

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

O-03-15

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 9th day of February, 2015:

<u>Present:</u>	<u>Vote:</u>
Thomas W. Evelyn	Aye
James H. Burrell	Aye
Ron Stiers	Nay
W. R. Davis, Jr.	Aye
C. Thomas Tiller, Jr.	Nay

Motion was made by Mr. Evelyn, which carried 3:2, to adopt the following ordinance:

AN ORDINANCE APPROVING TEXT AMENDMENTS TO CHAPTER 91, SECTION 128, ENTITLED SPECIAL PROVISIONS FOR COMMERCIAL AND INDUSTRIAL SUBDIVISIONS AND CHAPTER 98, SECTION 871 ENTITLED SPECIFIC CONDITIONS APPLICABLE TO BUSINESS, COMMERCIAL AND SERVICE USES.

WHEREAS, pursuant to Virginia Code Section 15.2-4300 et. seq., the New Kent County Board of Supervisors has the authority to amend Chapters 91 and 98 of the County Code; and

WHEREAS, the Board of Supervisors on the 19th day of November, 2014 moved to send the proposed text amendments to Chapters 91 and 98 of the County Code to the Planning Commission for a public hearing; and

WHEREAS, the Planning Commission scheduled and conducted a formal and duly advertised public hearing on the 20th day of January, 2015; and

WHEREAS, the Planning Commission voted 10:0:1 to forward a favorable recommendation to the Board of Supervisors to amend Chapters 91 and 98 of the County Code to modify the exception process from an administrative procedure to a legislative procedure for commercial and industrial subdivisions and for site plan requirements for business, commercial and service uses; and

WHEREAS, the Board of Supervisors finds the proposed changes to Chapters 91 and 98 of the County Code are to address, protect, and promote public convenience, necessity, general

welfare, and good zoning practices in the County and the health, safety, and general welfare of the citizens in the County;

NOW THEREFORE, BE IT ORDAINED by the New Kent County Board of Supervisors this 9th day of February, 2015 that Chapter 91 of the New Kent County Code be repealed, amended, restated and readopted as follows:

Sec. 91-128. - Special provisions for commercial and industrial subdivisions.

Commercial subdivisions and industrial subdivisions shall comply with all of the requirements of this chapter, provided, however, that the Board of Supervisors following a recommendation by the Planning Commission agent may, upon a determination that the public interest is equally well served, waive or modify the following requirements:

- (1) The requirement that each lot created front on a public street or roadway provided that a notation to this effect shall be clearly shown on the final plat.
- (2) The requirement for street widths exceeding 30 feet for subcollector and minor collector streets provided that on-street parking is clearly prohibited as indicated by posted signs and/or painted curbs.
- (3) The requirement that through lots have access to only the roadway with the lesser traffic volume, provided, however, that the Board of Supervisors agent may require that access to the road with the lesser traffic volume be restricted or prohibited.
- (4) The requirement that new electric utility service be placed underground in industrial subdivisions provided, however, that this shall apply only to three-phase electrical service in industrial subdivisions in which unscreened outdoor storage is permitted. It shall also only apply to commercial subdivisions that do not front a major collector, minor arterial, major arterial as defined in section 91-91 of this chapter. ~~In granting such a waiver or modification, the agent shall review and determine the appropriate location for such overhead utility placement.~~ Nothing in this subsection shall be interpreted to waive or modify any requirement of the zoning ordinance with respect to the location of on-site utilities.

The applicant shall provide the agent with a letter stating their justification for the waiver request to the standards of this section along with accompanying documentation including, but not limited to, proposed site design layout, location of existing utilities, street layout with traffic volumes or signage plans. Upon receipt of all items deemed necessary by the agent, the agent shall prepare a staff report for the Planning Commission and Board of Supervisors for their review and consideration. Upon approval of a waiver or modification to the standards outlined in this section by the Board of Supervisors, the agent shall determine that that the approved development plan or plat is consistent with the Board of Supervisors' approval.

(Ord. No. O-03-05, 3-14-2005, Ord. No. O-03-15, 2-9-2015)

NOW THEREFORE, BE IT FURTHER ORDAINED that Chapter 98 of the New Kent County Code be repealed, amended, restated and readopted as follows:

Sec. 98-871. Specific conditions applicable to business, commercial and service uses in business, economic opportunity, and industrial zoned classifications.

(a) Standards for all business, commercial and service uses.

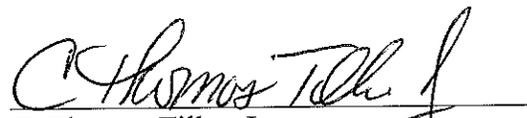
(7) All utilities serving any business, commercial or service use shall be placed underground, unless a waiver or modification has been granted in accordance with section 91-128 (4) of the New Kent County Code. Existing overhead utilities that require relocation or expansion for any reason shall be removed and placed underground.

(Ord. No. O-18-07, 7-23-07; Ord. No. O-02-14, 1-13-2014)

(Ord. No. O-07-12, 7-9-2012, Ord. No. O-03-15, 2-9-15)



Rodney A. Hathaway
County Administrator



C. Thomas Tiller, Jr.
Chairman of the Board of Supervisors