



Zoning and Subdivision Ordinance Update

Joint Worksession | Monday, June 29, 2026



BERKLEY GROUP

***Trusted Partners.
Practical Solutions.
Stronger Communities.***

We partner with public agencies to help **strengthen operations, improve outcomes, and support the communities they serve.**



Caroline Vanterve, AICP
Principal Planner | Project Manager



Stephanie Mathena, AICP, CZA
Senior Planner | Project Lead



Tori Haynes
Senior Planner | Project Lead

Agenda

- 1. Zoning and Subdivision Ordinance Purpose and Content**
- 2. Project Purpose, Goals, and Schedule**
- 3. Zoning and Subdivision Ordinance Diagnostic – *Review and Discussion***
- 4. Community Engagement Summary – *Review and Discussion***
- 5. Final Discussion and Next Steps**

Zoning and Subdivision Purpose and Content

ZONING

Regulates

Use of Land & Structures
Size, Height, Area, Location

Ensures

Light & Air
Conveniences & Safety

Facilitates

Compatible Land Uses
Orderly Development

Protects From

Destruction & Obstruction
Encroachment & Congestion
Dangers & Adverse Impacts

COMPREHENSIVE PLAN

Policy Document
Sets Vision & Goals
Guides Regulation

SUBDIVISION

Regulates

Land division – Number & Size of Lots
Development Standards

Ensures

Adequate Streets & ROWs
Utilities, Services, & Drainage

Facilitates

Public Services & Amenities

Establishes

Procedures & Regulations

Understanding Zoning

Zoning CAN...

- ✓ Designate land into districts
- ✓ Regulate building size & placement
- ✓ Require standards to minimize adverse impacts
- ✓ Protect sensitive resources
- ✓ Enhance community character
- ✓ Support agricultural, housing, & economic goals

Zoning CANNOT...

- ✗ Change or correct land use/buildings already in existence
- ✗ Guarantee development will occur
- ✗ Ensure land uses will be permanent
- ✗ Apply rules inconsistently within the same zoning district
- ✗ Ensure property is maintained

Understanding Subdivision

Subdivision CAN...

- ✓ Regulate how land is divided
- ✓ Require streets, utilities, drainage, and access
- ✓ Set standards for lots, blocks, and rights-of-way
- ✓ Ensure new development is coordinated and safe
- ✓ Protect infrastructure and community character

Subdivision CANNOT...

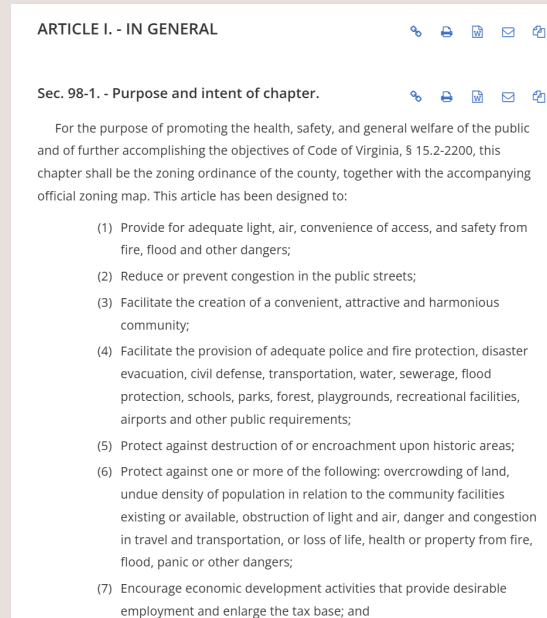
- ✗ Decide what land uses are permitted
- ✗ Regulate building design or occupancy
- ✗ Fix existing property line or access issues *automatically*
- ✗ Guarantee that lots will be developed
- ✗ Replace zoning, building codes, or private covenants

