

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

**O-08-15**

At the joint meeting of the Board of Supervisors and Planning Commission of the County of New Kent in the Boardroom of the Administration Building in New Kent, Virginia, on the 18<sup>th</sup> day of May, 2015:

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

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

**AN ORDINANCE TO REPEAL SECTIONS OF CHAPTER 98-411  
AND 98-412 PERTAINING TO MINIMUM FINAL FLOOR AREA OF DWELLINGS  
IN RESIDENTIAL ZONING DISTRICTS**

WHEREAS, there is a growing interest within the community for landowners to construct smaller, more efficient dwellings; and

WHEREAS, pursuant to Virginia Code Section 15.2-400 et. seq., the New Kent County Board of Supervisors has the authority to amend Chapter 98 of the County Code; and

WHEREAS, the Board of Supervisors on the 29<sup>th</sup> day of April, 2015 moved to send the proposed amendments to Chapter 98, Sections 411 and 412 of the County Code to a joint public hearing before the Planning Commission and Board of Supervisors; and

WHEREAS, on May 18, 2015 the Planning Commission voted 8:0:1 to forward a favorable recommendation to the Board of Supervisors to amend Chapter 98, Sections 411 and 412 of the County Code to repeal the requirements for minimum final floor area of dwellings in Residential zoning districts; and

WHEREAS, the Board of Supervisors finds the proposed changes to Sections 98-411 and 98-412 of the New Kent 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 18<sup>th</sup> day of May, 2015 that the New Kent County Code be repealed, amended, restated and readopted as follows:

**Sec. 98-411. Table of regulations.**

The following is a table of regulations for area, frontage, yards, height, and setbacks ~~and building size~~ in residential districts:

	Maximum Height		Minimum Lot Area				Minimum Side Yard			
	Stories	Feet	Total (square feet)	Per Family (square feet)	Minimum Lot Width (feet)	Minimum Front Yard Depth (feet)	Least Yard (c) feet	Sum of Yards (feet)	Minimum Rear Yard Depth (feet)	Minimum Final Floor Area (square feet)
<i>R-O District</i>										
Dwelling		35	35,000	35,000	175	50(e)-(h)	20	50	35	2,000(g)(1)
Churches (p)-(i)	2½	45	3 Ac.		400	50	40	80	80	
Schools (p)-(i)	2½	45	5 Ac.		400	50	40	80	80	
Other permitted uses except as otherwise specified (p)-(i)	3(a)		2 Ac.		200	50	40	80	80	
<i>R-OA District</i>										
Dwelling		35	20,000 (b)	20,000	100 (c)	35 (e)(h)	15	35	35	1,800 (h)(1)
Churches (p)-(i)	2½	45	3 Ac.		400	50	40	80	50	
Schools (p)-(i)	2½	45	5 Ac.		400	50	40	80	80	
Other permitted uses except as otherwise specified (p)-(i)	3 (a)		2 Ac.		200	50	40	80	50	
<i>R-1 District</i>										
Dwelling		35	20,000 (b)	20,000	100 (c)	35 (e)(h)	15	35	35	1,500 (i)(1)
Churches (p)-(i)	2½	45	3 Ac.		400	50	40	80	50	
Schools (p)-(i)	2½	45	5 Ac.		400	50	40	80	50	

