

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

**O-36-21**

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 13<sup>th</sup> day of December, 2021:

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

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

**AN ORDINANCE TO AMEND  
SECTION 98-583 AND SECTION 98-663 OF THE NEW KENT COUNTY CODE**

WHEREAS, the New Kent County Board of Supervisors passed Resolution R-20-21 on September 8, 2021, directing the Planning Commission to consider amendments to raise the maximum building height in the Economic Opportunity and Industrial Zoning Districts to 75 feet; 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 November 15, 2021, carefully considered the public comment received, and voted 7:0 to recommend approval of these 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 13<sup>th</sup> day of December, 2021, by the New Kent County Board of Supervisors, that the following sections of the New Kent County Code be readopted as follows:

○ **ARTICLE XVI. - ECONOMIC OPPORTUNITY DISTRICT**

• **Sec. 98-581. - Intent of district.**

The economic opportunity district is intended to provide opportunities to create mixed-use commercial and employment centers that will provide employment for county residents and a positive fiscal impact to the community while balancing flexibility of uses with performance standards that will ensure an attractive, well-planned environment.

• **Sec. 98-582. - Uses.**

Uses permitted as a matter of right or only by conditional use permit are shown in the Table of Land Uses in section 98-62. All uses shall be established using the performance standards applicable to that use as found in sections 98-871, 98-872, and 98-873. All development and redevelopment in the economic opportunity district requires approval of a site plan or plan of development.

• **Sec. 98-583. - Dimensional requirements.**

Economic Opportunity District	
Standard	Requirement
Minimum Lot Area	
With public water and public sewer	20,000 sq ft
Without public water or sewer	1 acre
Minimum Lot Width	150 feet
Minimum Front Setback	
All parking to rear	30 feet
Parking in front	70 feet
Buffer between parking and street	30 feet
Minimum Rear Yard	
Principal structures	20 feet
Accessory structures, parking and drive aisles	10 feet
Minimum Side Yard	
Principal structures	20 feet
Accessory structures, parking and drive aisles	10 feet
Shared parking facility	None
Maximum Height	
Commercial Structures	<del>50 feet</del> <b>75 feet</b>
Residential Structures	50 feet
Research and Development and Warehouses	<del>50 feet</del> <b>75 feet</b>
Hotels and Hospitals	<del>50 feet</del> <b>75 feet</b>

• **Sec. 98-584. - Special standards for economic opportunity development.**

(a) Building exteriors that face a public street shall not consist of barren, unfinished, or uncoated materials.

(b) Outside display of goods and materials for sale is permitted. Outside display shall not encroach into the public right-of-way, required landscaping or required parking.

(c) Outside storage is permitted behind the principal structure provided such storage is screened from view of public streets and adjacent properties by means of opaque fencing, vegetative screening or a combination thereof.

- **Secs. 98-585—98-660. - Reserved.**

## **ARTICLE XVII. - INDUSTRIAL DISTRICT<sup>[16]</sup>**

- **Sec. 98-661. - Intent of district.**

The Industrial district is intended to provide opportunities where industry can thrive while maintaining a sensitive balance of aesthetic appeal and environmental protection.

- **Sec. 98-662. - Uses.**

Uses permitted as a matter of right or only by conditional use permit are shown in the Table of Land Uses in section 98-62. All uses shall be established using the performance standards applicable to that use as found in sections 98-871, 98-872, and 98-873. All development and redevelopment in the Industrial district requires approval of a site plan or plan of development.

- **Sec. 98-663. - Dimensional requirements.**

Industrial District	
Standard	Requirement
Minimum Lot Area	
With public water and public sewer	1 acre
Without public water or sewer	3 acres
Minimum Lot Width	150 feet
Minimum Front Setback	
Principal structures	70 feet
Accessory structures	30 feet
Buffer between parking and street	30 feet
Minimum Rear Yard	
Principal structures	30 feet
Accessory structures, parking and drive aisles	10 feet
Minimum Side Yard	
Principal structures	30 feet
Accessory structures, parking and drive aisles	10 feet
Maximum Height	<del>60 feet</del> <b>75 feet</b>

- **Sec. 98-664. - Special standards for industrial development.**

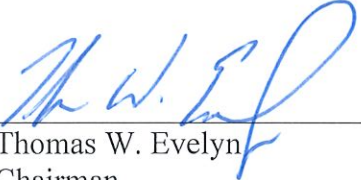
(a) Outside storage of goods and materials is permitted behind the principal structure. Outside storage shall not encroach into the public right-of-way, required landscaping or required parking.

(b) In the case where there is no principal structure, outside storage of goods and materials shall be screened from the view of public streets by opaque fencing, vegetative screening or a combination thereof.

- **Secs. 98-665—98-700. - Reserved.**

Attest:

  
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Rodney A. Hathaway  
County Administrator

  
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Thomas W. Evelyn  
Chairman