

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

**O-07-15**

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 6<sup>th</sup> day of July, 2015:

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

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Motion was made by Mr. Burrell, which carried 4:1, to adopt the following ordinance:

**AN ORDINANCE APPROVING TEXT AMENDMENTS TO ADD ARTICLE XXVIII,  
ENTITLED BOTTOMS BRIDGE CORRIDOR OVERLAY REGULATIONS  
TO THE NEW KENT COUNTY CODE**

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

WHEREAS, the Board of Supervisors on the 10<sup>th</sup> day of September, 2014 supported the Planning Commission's request to explore a Bottoms Bridge overlay district; and

WHEREAS, the Planning Commission reviewed and discussed the content of the proposed additions to the New Kent County Code on the 20<sup>th</sup> day of April, 2015; and

WHEREAS, the Planning Commission scheduled and conducted a formal and duly advertised public hearing on the 18<sup>th</sup> day of May, 2015 and voted 8:0:1 to forward a favorable recommendation to the Board of Supervisors to add Article XXVIII to Chapter 98 of the County Code; and

WHEREAS, the Board of Supervisors scheduled and conducted a formal and duly advertised public hearing on the 8<sup>th</sup> day of June, 2015; and

WHEREAS, the Board of Supervisors finds the addition of Article XXVIII to the County Code will 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 6<sup>th</sup> day of July, 2015 that Chapter 98, Article XXVIII of the New Kent County Code be adopted as follows:

**ARTICLE XXVIII. – BOTTOMS BRIDGE CORRIDOR OVERLAY REGULATIONS**

**Sec. 98-1066. - Intent of article.**

The intent of the Bottoms Bridge Corridor Overlay District (BBCOD) is to protect the aesthetic and visual character of land, public health, safety, and welfare by managing growth within the County's primary highway corridors. Specifically, this article is designed to:

- (a) Ensure the continued viability of New Kent's primary corridors as economic development tools.
- (b) Maintain the transportation safety of such corridors by managing access and visibility.
- (c) Ensure the long term transportation efficiency of such corridors, which carry high volumes of commuter, and tourist traffic.
- (d) Enhance the visual quality of such corridors, which, as points of entry into New Kent County, convey lasting impressions to residents and tourists.

**Sec. 98-1067. - District boundaries.**

The Bottoms Bridge Corridor Overlay District (BBCOD) shall include all lands within five-hundred (500) feet on each side of the following arterial rights-of-way:

- (a) State Route 249 (New Kent Highway) from State Route 613 (Dispatch Road) to State Route 60 (Pocahontas Trail); and
- (b) State Route 60 (Pocahontas Trail) from State Route 1232 (Magnolia Woods Lane) to the Henrico County Boundary Line.

The Bottoms Bridge Corridor Overlay District shall be shown on the official New Kent County zoning map and shall be delineated as a surveyed line on any property proposed for development.

**Sec. 98-1068. - Application of article.**

The requirements of this article shall be applicable to all development and redevelopment within the Bottoms Bridge Corridor Overlay District requiring subdivision approval in accordance with chapter 91 of the New Kent County Code, or a site plan prepared in accordance with Article XXII of this chapter. In instances when a site plan is required for the expansion of an existing structure or use on a property, the Zoning Administrator shall determine if the provisions of this article are applicable. The requirements listed in this article are in addition to the requirements listed in the underlying zoning district article of the New Kent County Code. Where multiple or conflicting regulations exist, the more strict regulation shall apply.

**Sec. 98-1069. Architectural, Development and Signage standards for all nonresidential uses.**

The compatible relationship of architecture along highways within the Bottoms Bridge Corridor Overlay District is of critical concern for any structure or site improvements. The purpose and intent of these architectural guidelines and development standards is not to stifle innovative architecture or development, but to assure respect for and to reduce incompatible and adverse impacts on the visual experience from the rights of way.

