

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

**0-03-03**

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 10<sup>th</sup> day of March 2003:

Present:	Vote:
James H. Burrell	Aye
Dean E. Raynes	Aye
W. R. "Ray" Davis, Jr.	Aye
Rebecca M. Ringley	Aye
Julian T. Lipscomb, Sr.	Aye

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

**AN ORDINANCE TO APPROVE AN AMENDMENT TO THE  
NEW KENT COUNTY ZONING ORDINANCE TO PERMIT  
ACCESSORY RESIDENTIAL UNITS IN CONJUNCTION  
WITH SINGLE-FAMILY DWELLINGS AND BUSINESS USES  
BASED ON MEETING CERTAIN PERFORMANCE  
STANDARDS**

WHEREAS, the New Kent County Zoning Ordinance currently severely limits the establishment of accessory dwelling opportunities for parents, children and other family members of the resident of a single-family dwelling; and

WHEREAS, the limitation has apparently been causing citizens to opt for subdivision of land when a simpler and more appropriate land use alternative would be the use of accessory apartments in conjunction with single-family dwellings; and

WHEREAS, the Board of Supervisors desires to provide opportunities to care for elderly parents and grandparents in a home environment; and

WHEREAS, the Board also wants to afford younger citizens a chance to achieve a reasonable degree of independence while remaining in New Kent County; and

WHEREAS, the Board believes that accessory apartments should be available as a matter of right in all single-family residential districts; and

WHEREAS, the Board recognizes that the ability to mix uses within a village is critical to creating and sustaining villages in New Kent County; and

WHEREAS, certain business enterprises customarily and reasonably require an accessory dwelling for a resident employee; and

WHEREAS, this application was referred to and considered by the New Kent County Planning Commission; and

WHEREAS, after conducting two duly advertised public hearings, the Planning Commission voted unanimously to recommend approval of the application; and

WHEREAS, this application has been advertised for public hearing before the Board in full accord with applicable provisions of the Code of Virginia; and

WHEREAS, in order to assure compliance with §15.2-2286.A.7 of the Code of Virginia, it is stated by the Board that the public purpose for this Ordinance is to further the public necessity, convenience, general welfare and good zoning in the County of New Kent and that approval will further these public purposes,

NOW THEREFORE BE IT ORDAINED this, the 10<sup>th</sup> day of March 2003, by the New Kent County Board of Supervisors that that the following amendments to Sections 98-9 and 98-10 of Chapter 98, Zoning, New Kent County Code, be, and they are hereby, approved and adopted:

**Section 98-9. One principal or use per lot.**

Every building hereafter erected, reconstructed, converted, moved or structurally altered shall be located on a lot of record and in no case shall there be more than one principal building or use on one lot unless otherwise specifically provided in this article. Agricultural or forestal buildings or uses may be constructed or conducted on lots upon which there is a single-family dwelling. More than one principal building or use may be permitted in the B-1, B-2, B-3, M-1, and M-2 districts. *An accessory residential dwelling unit is permitted under the conditions set forth in §§ 98-10 (c)(14) and 98-10(d) (9).*

## **Section 98-10. Accessory Buildings and Uses**

- A. Accessory buildings or uses as defined by this article are only permitted on:
1. Lots with existing permitted principal buildings.
  2. Lots on which a building permit for a permitted principal building has been issued.
  3. Lots adjacent to a lot with the principal building when both lots are owned by the same person.

This prohibition shall not apply to accessory buildings such as barns, sheds, etc., constructed in conjunction with a bona fide farming operation and normally associated with farming uses. No accessory building on a farm or otherwise shall be used for dwelling purposes unless specifically allowed elsewhere in this article. Accessory uses require a zoning permit. Unless otherwise specifically provided herein, no accessory building or structure or use shall be permitted in the front yard area of a permitted use in any zone designated with an "R" classification.

