

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

**O-14-07**

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 11<sup>th</sup> day of June, 2007:

<u>Present:</u>	<u>Vote:</u>
W. R. Davis, Jr.	Aye
Mark E. Hill	Aye
D. M. Sparks	Aye
James Burrell	Aye
Stran L. Trout	Aye

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

**AN ORDINANCE AMENDING THE NEW  
KENT COUNTY ZONING ORDINANCE TO  
INCORPORATE TRAFFIC IMPACT  
STATEMENT PROVISIONS REQUIRED  
UNDER CODE OF VIRGINIA SECTION  
15.2-2222.1**

WHEREAS, Chapter 527 of the 2006 Acts of the Virginia General Assembly establishes a requirement under Section 15.2-2222.1 of the Code of Virginia for Comprehensive Plan amendments, rezoning applications and development proposals that traffic analyses be prepared and submitted to the Virginia Department of Transportation (VDOT) for review so that the public and decision-makers may be better informed of the traffic impact of development and changes in land use; and

WHEREAS, the purpose of this zoning ordinance amendment is to comply with the provisions of Code of Virginia Section 15.2-2222.1 and Virginia Administrative Code Section 24 VAC 30-155, Virginia Traffic Impact Analysis Regulations; and

WHEREAS, implementation of the 2006 Acts of Assembly Chapter 527 is required of localities in the VDOT Richmond Construction District by 1 July 2007; and

WHEREAS, the Planning Commission upon motion and vote sponsored this amendment; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this matter and carefully considered the comment received; and

WHEREAS, this proposed amendment has been properly advertised for public hearing before the Board of Supervisors; and

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

NOW THEREFORE BE IT ORDAINED, this the 11<sup>th</sup> day of June, 2007, by the New Kent County Board of Supervisors that the Zoning Ordinance of New Kent County be, and it is hereby, amended by adding a new section 98-65 to the County Code to read and provide as follows:

**Sec. 98-65. General traffic management and analysis requirements.**

This section establishes requirements to ensure that the streets, roads and highways of the County can safely accommodate all new development without degrading the traffic carrying capacity of such streets, roads and highways. These requirements are also to meet the standards of the Code of Virginia Section 15.2-2222.1, as amended, and the implementing regulations contained in Virginia Administrative Code (24 VAC 30-155, Virginia Traffic Impact Analysis Regulations), as amended.

*(a) Traffic Impact Statement.*

- (1) All development proposals must include estimated driveway traffic volumes based on the anticipated traffic generation, using the Trip Generation Manual (Institute of Transportation Engineers, Seventh Edition or as it may from time to time be amended). Where only a portion of the entire property is being used, the traffic projections for the balance of the land remaining to be developed shall be based on the most traffic-intense uses permitted under existing zoning. The

applicant shall provide driveway volume data for 24-hours, AM peak hour, PM peak hour, and peak hour of use for weekday and weekend. In addition, the development proposal must show the existing volume of adjacent streets.

- (2) Where any of the following criteria are met, based on the traffic generation figures provided above, the developer shall cause a transportation engineer or planner to prepare a minimum of five (5) copies of a traffic impact statement and submit that traffic impact statement to the Virginia Department of Transportation and the County, for their review.
  - a. When the anticipated traffic generation based on permitted uses under the proposed zoning for the developable portion of the entire property equals or exceeds the lesser of 100 vehicle trips in any peak hour or the thresholds established in 24 VAC 30-155, as amended, and requires the amendment of the zoning map. The estimates shall be based on the most traffic-intense uses permitted unless enforceable conditions are offered to limit or remove such uses.
  - b. Any residential, commercial, industrial use, or combination thereof, or application for a special use permit, where the anticipated traffic generation equals or exceeds the lesser of 100 vehicle trips in any peak hour or the thresholds established in 24 VAC 30-155, as amended.
  - c. Any development or subdivision of a portion of property where the potential traffic generation for the developable portion of the entire property based on permitted uses under existing zoning equals or exceeds the lesser of 100 vehicle trips in any peak hour or the thresholds established in 24 VAC 30-155, as amended. The estimates for the balance of developable land shall be based on the most traffic-intense uses permitted under current zoning classification.
  - d. Any non-residential development which proposes to access a street which is residential in character and classified as a minor collector or lower order street.
- (3) Subdivision plats, site plans, rezoning applications, use permit applications, and other development proposals for which a traffic impact statement is required shall not be deemed to be properly received until the traffic impact statement is submitted.

