

Board of Supervisors

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

Anthony J. Romanello, ICMA-CM
County Administrator

March 23, 2016

MEMORANDUM TO: Stafford County Planning Commission

FROM: Jeffrey A. Harvey, AICP
Director of Planning and Zoning

SUBJECT: ***Zoning Text Amendment for Regulations Regarding Measurement of Building Height***

ATTACHMENTS:

1. Proposed Ordinance O16-18
2. Resolution R16-64
3. Graphics

ISSUE:

The Planning Commission is to consider proposed amendments to County Code Sec. 28-24, "Measurements," regarding the method for measuring the height of a building.

BACKGROUND:

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 Building Code (USBC) versus the Stafford County Code, Chapter 28, Zoning Ordinance (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 calculated 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 Zoning Ordinance states that the measurement shall be calculated from the average grade of the structure to the highest point of the roof. Both of these methods rely on the finished 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 finished grade on all sides of the building, and a measurement calculated from the average of those points to the highest point of the roof. The same points at grade would be used in the USBC method, except the measurement would be calculated to the mid-line of the roof, half-way between the eave and the ridge line. This can result in a difference of several feet. See Attachment 3 for an example of this discrepancy.

This discrepancy can make the difference between whether or not a structure can be 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 current Zoning Ordinance regulations and may not be approved to be built. The only remedies are reduce the buildings' height or request 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 the Zoning Ordinance be amended to be more consistent with the USBC by allowing the height of a building to be measured from the average grade at the front line of the structure to the mid-line of the roof. This would allow the builders to measure the height of the building using the same point on the structure as required by the USBC, and help prevent the issues of non-compliance with the Zoning Ordinance or the denial of permit requests.

Staff presented this amendment to the Board of Supervisors Community and Economic Development Committee (CEDC) at its February 2, 2016 meeting. After 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. At the March 1, 2016 meeting, the Board voted to forward this proposed text amendment to the Planning Commission for their review and recommendations.

JAH:swb

Attachments (3)

O16-18

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

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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

R16-64

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 1st day of March, 2016:

| <u>MEMBERS:</u> | <u>VOTE:</u> |
|------------------------------------|--------------|
| Robert "Bob" Thomas, Jr., Chairman | Yes |
| Laura A. Sellers, Vice Chairman | Yes |
| Meg Bohmke | Yes |
| Jack R. Cavalier | Yes |
| Wendy E. Maurer | Yes |
| Paul V. Milde, III | Yes |
| Gary F. Snellings | Yes |

On motion of Mr. Milde, seconded by Ms. Sellers, which carried by a vote of 7 to 0, 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;

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NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st 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.

