

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

O-15-19

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 12th day of August, 2019:

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

Motion was made by Ms. Paige, which carried 4:1, to adopt the following ordinance:

**AN ORDINANCE TO AMEND
SECTION 98-2 OF THE NEW KENT COUNTY CODE
TO ADD A DEFINITION FOR “COMBAT/TACTICAL
TRAINING FACILITY” AND SECTION 98-64 OF THE
NEW KENT COUNTY CODE TO ADD “COMBAT/TACTICAL
TRAINING FACILITY” AS A PROHIBITED LAND USE**

WHEREAS, the New Kent County Board of Supervisors, at their May 13, 2019 regular meeting, voted 4:1:0 to refer to the Planning Commission for its review, to hold a public hearing, and make a recommendation in accordance with section 15.2-2285 of the Code of Virginia, regarding an Ordinance to add “Combat/Tactical Training Facility” to the list of prohibited uses in Section 98-64 of the New Kent County Code; 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, the Planning Commission conducted a duly advertised public hearing on June 17, 2019, carefully considered the public comment received, and voted to defer action on these Code/Ordinance amendments; and

WHEREAS, the Planning Commission took action at their July 15, 2019 meeting to define “Combat/Tactical Training Facility” and to recommend approval of these Code/Ordinance amendments by a vote of 6:2:1; and

WHEREAS, the Code/Ordinance 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 12th day of August, 2019, 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

Cluster homes means a group of dwellings for private and separate ownership similar to condominium development but buildings may or may not be connected; generally associated with planned unit developments.

Code official means the legally designated building authority of the county or his authorized representative.

Combat/Tactical Training Facility means a commercial, open air facility that is designed to train in any combination of anti-terrorism, counter terrorism/force protection operation, and any mission simulation using military weapons which includes one or more of the following items:

- **Outdoor firearms ranges utilizing automatic and or semiautomatic weapons.**
- **Combat training with real or simulated use of firearms or other military weapons system.**
- **Military tactical training area.**
- **Use of real or simulated high impact explosive devices.**
- **Use of mock/high impact firearms blast or simulated rocket propelled grenades.**
- **Unenclosed shoot house.**
- **Evasive driving courses with or without the use of real or simulated firearms.**

This definition shall not apply to approved recreational firearms uses, and facilities operated by local, regional, state, or federal government agencies, in accordance with applicable Department of Defense standards for bona fide law enforcement safety and proficiency training activities as identified by the New Kent County Code.

Commercial greenhouse means a structure in which plants, vegetables, flowers and similar other materials are grown for sale.

Commerce park means a tract of land that has been planned, developed and operated as an integrated facility for a number of individual offices and office buildings, industrial facilities, distribution and storage warehouses, and related accessory and ancillary uses, and where traffic/pedestrian circulation, parking, utility needs, open space, aesthetics and use compatibility have been specifically addressed through the site plan process.

Section 98-64 – Prohibited land uses.

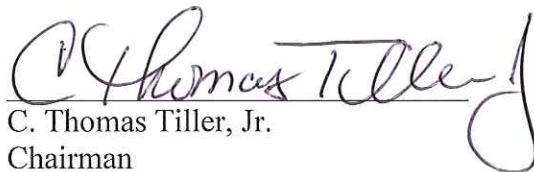
Certain uses have been determined to be entirely inconsistent with the comprehensive plan and for which no acceptable conditions can be established that would reduce the inconsistency. These uses, enumerated below, are prohibited in the county.

- (1) Smelting on an industrial scale;
- (2) Operating an adult business or use when located within 3,000 feet of any school, place of worship, public or community park, public building, or another adult business or use;
- (3) Manufacturing nuclear materials;
- (4) Processing, storing or disposing of nuclear waste;
- (5) Manufacture of biologically accumulative poisons or other poisons that are, or ever were, registered in accordance with the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. § 136, et seq., as that section may be amended or superseded from time to time);
- (6) Operation of a municipal solid waste landfill or sanitary landfill or solid waste management facility;
- (7) Operation of a construction debris landfill;
- (8) Hazardous waste incinerators;
- (9) Medical waste incinerators;
- (10) Transportation, storage and disposal (TSD) facilities;
- (11) Combat/Tactical Training Facility**

Attest:



Rodney A. Hathaway
County Administrator



C. Thomas Tiller, Jr.
Chairman