- (a) The architectural design of structures and their materials and colors shall be visually harmonious with the overall appearance, history, and cultural heritage of New Kent County, with natural landforms and existing vegetation. Specific consideration shall be given to compatibility with adjacent properties where such projects demonstrate the county's character. Design and architectural features shall demonstrate consistency with the following provisions:
  - (1) Stucco, natural wood siding, brick, stone, decorative block, neutral colored cementitious siding or other materials with similar texture and appearance are considered appropriate to county character and shall be provided on the main building facades. Nationally recognized and/or trademarked colors, logos, pictures or similar type features may be permitted on the building facades, awnings or other complimentary architectural features with the approval of the Zoning Administrator. Vinyl siding, flat or corrugated metal and concrete block shall not be used for exterior siding material on any building, except that vinyl siding may be used as trim material. The exterior covering material shall extend to the ground, except that when a solid brick or masonry perimeter foundation is used, exterior covering material need not extend below the top of the foundation.
  - (2) No building facade (whether front, side or rear) will consist of architectural materials inferior in quality, appearance, or detail to any other facade of the same building. The intent of this requirement is not to preclude the use of different materials on different buildings' facades (which would be acceptable if representative of good architectural design), but rather to preclude the use of inferior materials on sides which face adjoining property and thus, might adversely impact existing or future development causing a substantial depreciation of property values.
  - (3) Not less than sixteen percent (16%) of the total area of any facade visible from a public right of way (excluding work areas) shall consist of windows and doors.
  - (4) Large work area doors or open bays shall not open toward or face the public right of way.
  - (5) Heating, ventilating, and air conditioning equipment, duct work, air compressors and other fixed operating machinery shall be either screened from view with either a solid wall, solid fence or landscaping or located so that such items are

not visible from the public right of way. Utility meters, aboveground tanks, satellite dishes, antennas, etc., shall be similarly treated.

- (6) The exterior of the foundation walls shall be of brick or masonry construction, except when the exterior wall material extends to the ground in accordance with subsection 98-1069.a.1.
  - (7) Fencing along the public right of way is discouraged, but if used, such fencing shall be landscaped to minimize visibility from the public right of way or be of a style which is harmonious with the rural, agricultural and historical character of the county. Chain link fences shall be prohibited.
  - (8) All loading spaces shall be located within the side or rear yards.
  - (9) Outside storage of equipment, materials, or supplies if permitted in the underlying district, shall be permitted only in the side or rear yards and shall be screened from view from the public right of way with fencing or landscaping.
  - (10) All parking areas shall be paved with concrete or asphalt, or other similar material. Traditional curb and gutter systems (or alternative equivalents as approved by the county) shall be used around and within all such parking areas.
  - (11) Large trash receptacles, dumpsters and recycling bins, must be completely screened from view from the public right of way and any adjoining lot with a solid wall or solid fencing constructed with the building elevation materials referenced in subsection 98-1069.a.1.
  - (12) A pedestrian way (sidewalk) of no less than five (5) feet of clear and unimpeded area shall be provided across the frontage of the property, inclusive of residential public and commercial uses. All pedestrian ways must adjoin one another or connect.
- (b) Signage. Notwithstanding the requirements of article 5, division 8 of this chapter, all development proposed in the Bottoms Bridge Corridor Overlay District shall be subject to the following additional requirements pertaining to signage:
- (1) A comprehensive uniform sign plan shall be submitted to the county for approval in conjunction with the site plan submittal. All signs for a proposed development shall be of uniform size, color and design. The plan shall show the size, location, and uniform design for all signage proposed for the development.
  - (2) No roof signs shall be permitted, unless it can be demonstrated to the Zoning Administrator that a façade sign is not possible due to the design of the building. In these instances, a roof sign shall be allowed provided that no portion of the sign extends over or above the ridge line of the roof on

which it is located. Roof signs shall be limited to a maximum of ten (10) percent of the roof area on which it is located, or two-hundred (200) square feet, whichever is less.

