

**ACTION ITEM
BOARD OF SUPERVISORS**

DATE: April 17, 2007

TO: Board of Supervisors

FROM: Jeffrey A. Harvey
Director of Planning & Community Development

ISSUE: Refer an Amendment to the Zoning Ordinance to the Planning Commission
Regarding Floor Area Ratios

RECOMMENDATION: Approval

BUDGET IMPACT: N/A

ATTACHMENTS: (3)

- [1] Background Report [3] Reso/Ord/Proc # R07-170
- [2] Proposed Ordinance O07-40 [] Reso/Ord/Proc #
- [] [] Reso/Ord/Proc #

REVIEW: [X] County Administrator's Office He

[X] Legal Jeffrey A. Harvey

[X] Code Administration Ben P. G. G.

- [X] Consent Agenda [] Other Business [] Public Hearing
- [] Discussion Item [] Presentation [] Unfinished Business
- [] New Business

PRESENTATION BY: N/A

ELECTION DISTRICT: N/A

BACKGROUND REPORT

Proposed Ordinance O07-40 – Amends Section 28-38, Performance Regulations, of the Zoning Ordinance. The Board may modify the floor area ratio requirements in any district for a hotel by review and approval of a conditional use permit. Mr. Cavalier requested an ordinance to allow the modification of the floor area ratio requirement for any building or structure in any district by review and approval of a conditional use permit.

Proposed Resolution R07-170 – Requests the Planning Commission consider the proposed Ordinance O07-40 and notify the Board of its recommendation as required by Section 15.2-2285 of the Code of Virginia.

O07-40

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, Stafford County Administration Center, Stafford, Virginia, on the ____ day of ____, 2007:

MEMBERS:

- Jack R. Cavalier, Chairman
- Mark Dudenhefer, Vice Chairman
- M.S. "Joe" Brito
- Peter J. Fields
- Robert C. Gibbons
- Paul V. Milde III
- George H. Schwartz

VOTE:

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

AN ORDINANCE TO AMEND AND REORDAIN THE COUNTY
CODE BY AMENDING SECTION 28-38, PERFORMANCE
REGULATIONS, OF THE ZONING ORDINANCE

WHEREAS, the Board may modify the floor area ratio requirements in any district for a hotel by review and approval of a conditional use permit; and

WHEREAS, the Board desires to allow a modification of the floor area ratio in any district for any building or structure by review and approval of a conditional use permit; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission and staff and the testimony at the public hearing; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, or good zoning practice requires adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the day of _____, 2007, that the County Code be and it hereby is amended and reordained by amending Section 28-38, Performance Regulations, of the Zoning Ordinance as follows, with all other portions remaining unchanged:

Sec. 28-38. Performance regulations

(h) *Density requirements.* The allocated densities for each respective land use district shall not be exceeded. The maximum net density for all land use districts shall be calculated as follows:

Subtract the areas of all wetlands, floodplains and slopes greater than thirty-five (35) percent from the gross area of the site to obtain the net area. Multiply the net area of the site by the allocated density to obtain the maximum net density permitted for the site.

(i) *Exceptions to floor area ratio regulations.* The board of supervisors may modify the floor area ratio requirements in any district for a ~~hotel~~ building or structure by review and approval of a conditional use permit, pursuant to the provisions of section 28-185.

~~The allocated densities for each respective land use district shall not be exceeded. The maximum net density for all land use districts shall be calculated as follows:~~

~~Subtract the areas of all wetlands, floodplains and slopes greater than thirty-five (35) percent from the gross area of the site to obtain the net area. Multiply the net area of the site by the allocated density to obtain the maximum net density permitted for the site.~~

SC:JAH:js

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, Stafford County Administration Center, Stafford, Virginia, on the 17th day of April, 2007

MEMBERS:

- Jack R Cavalier, Chairman
- Mark Dudenhefer, Vice Chairman
- M.S. "Joe" Brito
- Peter J. Fields
- Robert C. Gibbons
- Paul V. Milde, III
- George H. Schwartz

VOTE:

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

A RESOLUTION TO REFER AN AMENDMENT TO THE ZONING
ORDINANCE TO THE PLANNING COMMISSION REGARDING
FLOOR AREA RATIO

WHEREAS, the Board may modify the floor area ratio requirements in any district for a hotel by review and approval of a conditional use permit; and

WHEREAS, the Board desires to allow a modification of the floor area ratio in any district for any building or structure by review and approval of a conditional use permit;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of April, 2007, that proposed Ordinance O07-40 be and it hereby is referred to the Planning Commission for its consideration and recommendations.

SC:JAH;jjs