

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

R-04-18

At the regular work session of the Board of Supervisors of the County of New Kent, in the Boardroom of the Administration Building in New Kent, Virginia, on the 8th day of January, 2018:

Present:	Vote:
Ronald P. Stiers	Aye
W.R. Davis, Jr.	Aye
C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
Thomas W. Evelyn	Aye

Motion was made by Ms. Paige, which carried 5:0, to adopt the following resolution:

**RESOLUTION INITIATING AN ORDINANCE
TEXT AMENDMENT TO PART II, LAND
DEVELOPMENT CODE**

WHEREAS, the New Kent County Board of Supervisors (the "Board") has authorized the reorganization of the Community Development Department; and

WHEREAS, the reorganization involves staffing and title changes that are currently not reflected in the County's development ordinances; and

WHEREAS, the New Kent County Board of Supervisors (the "Board") has examined the proposed amendment to the County's development ordinance; and

WHEREAS, it is the Board's desire to initiate the proposed zoning ordinance amendment and to receive further public comment and input from the Planning Commission.

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors of New Kent County, Virginia that the proposed amendment to Part II of the County Code is hereby initiated and referred to the Planning Commission for public hearing and its recommendation.

NOW THEREFORE BE IT FURTHER RESOLVED that the following text represents the proposed amendment for consideration:

PART II – LAND DEVELOPMENT CODE

Chapter 84 – PURCHASE OF DEVELOPMENT RIGHTS PROGRAM

Sec. 84-6. – Purchase of development rights committee established; powers and duties.

In order to effectuate the purposes of this chapter, parcels for which conservation easement applications have been received shall be evaluated by utilizing a ranking system. The initial ranking system and changes to the ranking system shall be approved by the county administrator and the ~~director of community development~~ planning director. The ranking system may be used to prioritize the acquisition of conservation easements.

Chapter 91 – SUBDIVISIONS

ARTICLE I – IN GENERAL

Sec. 91-5. - Definitions.

Agent. The county ~~director of community development~~ planning director or his or her designee.

Community development director. The Director of Community Development of New Kent County, Virginia as appointed by the board.

County planning director. The Director of Community Development of New Kent County, Virginia as appointed by the board or his or her designee.

Zoning administrator. The county ~~director of community development~~ planning director or his or her designee.

ARTICLE VI. – DEVELOPMENT IMPACT ANALYSIS

Sec. 91-116. – Applicability of intent

(f) Historic resource impact analysis. The subdivider of any major subdivision or any subdivision of any size in an area of the county which has or is predicted to have historic and archaeological resources present on the site as identified by the study entitled "New Kent County Historic Resources Inventory" as prepared by the James River Institute of Archaeology or any subdivision comprising 50 acres or more in any location in the county shall submit to the county an analysis of the impact of the proposed development on historic resources. Said analysis shall be prepared in accordance with [section 91-120](#). A copy of the above referenced inventory for the parcel(s) being subdivided is available for inspection by the property owner or his or her agent in the New Kent County ~~Community Development Department Planning Division office~~ Planning Department.

Chapter 94 – WATERWAYS

ARTICLE II. – CHESAPEAKE BAY PRESERVATION AREAS

Sec. 94-33. – Definitions.

Director of planning means the county director of planning and community development or his or her designee.

Chapter 98 – ZONING

ARTICLE 1 – IN GENERAL

Sec. 98-2. - Definitions and rules of construction.

Zoning administrator means the director of planning of the county: or his or her designee.

Sec. 98-7. - Enforcement authority.

This chapter shall be enforced by the zoning administrator. ~~who shall be appointed by the board of supervisors.~~


ARTICLE XVIII. - PLANNED UNIT DEVELOPMENTS

Sec. 98-701. – Specific conditions for planned unit developments.

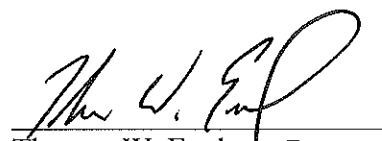
- (e) Applications for planned unit development districts shall be submitted as for other zoning map amendments. Material submitted with the application shall include all plans, maps, studies and reports which may reasonably be required to make the determinations called for the particular case, with sufficient copies for necessary referrals and records. More specifically, all of the following shall be required:
 - (10) The phasing schedule which defines when, within the development of the planned unit development, the proffered or required school sites, library sites, recreation and green space areas, major streets, commuter parking lots, and similar amenities or community facilities will be dedicated or reserved. The phasing schedule shall include the timing of providing all improvements as proffered. The phasing schedule shall also consider the need for future amendments, due to the trend of development in the planned unit development and the county. ~~The director of community development~~ planning director and the director of public works may jointly approve minor revisions to the phasing schedule where it can be shown to be in the best interest of the planned unit development and the county. All other revisions to the phasing schedule may only be approved by an amendment of the planned development.

- (11) Existing topography accurately shown with a maximum of five-foot contour intervals at a scale of not less than 100 feet to the inch. Other interval and/or scale may be required or permitted by the ~~director of community development~~ **planning director** where topographic considerations warrant or to facilitate showing the project on a single sheet.
- (g) Subsequent to approval of the planned unit development, all preliminary and final subdivision and site plans shall be submitted to the ~~director of community development~~ **planning director** unless the approval ordinance shall stipulate otherwise. The submission of these plans must conform to the phasing schedule. These plans shall be reviewed and approved in accordance with applicable state statutes and ordinances of the county. Any required dedications, reservations or required improvements shall be made in accordance with the phasing schedule, and must be provided with the approval of final subdivision or site plans.
- (i) *Applicants are required to meet with the planning staff and other qualified officials to review the application plan and original proposal prior to submittal. The purpose of such pre-application conference shall be to assist in bringing the application and material submitted therewith as nearly as possible into conformity with the regulations of this article and/or other regulations applying in the case, and/or to define specific variations from application of regulations which would otherwise apply which seem justified in view of equivalent service of public purposes of such regulations. Where the ~~director of community development~~ **planning director** determines that outside consultants or other resources are required to assist or complete the county's review of the development proposed by the application, he or she shall obtain the required services in the most expeditious manner and the applicant shall promptly reimburse the county for all costs associated with such outside review services. These reimbursements shall be in addition to the application review fee paid at the time of application. Applications for planned unit developments shall incorporate a statement to this effect and applicants shall acknowledge and agree as a part of executing the application.*

Adopted this 8th day of January, 2018.



Rodney A. Hathaway
County Administrator



Thomas W. Evelyn
Board Chairman