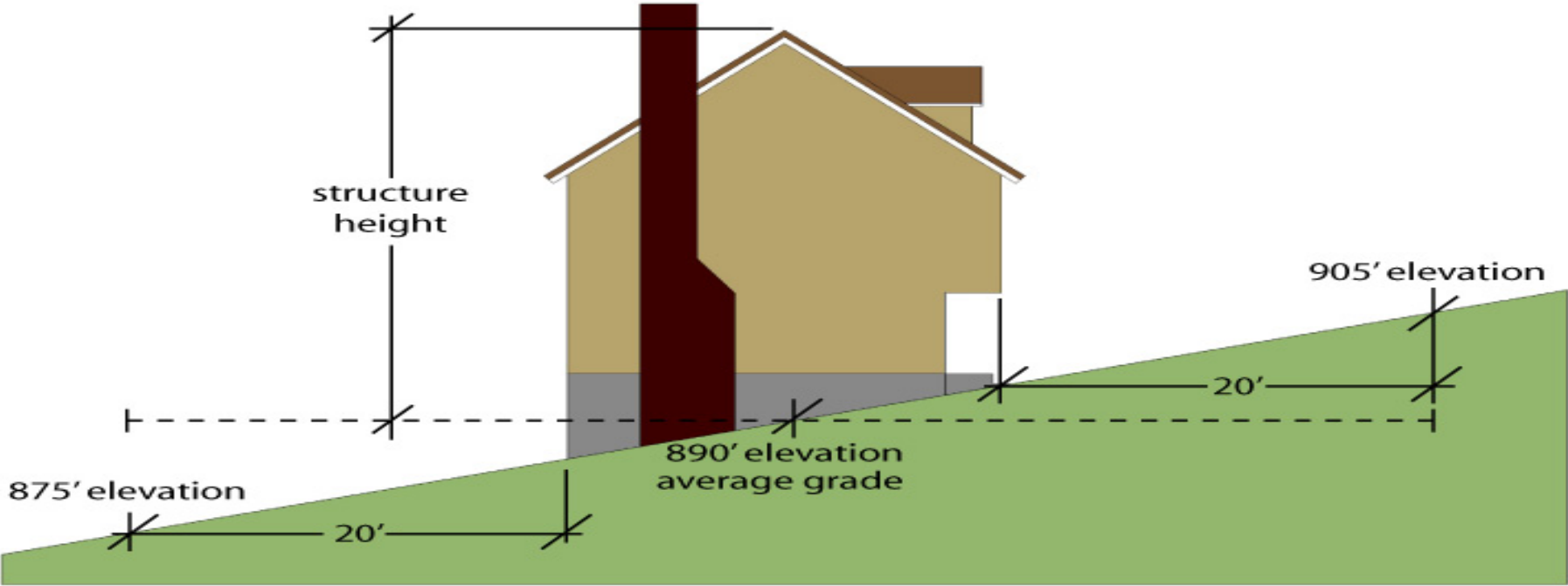
NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the \_\_\_\_ day of \_\_\_\_\_, 2016, that Stafford County Code Sec. 28-24 "Measurements" be and it hereby is amended and reordained as follows, all other portions remaining unchanged:

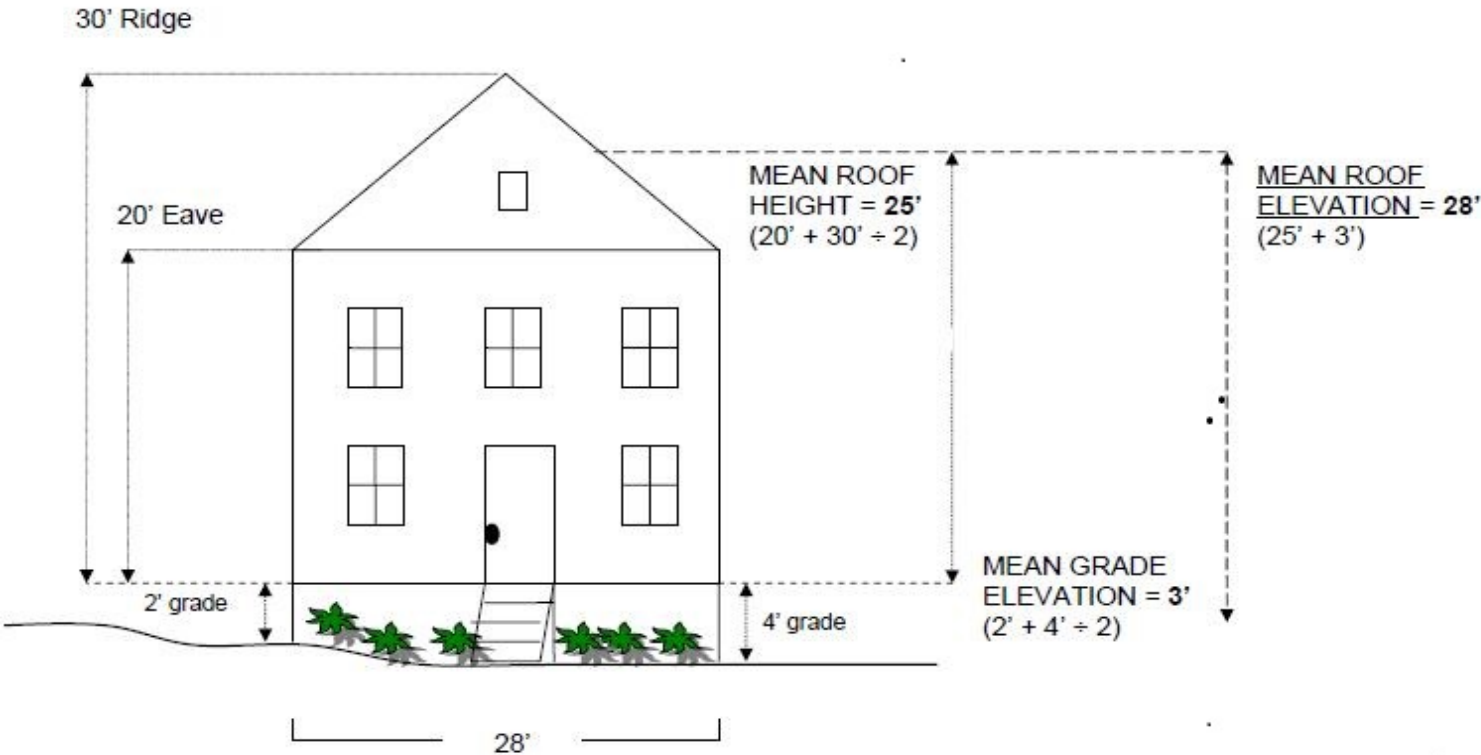
**Sec. 28-24. Measurements**

Measurements required under this chapter shall be made following these principles:

- (2) *Height of structure.* The vertical dimension of a structure as measured from the average elevation of the finished grade ~~within twenty (20) feet of the structure to the highest point of the structure.~~ at the front line of the building to the highest point of the roof of a flat roof, or the deck line of a mansard roof, or the mean height level between eaves and ridge (mid-line of the roof) for a gable, hip or gambrel roof. The height limitations contained in Table 3.1 shall not apply to spires, belfries, cupolas, antennas, communication towers, silos, barns, water towers, ventilators, chimneys, monuments, flag poles or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

AJR:SWB:sd





Proposed method for  
Measuring the height of a  
Structure