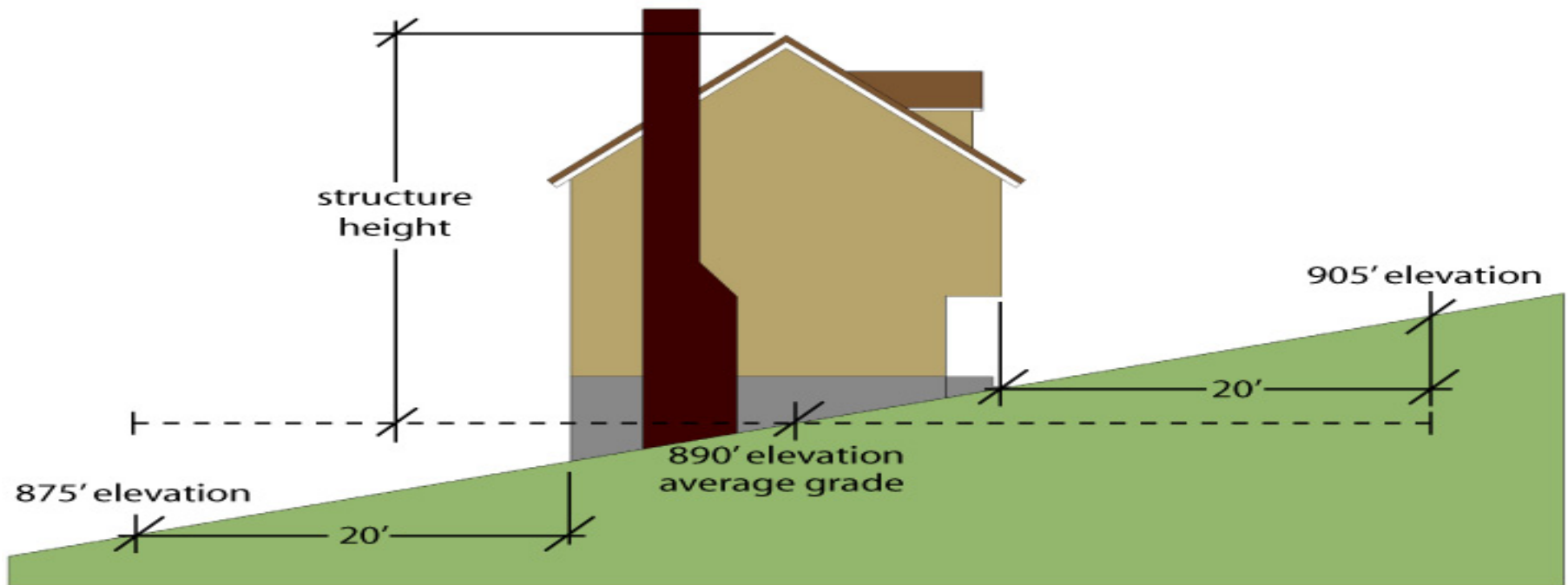
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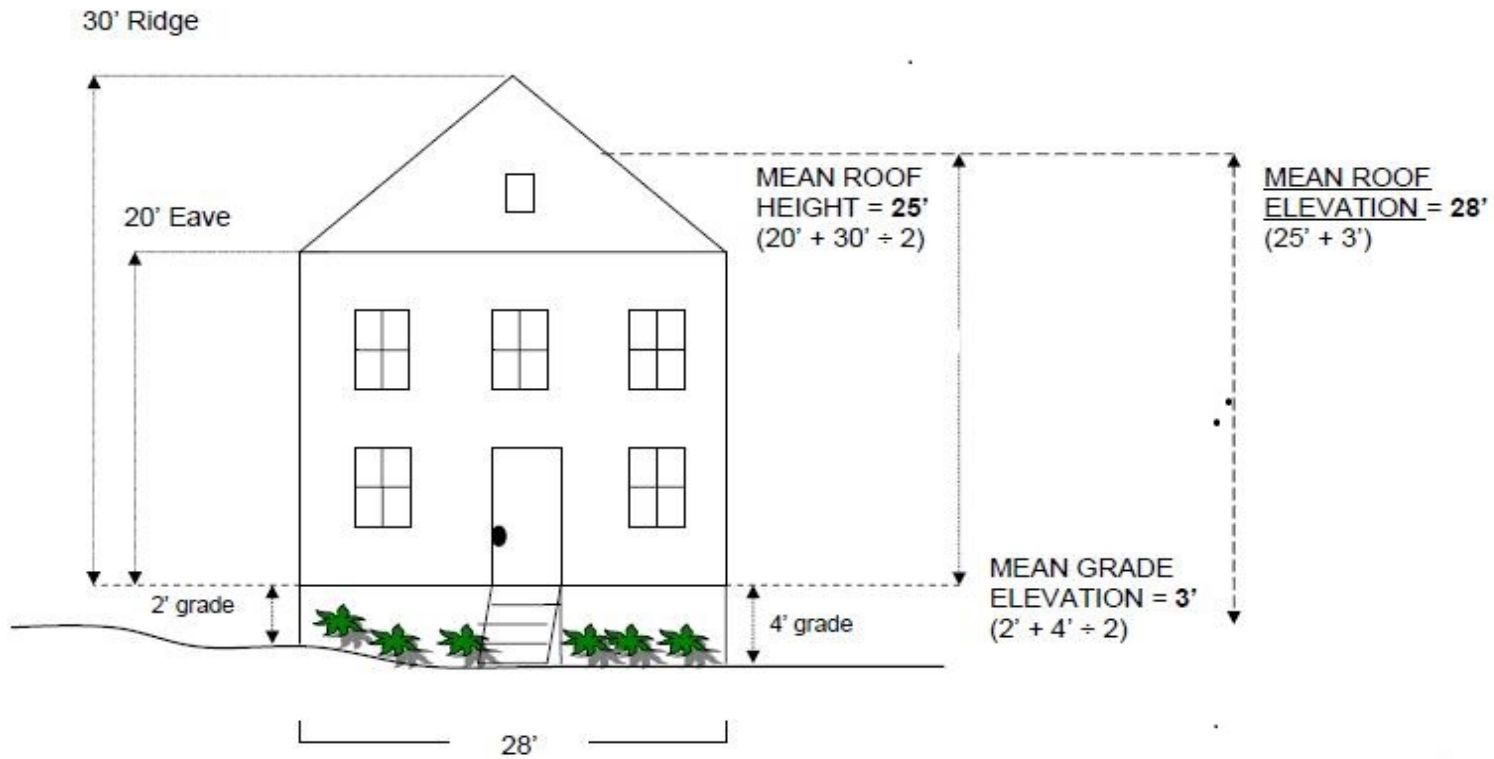
Anthony J. Romanello, ICMA-CM
County Administrator

AJR:JAH:sb

Zoning Ordinance Measurement



Building Code Measurement



Proposed method for
Measuring the height of a
Structure