Project Purpose



NEW KENT 2045 =
Community Vision

*High-level land use
guide*



ZONING & SUBDIVISION
ORDINANCES =
Development Rules

*Implements New Kent
2045's vision*



DEVELOPMENT PROJECT =
Real Results

*Approved, designed, and built
based on the Ordinances*

Project Goals



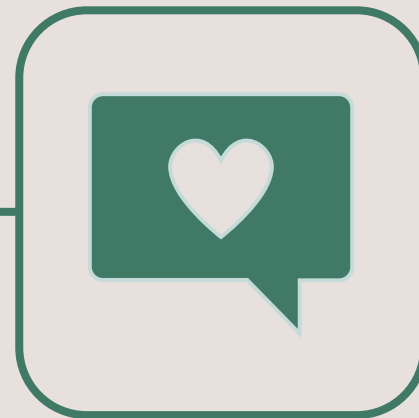
**USABILITY &
ORGANIZATION**



**LEGAL
COMPLIANCE**



**CLARITY &
TRANSPARENCY**



**COMP.
PLAN
ALIGNMENT**



**COMPATIBLE
DEVELOPMENT**

Project Schedule



Project Schedule

Joint Worksession		Topic
Fall 2026	November	• Reorganized Ordinance (updated structure) • <i>Code of Virginia</i> Review and Discussion • Initial Policy Discussion
Spring – Summer 2027	February	• Ordinance Administration; Zoning Permits/Applications • Continue Initial Policy Discussion
	March	• Primary Districts and Overlays
	April	• Uses and Performance Standards (<i>Agricultural, Residential, and Public/Civic Uses</i>)
	May	• Uses and Performance Standards (<i>Commercial and Industrial Uses</i>)
	June	• Community Design, Cluster Development, and Subdivision
Fall 2027	TBD	• Full Ordinance Review, Discussion, and Refinement

