

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

O-03-05(R)

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 14th day of March 2005:

Present:	Vote:
Mark W. Hill	Yes
D. M. Sparks	Yes
James H. Burrell	Yes
Stran E. Trout	Yes
W.R. Davis, Jr.	Yes

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

AN ORDINANCE TO ADOPT A COMPREHENSIVE NEW
SUBDIVISION ORDINANCE

WHEREAS, the New Kent County Comprehensive Plan, *Vision 2020*, adopted in August 2003 contained as an objective the development and adoption of a comprehensively rewritten Subdivision Ordinance; and

WHEREAS, the New Kent County Planning Commission received a comprehensively rewritten draft Subdivision Ordinance in February 2004; and

WHEREAS, the Commission referred the draft to a subcommittee for review, discussion and analysis; and

WHEREAS, the Commission subcommittee extensively reviewed the document over a three-month period and conducted six public meetings during that time; and

WHEREAS, the New Kent County Planning Commission conducted two duly advertised public hearings and carefully considered the public input; and

WHEREAS, the Commission subsequent to the public hearings discussed the draft Subdivision Ordinance at length making a number of improvements and thereupon recommending approval; and

WHEREAS, the Commission also recommended to the Board that the legacy provisions for large-lot exempt and parent tract subdivisions currently found in the existing Subdivision Ordinance be retained and discussed more appropriately during such time as the Zoning Ordinance undergoes a comprehensive revision, which action the Comprehensive Plan also calls for; and

WHEREAS, the draft has been made available for an extended period of public review, such availability having been extensively advertised using both print and electronic media; 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 planning in the County of New Kent and that approval will further these public purposes,

NOW THEREFORE BE IT ORDAINED this, the 14th day of March 2005, by the New Kent County Board of Supervisors that the new Chapter 91, Subdivisions, New Kent County Code dated 14 March 2005 be, and it hereby is, approved and adopted.

BE IT FURTHER ORDAINED that the following the provisions are to remain in Chapter 90, which will be re-titled "Legacy Subdivision Provisions", and shall read and provide as follows:

CHAPTER 90 LEGACY SUBDIVISION PROVISIONS

Sec. 90-1. Special provisions for large-lot exemptions.

In the A-1 zoning district, division of tracts or parcels into lots of 15 acres or more shall be exempt in part from the improvement requirements contained in the Subdivision Ordinance (Chapter 91, New Kent County Code) provided however, that the following improvements shall be required:

- (1) Access from a paved public street or from a private roadway constructed in accordance with the private street standards of Chapter 91 shall be required for all lots of less than 25 acres. Lots fronting on state-maintained paved public highways shall share a single driveway for each two lots and other access to and from such lots to the state-maintained paved public highway shall be prohibited.
- (2) All lots 25 acres or more shall, at a minimum, be accessed by an unimproved 50-foot deeded right-of-way.
- (3) The area within a deeded right-of-way shall be conveyed to a property owners association or other entity approved by the Subdivision Agent, shall not be a part of any lot and shall not be used to meet minimum area requirements.
- (4) All lots, regardless of size, shall comply with any applicable requirement of the County's implementation of the Chesapeake Bay Preservation Act and Erosion and Sediment Control and Stormwater Management laws and regulations as promulgated by the Commonwealth of Virginia.

Sec. 90-2. Special provisions for parent-tract minor subdivision.

Parent tract subdivisions shall be permitted for properties in the A-1 district under the following conditions:

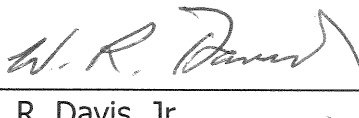
- (1) Such subdivision shall only occur on parcels that were parcels of record in their exact current form on 20 November 1985, provided that the subsequent acquisition of a portion of the property by either the Commonwealth of Virginia or the County of New Kent under eminent domain or for utility or road right-of-way shall not abrogate the right to utilize this technique. Parcels divided by a right-of-way of any type are single parcels for the purposes of this provision.
- (2) Up to four (4) lots may be created under the provisions of this chapter, and all such lots shall have a minimum area of two acres each.
- (3) If, after the division of the new lots, there is any land remaining in the original parcel, it must contain a minimum of two acres.

- (4) Parent tract subdivisions shall not front existing type I or state maintained paved roads and shall be served by internal roads constructed in accordance with the public or private road requirements of the Subdivision Ordinance, provided, however that if only one lot is created, it may front an existing type I or state maintained paved road and, if so, be served by a private driveway directly accessing said existing type I or state maintained paved road.
- (5) All lots shall have a minimum width of 150 feet at a point 75 feet from the front lot line; in addition, lot depth shall not exceed four times the lot width.
- (6) Parent tract subdivisions shall be reviewed as a minor subdivision under the terms of the Subdivision Ordinance.

BE IT FURTHER ORDAINED that any subdivision having been properly submitted to the County for review on or before 14 March 2005 shall continue to be reviewed and approved under the terms of Chapter 90 as it existed upon submission, provided however that the subdivider may choose to use the provisions of the new Subdivision Ordinance adopted herein, but that such election shall be for the entirety of either and not for parts of one together with parts of the other.



Richard S. Ellyson
Interim County Administrator



W. R. Davis, Jr.
Chairman