- (3) Individual uses not located in a shopping center, office building or complex shall be subject to the following additional requirements regarding signage:
  - a. The total area for any free-standing sign shall not exceed fifty (50) square feet;
  - b. The maximum height for any free-standing sign shall not exceed eight (8) feet.
  
- (4) Shopping centers, and office buildings or complexes that contain multiple businesses or tenants shall be subject to the following additional requirements regarding free-standing signs:
  - a. The total area for any free-standing sign shall not exceed one hundred twenty (120) square feet;
  - b. The maximum height for any free-standing sign shall not exceed sixteen (16) feet or the height of the principal building, whichever is less.

**Sec. 98-1070. Process for approval of development.**

A site plan shall be submitted for all development in the Bottoms Bridge Corridor Overlay District. Such site plan shall comply with all relevant requirements established by the zoning, subdivision and other development ordinances in the County Code. Architectural plans containing building views from existing and proposed streets rendered in color with shadows shall be part of the submission.

In addition to showing the parcel or parcels proposed for development, the site plan shall also show all existing development and utility infrastructure within 250 feet of the proposal for the purpose of documenting interconnections and designs of streets, driveways, pedestrian ways, parking, and uses.

In reviewing individual site or subdivision plans within the BBCOD, the Zoning Administrator shall consider the purposes and intent of the BBCOD and the underlying designation contained in the comprehensive plan and shall make specific findings in support of the action taken. Plats and plans, upon approval, may be executed in any reasonable phased approach that provides for a rational extension of public infrastructure to serve the phases.

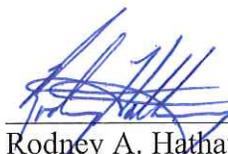
**Sec. 98-1071. Exceptions to additional development requirements.**

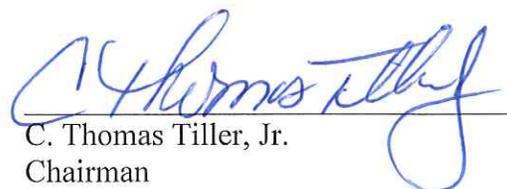
Exceptions to the development requirements and standards specified in this article may be granted by the Board of Supervisors following a recommendation by the Planning Commission in accordance with the procedures set out in this section. The applicant for such exception shall provide the Zoning Administrator a letter stating their justification for the exception request to the standards of this article along with accompanying documentation including, but not limited to, proposed site design layout, architectural renderings, or signage plans. Upon receipt of all items deemed necessary by the Zoning Administrator, he shall prepare a staff report for the Planning Commission and Board of Supervisors for their review and consideration. Upon approval of an exception to the standards outlined in this article by the Board of Supervisors, the Zoning Administrator shall determine that that the approved development plan or plat is consistent with the Board of Supervisors' approval.

An exception may be granted if the Board of Supervisors make the following findings:

- (a) That the exception is reasonably necessary due to physical constraints of the site, such as size, shape, topography, soils, or arrangement of existing improvements, that prevent construction in accordance with applicable standards without compromising the intent of this Ordinance, and that the exception is the minimum departure from applicable standards necessary to provide relief;
- (b) That an exception would not unreasonably lower the level of service on affected roads;
- (c) That the design and location of proposed on-site improvements are compatible with existing developed sites contiguous with and near to the site of the proposed development;
- (d) That the granting of the exception will not substantially affect adversely the use of adjacent and neighboring property;
- (e) That the granting of the exception will avoid the unnecessary replacement of existing landscaping and other improvements on site, if applicable, and will not result in unsafe circulation patterns on site; and
- (f) That the granting of the exception will not endanger the public safety, or in any other respect impair the health, safety, comfort, and welfare of the inhabitants of the County.

(Ord. No. O-03-05, 3-14-2005; Ord. No. O-07-15, 07-06-2015).

  
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Rodney A. Hathaway  
County Administrator

  
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C. Thomas Tiller, Jr.  
Chairman