

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

O-05-21

At the regular meeting of the Board of Supervisors of the County of New Kent, in the Boardroom of the Historic Courthouse Building in New Kent, Virginia, on the 8th day of March, 2021:

Present:	Vote:
John N. Lockwood	Aye
C. Thomas Tiller, Jr.	Aye
Patricia Paige	Aye
Ron Stiers	Aye
Thomas W. Evelyn	Aye

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

**AN ORDINANCE TO AMEND
SECTION 91-10 OF THE NEW KENT COUNTY CODE**

WHEREAS, the New Kent County Board of Supervisors has examined the proposed amendment to the County's subdivision ordinance; and

WHEREAS, the intent of the proposed text amendment is to promote good land use practices, which allow land development and conservation to occur in a planned and orderly fashion; and

WHEREAS, the New Kent County Board of Supervisors has referred the following text amendment to the Planning Commission to hold a public hearing, consider, and give a recommendation; 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 February 16, 2021, carefully considered the public comment received, and voted 10:0 to recommend approval of these Ordinance amendments; and

WHEREAS, the 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 8th day of March, 2021, by the New Kent County Board of Supervisors, that the following sections of the New Kent County Code be readopted as follows:

Sec. 91-10. - Relationship to zoning and other ordinances.

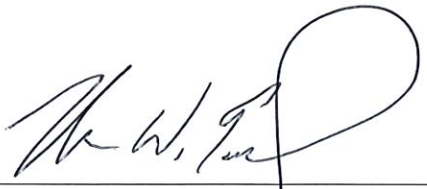
- (a) The zoning ordinance and the zoning map shall control the type and intensity of use of all property within the county. Particular reference is made to the minimum lot sizes and setback requirements, use restrictions, overlay districts, and development regulations.
- (b) The following types of development shall require a site plan to be approved by the zoning administrator in accordance with the provisions of the zoning ordinance prior to consideration of subdivision plats under the terms of this chapter:
 - (1) Townhouses
 - (2) Condominiums
 - (3) Multiplexes
 - (4) Shopping centers
- (c) Lands within an agricultural and forestal district as established under ~~section 62-31 et seq.~~ Chapter 62, Special Districts, must be withdrawn in full accord with established requirements prior to being subdivided. Boundary Line Adjustment(s) and Lot Consolidation(s) as defined in Section 91-27 of this Code, shall be permitted without withdrawal from the AFD Program when all properties being impacted are located within the Agricultural and Forestal District.
- (d) Land parcels within any form of land use taxation program may not be subdivided until and unless withdrawn from such program in full accord with the requirements established to withdraw parcels from the program. Boundary Line Adjustment(s) and Lot Consolidation(s) as defined in Section 91-27 of this Code, shall be permitted without withdrawal from the program when all properties being impacted are located within the same land use taxation program.
- (e) Noncontiguous remnant parcels not meeting the requirements of a lot in this chapter or the zoning ordinance shall not be left as part of the parent parcel as a result of subdivision. In such cases, remnants shall be added to lots to which they are contiguous or shall be set aside as common area dedicated to the property owner's association.
- (f) Reserve strips shall not be created as a part of any subdivision or development.

(Ord. No. O-03-05(R), 3-14-2005)

Attest:



Rodney A. Hathaway
County Administrator



Thomas W. Evelyn
Chairman