

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

O-15-07

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 11th day of June, 2007:

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

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

**AN ORDINANCE AMENDING THE NEW
KENT COUNTY SUBDIVISION
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 subdivision ordinance amendment is to comply with the provisions of Code of Virginia Section 15.2-2222.1 and 24 VAC 30-155; 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 after carefully considering the comment received has recommended approval; 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 11th day of June, 2007 by the New Kent County Board of Supervisors that sections 91-116 and 91-117 of the New Kent County Code be, and they hereby are, amended to read and provide as follows:

ARTICLE VI. DEVELOPMENT IMPACT ANALYSIS

Sec. 91-116. Applicability and intent.

- (a) It is the intent of the County that the transportation, fiscal, environmental and resource impacts of certain development proposals be evaluated during the review process and, where such impacts are negative, that they be ameliorated to the extent possible.
- (b) *Traffic Impact Analysis.* The subdivider of any subdivision generating, or based on the existing zoning classification potentially ~~containing fifty (50) or more lots~~ generating traffic equal to or exceeding the applicability thresholds contained in the Virginia Administrative Code (24 VAC 30-155), Virginia Traffic Impact Analysis Regulations, as amended, shall prepare and submit to the agent a traffic impact statement as defined in section 91-117 detailing the transportation impacts of the proposed subdivision.

* * *

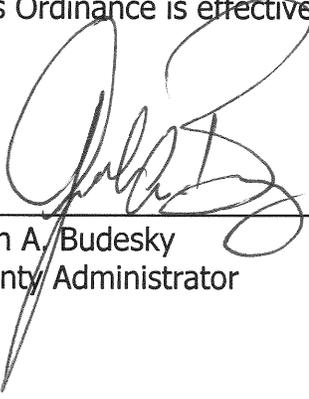
Sec. 91-117. Traffic impact analysis. *[Delete exiting section in entirety and replace with the following language]*

- (a) Where required, a transportation systems impact statement shall be prepared and submitted to the agent at the time of preliminary plan submission. The traffic impact analysis shall include sufficiently detailed information to reasonably determine the impact of the proposed development on the existing and planned transportation network and systems and shall be prepared in accordance with the relevant provisions of the zoning ordinance. The traffic impact analysis shall include all pertinent information relative to the proposed development phasing and shall be correlated with that phasing.
- (b) All preliminary subdivision plans 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 be amended from time to time). 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 (street intersection) 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.
- (c) 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.
- (d) 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.
- (e) 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.
- (f) The use of appropriate traffic calming measures in residential subdivisions and adjacent to residential areas is encouraged and their implementation may be sufficient reason for the agent to authorize a reduced pavement

design or LOS from that which would accrue from a strict application of the procedures detailed above.

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This Ordinance is effective upon adoption.



John A. Budesky
County Administrator



Stran L. Trout
Chairman