Zoning and Subdivision Ordinance Diagnostic



New Kent County

Zoning and Subdivision Ordinance Diagnostic

June 2026

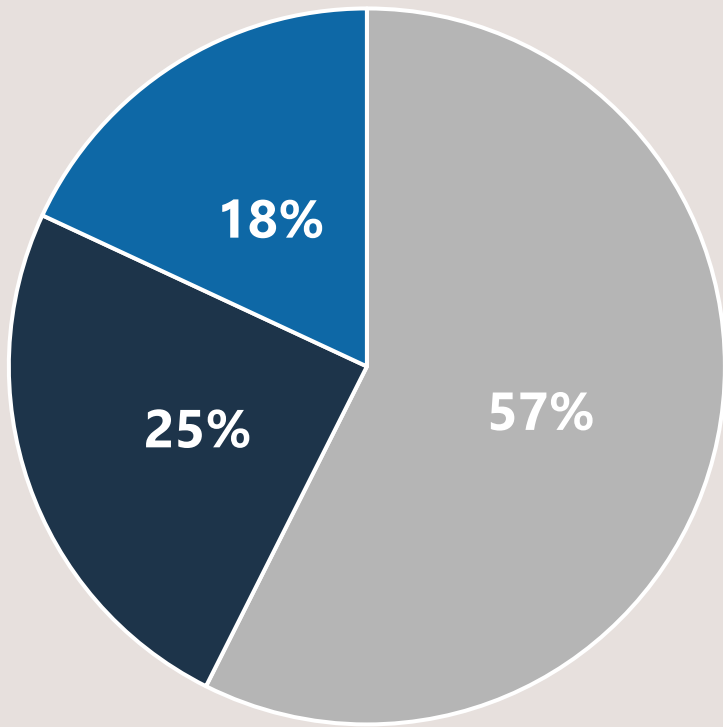


Zoning and Subdivision Ordinance Diagnostic

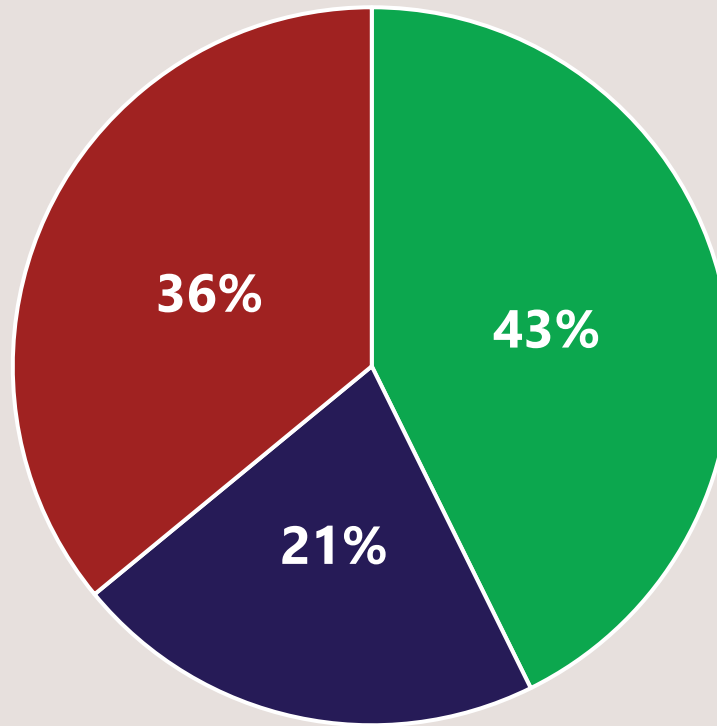
Purpose:

- Analyze the Zoning and Subdivision Ordinances for compliance with state code
- Identify new (2026) state code requirements and their applicability to New Kent County
- Provide recommendations to align with current planning best practices
- Identify opportunities to implement the Comprehensive Plan

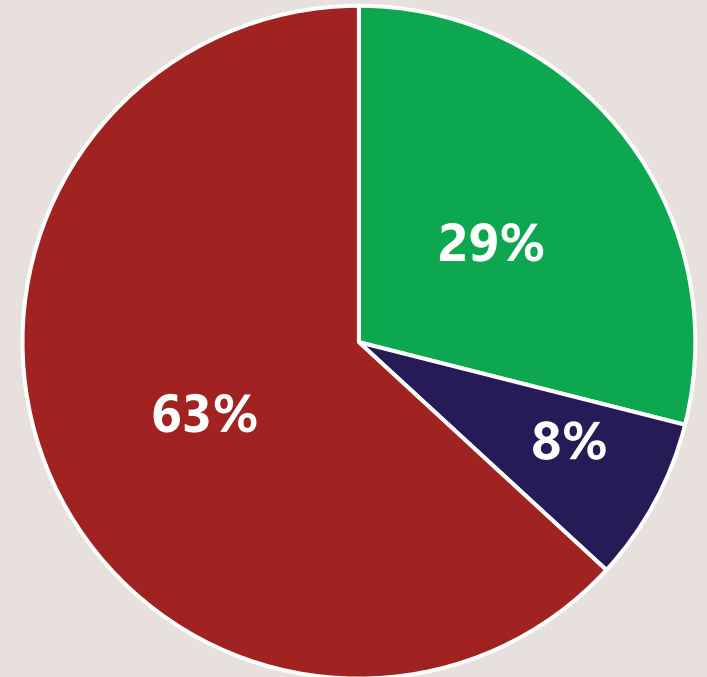
Zoning Ordinance Code of Virginia Compliance



■ Mandatory Provisions ■ Optional Provisions
■ N/A Provisions



■ Mandatory, Complies ■ Mandatory, Partially Complies
■ Mandatory, Does Not Comply



