

**BOARD OF SUPERVISORS  
COUNTY OF NEW KENT  
VIRGINIA**

**O-07-12**

At the regular meeting of the Board of Supervisors of the County of New Kent in the Boardroom of the Administration Building in New Kent, Virginia, on the 9<sup>th</sup> day of July, 2012:

Present:	Vote:
C. Thomas Tiller, Jr.	Aye
Ron Stiers	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
James H. Burrell	Aye

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Motion was made by Mr. Davis, which carried 5:0, to adopt the following ordinance:

**AN ORDINANCE AMENDING SECTION 98-62  
AND ARTICLE XXII OF THE NEW KENT COUNTY CODE  
TO PERMIT FORESTRY LAND USES ON PROPERTY  
ZONED FOR COMMERCIAL LANDUSES**

**WHEREAS**, the purpose of the text amendment is to permit forestry land uses on properties that are zoned Business, Economic Opportunity, and Industrial; and

**WHEREAS**, the purpose of the text amendments is also to establish performance standards to ensure that forestry operations on commercial and industrial zoned properties are conducted in a manner that does not adversely impact the environment and character of the surrounding community; and

**WHEREAS**, the New Kent County Board of Supervisors (herein after referred to as "the Board") forwarded an initiating resolution to the Planning Commission (herein after referred to as "the Commission") on May 14<sup>th</sup>, 2012 to sponsor an amendment to the Forestry provisions contained in the New Kent County Zoning Ordinance; and

**WHEREAS**, the Commission scheduled and conducted a formal and duly advertised public hearing on 18 June 2012, and carefully considered the public comment received; and

**WHEREAS**, the Commission voted 10:0:1 to forward a favorable recommendation to amend Chapter 98 of the new Kent County Code to allow forestry land uses in the Business, Economic Opportunity, and Industrial zoning districts; and

**WHEREAS**, the Board finds that adoption of the zoning text amendments supports the public necessity, convenience, general welfare and good zoning practices in the County of New Kent;

**NOW THEREFORE BE IT ORDAINED** by the New Kent County Board of Supervisors this the 9<sup>th</sup> day of July 2012 that Section 98-62 and Article XXII of the New Kent County Code be, and it is hereby, amended as set forth below:

**Sec. 98-62. - Table of land uses.**

	Business	Economic Opportunity	Industrial	Conservation C-1	Agricultural A-1	Single Family Residential R-O, R-OA, R-1, R1A	General Residential R-2, R-2A	Multiple Family Residential R-3	Mobile Home Parks MHP
Forestry	<b>P</b>	<b>P</b>	<b>P</b>	P	P				

P = Permitted

C = Requires Conditional Use Permit

A = Permitted as an Accessory Use

- (1) The size limitations contained herein apply regardless of use; the
- (2) Specific use itself must be permitted within the district in which it is located.
- (3) The specific uses within a shopping center must be permitted within the district in which it is located.

(Ord. No. O-01-07, § C, 1-16-2007; Ord. No. O-15-08(R2), 1-12-2009; **Ord.**

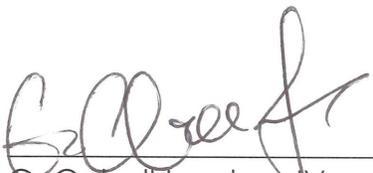
No. O-02-12, 2-13-12)

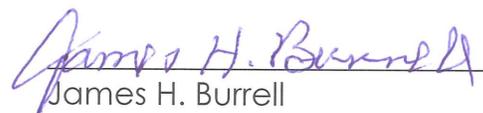
**Sec. 98-877. Specific conditions applicable to forestry uses in the Business, Economic Opportunity, and Industrial zoning classification.**

- (1) A parcel of five (5) acres or greater shall be required for forestry operations.
- (2) All forestry operations shall be in accordance with a forest management plan approved by the Virginia Department of Forestry.
- (3) Where stump removal, grubbing, or other soil disturbing activities are proposed in conjunction with tree harvesting, except those preparations for reforestation that are in accordance with the approved forest management plan, an erosion and sedimentation control plan shall be submitted to and approved by the County prior to commencement of any soil disturbing activity.
- (4) No tree harvesting shall occur within Chesapeake Bay Resource Protection Areas including the one hundred foot (100') Resource Protection Area buffer. Upon written request, the zoning administrator may approve harvesting fifty percent (50%) of the crown cover within the landward fifty feet (50') of the Resource Protection Area buffer if accompanied by a recommendation of approval from the Virginia Department of Forestry. All understory within the Resource Protection Area buffer, shall be preserved to the greatest extent possible.

**(ord. No. O-02-12, 2-13-2012)**

Secs. 98-87~~8~~7 – 98-900. Reserved

  
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G. Cabell Lawton, IV  
County Administrator

  
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James H. Burrell  
Chairman