- B. Subject to the conditions of paragraph A of this section, accessory uses and structures are permitted in any zoning district unless specifically prohibited elsewhere in this article.
- C. The following accessory uses or structures shall be permitted in conjunction with a residence:

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*14. Accessory single-family residential units (detached dwellings or apartments) under the following conditions:*

- a. There shall not be more than one (1) accessory residential unit in conjunction with a single-family detached dwelling.*
- b. All occupants of the accessory residential unit shall be related by blood, marriage, or adoption.*

- c. *The external appearance of the principal dwelling shall not be altered and there shall be no signage, additional mailbox or any other externally visible indication that an accessory residential unit exists.*
- d. *Accessory residential units may be located either in the single-family dwelling or in an existing detached structure accessory thereto provided that all Building Code requirements are met.*
- e. *Except as may be approved by the Board of Supervisors for good cause shown, accessory residential units shall in no case contain in excess of twenty-five percent (25%) of the total floor area of the single-family dwelling to which it is accessory or four hundred fifty (450) square feet, whichever is greater.*
- f. *Except as approved by the Board of Supervisors, all accessory residential units shall be designed to provide independent accessibility for residents or guests who may be elderly, handicapped or otherwise challenged in one or more life function. Unless otherwise required by law this shall not require installation of grab bars and special plumbing fixtures, however pipes and appropriate anchor points allowing subsequent installation shall be required.*
- g. *Provisions shall be made for off-street parking of motor vehicles that are adequate and compatible with the character of the single-family dwelling and adjacent properties.*
- h. *Approval of an accessory residential unit shall be contingent upon prior certification by the health department that any on-site water supply and sewage treatment facilities are adequate to serve the anticipated number of residents.*
- i. *The accessory residential unit shall not visible to or apparent from the street or adjoining residential properties.*

D. The following accessory uses shall be permitted in conjunction with commercial and industrial uses:

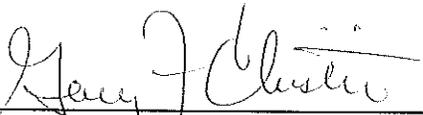
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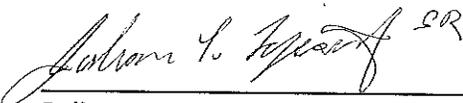
3. *Residential units in conjunction with a business or commercial use located in an area designated as a village in the Comprehensive Plan. The residential unit(s) shall constitute no more than fifty percent (50%) of the total floor area of any structure in which located, provided however, that the Board of Supervisors may authorize a greater percentage through the issuance of a use permit. The Zoning Administrator shall determine in writing prior to approval of plans or permits for such accessory residential units that the subject property is within a designated Village and providing the reasons for said determination.*
4. *Residential unit (detached dwelling or apartment) when such use is reasonably and customarily a part of the business operation such as providing living quarters for a proprietor or manager and his family or living quarters for a watchman or custodian of an establishment under the following conditions:*
  - a. *The residential use shall contain no more than 1,000 square feet, provided however, that the Board of Supervisors may authorize a greater size through the issuance of a use permit.*
  - b. *There shall not be more than one (1) residential unit in conjunction with the commercial or industrial use nor more than (1) residential unit on any property.*
  - c. *The residential unit may be located either within the commercial or industrial structure or in an existing detached structure accessory thereto provided that all Building Code and Health Code requirements are met.*
  - d. *Accessory residential units shall be designed to provide independent ingress and egress for the occupants.*
  - e. *Provisions shall be made for off-street parking of motor vehicles that are adequate and compatible with the character of the zoning district and adjacent properties.*

- f. *Approval of an accessory residential unit shall be contingent upon prior certification by the health department that any on-site water supply and sewage treatment facilities are adequate to serve the anticipated number of residents.*
- g. *The residential unit shall be occupied only by a current employee of the commercial or industrial facility.*
- h. *The residential unit shall not be used as a rental property.*

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BE IT FURTHER ORDAINED that the provisions contained herein shall become effective immediately upon adoption.

  
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Gary F. Christie  
County Administrator

  
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Julian T. Lipscomb, Sr.  
Chairman