■ Optional, Included
■ Optional, Partially Included
■ Optional, Not Included

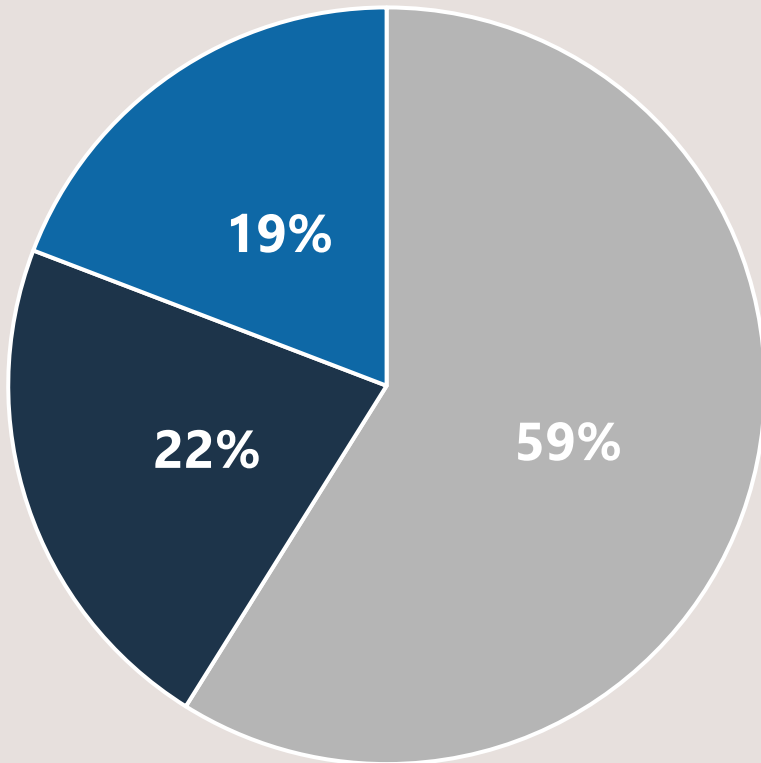
Zoning Ordinance General Recommendations

Recommended Improvement	Result
Incorporate current Code of Virginia references and address recent amendments to the Code of Virginia	• <i>Protects the County in event of legal challenge</i> • <i>Prevents arbitrary and capricious decision-making</i>
Seek to streamline the Ordinance : avoid jargon when possible, use multi-level lists in lieu of paragraphs, use tables in lieu of text, and incorporate more graphics	• <i>Improve readability</i> • <i>Reduce number of interpretations needed by staff</i> • <i>Expedite future text amendments</i>
Introduce civil penalties as a first line of defense, moving to misdemeanors as appropriate	• <i>Eases burden of enforcement</i> • <i>Saves County time and money spent on court costs</i> • <i>Allows most effort for serious/repeat violations</i>

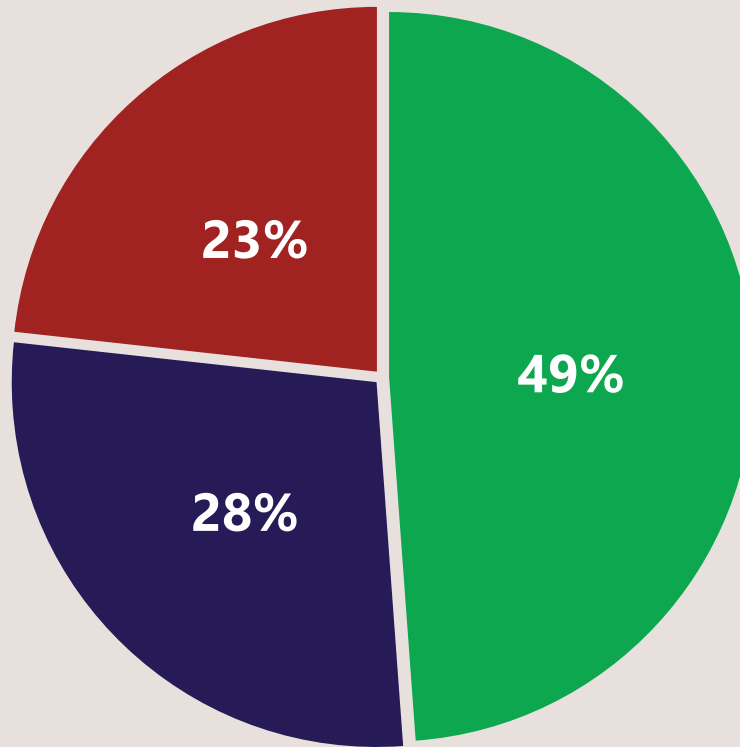
Zoning Ordinance General Recommendations