Other permitted uses except as otherwise specified (p)-(l)	3 (a)		1 Ac.		150	50	40	80	50	
<i>R-1A District</i>										
Dwelling		35	20,000 (b)	20,000	100 (c)	35 (e) (h)	15	35	35	1,300 (f)(1)
Churches (p)-(l)	2½	45	3 Ac.		400	50	40	80	50	
Schools (p)-(l)	2½	45	5 Ac.		400	50	40	80	50	
Other permitted uses except as otherwise specified (p)-(l)	3 (a)		1 Ac.		150	50	40	80	50	
<i>R-2 District</i>										
One-family dwellings		35	20,000 (m)-(f)	20,000	80	35 (e) (h)	10	25	25	1,000 (k)
Two-family dwellings		35	22,000(n) (g)	11,000	80	35 (e) (h)	10	25	25	700 (j)
Churches (p)-(l)	2½	45	3 Ac.		400	50	40	80	50	
Schools (p)-(l)	2½	45	5 Ac.		400	50	40	80	50	
Other permitted uses (p)-(l)	3 (a)		1 Ac.		150	50	40	80	50	
<i>R-3 District</i>										
Two-family dwellings		35	22,000(n) (g)	11,000	80	35 (e) (h)	10	25	25	700 (j)
Three-family dwellings	3	50	10 Ac.	3,000	450	50	30 (q) (i)	60 (q) (i)	50 (q)-(j)	350 (j)
Churches (p)-(l)	2½	45	3 Ac.		400	50	40	80	50	
Schools (p)-(l)	2½	45	5 Ac.		400	50	40	80	50	
Other permitted uses (p)-(l)	3 (a)		1 Ac.		150	50	40	80	50	

**Sec. 98-412. Table of regulations' notes of explanation.**

- (a) Public utility structures may be constructed to any necessary height, when located as far from all lot lines as the height of the structure.
- (b) For corner lots the minimum area shall be 27,000 square feet.
- (c) For corner lots the minimum width at the setback line shall be 125 feet. The front of the lot shall be the shortest of the two side lines adjacent to the street.
- (d) The minimum width shall be greater than in subsection (c) where specified elsewhere in this chapter.
- (e) Greater heights when required for a particular use may be authorized by the board of zoning appeals as a special exception.
- ~~(f) Finished floor area for one-story dwellings may be 1,200 square feet.~~
- ~~(g) Finished floor area for one-story dwellings may be 1,800 square feet.~~
- ~~(h) Finished floor area for one-story dwellings may be 1,700 square feet.~~
- ~~(i) Finished floor area for one-story dwellings may be 1,400 square feet.~~
- ~~(j) Total floor area, each dwelling unit. However, studio apartments may be 280 square feet; provided, however, that the average floor areas of the units in a multifamily development or phase thereof is at least 500 square feet.~~
- ~~(k) Finished floor area for one-story dwellings may be 900 square feet.~~
- ~~(l) A maximum of one-third of the total floor area of the dwelling may be contained in unfinished rooms capable of being made livable floor area.~~
- ~~(m)~~ (f) For lots served by public water and sewer, the minimum lot area shall be ~~40,00~~ 10,000 square feet.
- ~~(n)~~ (g) For lots served by public water and sewer systems, the minimum lot area shall be 12,000 square feet.
- ~~(o)~~ (h) On any street right-of-way which is less than 50 feet in width all buildings shall be set back 60 feet or more from the centerline of the street right-of-way.
- ~~(p)~~ (i) An approved site plan is required.
- ~~(q)~~ (j) Yard requirements for multifamily housing are as follows:
  - (1) *Buffers.* A landscaped buffer area at least 25 feet in width shall be maintained surrounding all apartment and condominium developments, and no parking areas or structures shall be located within such 25-foot buffer area.

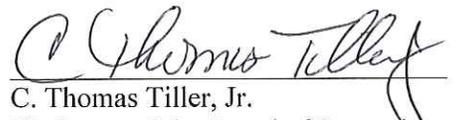
- (2) *Side.* The minimum side yard width for any structure shall be 30 feet. If a side yard abuts a residential or agricultural zoning district, the side yard shall be increased to a minimum of 75 feet.
- (3) *Rear.* Each structure shall have a rear yard of not less than 50 feet. If the rear yard abuts a residential or agricultural zoning district, the minimum rear yard shall be 75 feet.
- (4) *Minimum yard area between buildings on same parcel.* The minimum yard area between buildings located on the same parcel shall be measured horizontally in feet and shall be measured away from the front, side and rear of each building. No building as measured radially from any corner shall be closer to any other building corner than the combined distance of the yard requirements for each building. The combined distance of two side yards shall exclude any driveway or vehicular access, such driveway or vehicular access width being in addition to the combined yard width.

(Code 1999, § 9-130, O-08-15, 05-18-2015)



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Rodney A. Hathaway  
County Administrator



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