

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

O-22-18

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 23rd day of July, 2018:

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

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

**AN ORDINANCE TO AMEND
SECTION 98-2 OF THE NEW KENT COUNTY CODE
TO REFLECT RECENT DEFINITIONS IN THE
VIRGINIA STATE CODE RELATING TO
HORSE RACING**

WHEREAS, the Virginia General Assembly passed House Bill 1609 during the 2018 Session that will become effective on July 1, 2018; and

WHEREAS, House Bill 1609 contains definitions for “Historical Horse Racing” and “Horse Racing” that will be added to the Code of Virginia; and

WHEREAS, New Kent County desires to add the definitions for “Historical Horse Racing” and “Horse Racing” contained in House Bill 1609 to the New Kent County Code in order to be consistent with the Code of Virginia; and

WHEREAS, the Planning Commission is charged with reviewing and recommending Code/Ordinance changes to the Board of Supervisors when such changes affect the Land Development sections of the Code; and

WHEREAS, on June 18, 2018 the Commission conducted a duly advertised public hearing, carefully considered the public comment received, and voted 10:0:1 to recommend approval of the Code amendments to the New Kent County Board of Supervisors;

WHEREAS, the Code Amendments have been advertised for public hearing before the Board of Supervisors in full accord with applicable provisions of the Code of Virginia;

NOW THEREFORE, BE IT ORDAINED this, the 23rd day of July, 2018, by the New Kent County Board of Supervisors, that the following sections of the New Kent County Code be readopted as follows:

Section 98-2 – Definitions and Rules of Construction

- *Historic structure* means any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register of Historic Places;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

a. By an approved state program as determined by the Secretary of the Interior; or

b. Directly by the Secretary of the Interior in states without approved programs.

Historical horse racing means a form of horse racing that creates pari-mutuel pools from wagers placed on previously conducted horse races and is hosted at (i) a racetrack owned or operated by a significant infrastructure limited licensee or (ii) a satellite facility that is owned or operated by (a) a significant infrastructure limited licensee or (b) the nonprofit industry stakeholder organization recognized by the Commission and licensed to own or operate such satellite facility.

Home appliance sales and service means a facility primarily used for the retail sale and service of home appliances such as washers, dryers, microwave ovens, stoves, and similar equipment and where all sales, display, repairs, and storage occur within a fully enclosed building.


Home garden means a garden for the production of vegetables, fruits, and flowers generally for use and/or consumption by the occupants of the premises.

Home occupation means an activity carried out for gain by a resident of the dwelling unit as an accessory and subordinate use to the residential use, which activity is carried on within the resident's dwelling unit unless otherwise specifically provided.

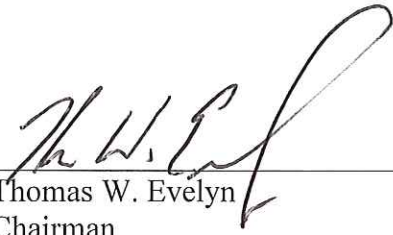
Horse means a solid-hoofed mammal of the family Equidae.

Horse racing means a competition on a set course involving a race between horses on which pari-mutuel wagering is permitted and includes historical horse racing.

Attest:



Rodney A. Hathaway
County Administrator



Thomas W. Evelyn
Chairman