- (4) The submitted traffic impact statement shall contain the information and analysis and be in the format as required in 24 VAC 30-155, as amended.
- (5) All existing or planned intersections, commercial entrances, median breaks, pavement markings, driveways, or other roadway features potentially affecting traffic flow located within five hundred feet (500') of the proposed development as well as all intersections and driveways internal to the development shall be considered and either shown or clearly noted on a scaled plan submitted with the traffic impact statement.
- (6) The developer shall be responsible for paying all review fees required by the Virginia Department of Transportation for the review of traffic impact statements. Such fees shall be submitted by check paid directly to the Virginia Department of Transportation.

*(b) Access management.*

- (1) Access to a use shall be considered to be part of the use and shall require an equivalent or greater intensity of zoning classification, unless that access is over a publicly owned and maintained right-of-way. This provision shall not apply to legally established and operated home occupations, nor shall it apply to community recreation facilities constructed to serve the residential community in which they are located, nor shall it apply to pump stations and similar utility appurtenances.
- (2) Driveways or entrances to streets classified in the adopted Comprehensive Plan as minor collector, major collector, minor arterial, and major arterial shall be appropriately limited in number and width and effectively spaced so as to preserve the public investment in the traffic carrying capacity of the roadway in accordance with the recommendations contained in the National Cooperative Highway Research Program (NCHRP) Report 348, as amended, Access Management Guidelines for Activity Centers.

*(c) Roadway and traffic safety management.*

- (1) Any development proposal submitted for consideration shall provide details, plans, and/or notations relating to traffic safety, traffic maintenance, and roadway maintenance during and after the development process. Such details, plans and/or notations shall

include the location, size and type of all necessary traffic signals, pavement markings and regulatory, warning and guide signs, both permanent and temporary and shall indicate how traffic, including motor vehicles, bicyclists, and pedestrians, will be accommodated along adjacent existing roadways during construction activities.

- (2) The developer shall be responsible for the installation of all traffic signals, pavement markings, regulatory signs, warning signs, and guide signs as indicated in the details, plans, or notations required in paragraph (1) above. Proper installation of these required elements shall be accomplished prior to the issuance of any certificate of occupancy for any structure within the development.

*(d) Construction traffic access management.*

The zoning administrator shall specifically review and approve all construction entrances and the access routes to such construction entrances. In specifying and limiting these construction traffic entrances and the access routes to them, the zoning administrator shall consider all access alternatives currently or potentially available in order to ensure pedestrian, bicycle and motor vehicular safety. Construction traffic shall be deemed to include, but not be limited to, construction equipment used in site development or building activity, vehicles transporting such construction equipment or construction and building materials, and vehicles transporting persons engaged in site development, construction, or building activities.

*(e) Street dedication and construction.*

The construction, extension and dedication of streets within the County shall conform to the provisions of the subdivision ordinance.

*(f) Street signs.*

- (1) Permanent street identification signs of a design approved by the zoning administrator shall be installed at all intersections by the developer. Permanent street signs shall have reflective backgrounds and lettering and shall conform to the standards found in the subdivision ordinance.
- (2) Prior to the issuance of building permits, temporary street identification signs shall be installed by the developer at all street intersections through which access to the parcel(s) upon which construction will occur passes.

(g) *Sight triangles.*

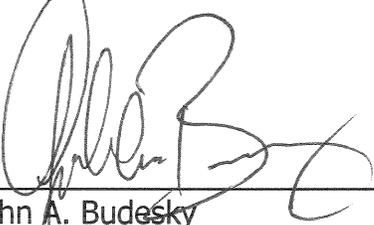
- (1) Sight triangles are required at all driveway and street intersection and shall be clearly shown on all development plans. The sight point location along a street shall be determined in the manner specified in the subdivision ordinance.
- (2) Signs, plantings, structures, or other obstructions which obscure or impede sight lines between three feet (3') and six feet (6') in height above grade shall be prohibited within the sight triangle.
- (3) A right-of-entry for the purpose of removing any object, material or other obstruction that hinders the clear sight across the sight triangle shall be dedicated to the County.

(h) *Traffic calming.*

Notwithstanding the design criteria established above, the use of appropriate traffic calming measures is encouraged.

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This Ordinance shall be effective upon adoption.



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John A. Budesky  
County Administrator



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Stran L. Trout  
Chair