Recommended Improvement	Result
Identify the best enabling legislation for proffers moving forward	• <i>Provides greater flexibility to address unique challenges and mitigate impacts</i>
Rewrite the purpose and intent statements of all zoning districts ; identify districts that can be added or phased out	• <i>Promotes alignment with Comprehensive Plan</i> • <i>Improves clarity and transparency for the public</i> • <i>Offers additional rationale for discretionary decisions</i>
Continue using the Table of Uses ; update use names for modernity and introduce new uses	• <i>Advances goal of a user-friendly and clear Ordinance</i> • <i>Allows appropriate regulation of emerging uses</i> • <i>Advances economic development goals</i>
Review and update performance standards for all uses, introducing new standards as appropriate	• <i>Promotes alignment with Comprehensive Plan</i> • <i>Reduces conflicts between potentially incompatible uses</i> • <i>Maintains business-friendly with appropriate safeguards</i>

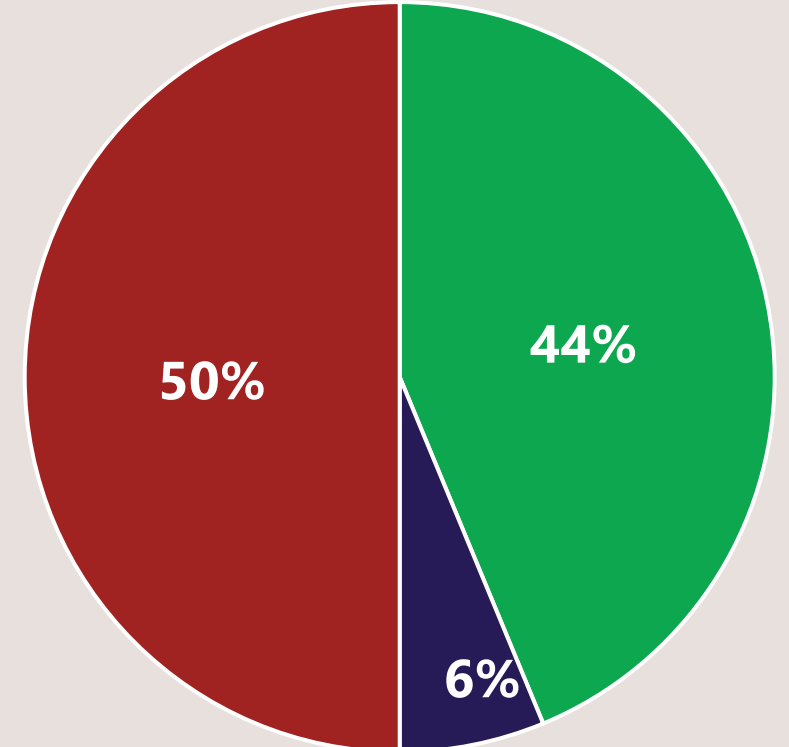
Subdivision Ordinance Code of Virginia Compliance



■ Mandatory Provisions ■ Optional Provisions
■ N/A Provisions



■ Mandatory, Complies
■ Mandatory, Partially Complies
■ Mandatory, Does Not Comply



■ Optional, Included
■ Optional, Partially Included
■ Optional, Not Included

Subdivision Ordinance General Recommendations

Recommended Improvement	Result
Incorporate current Code of Virginia references and address recent amendments to the Code of Virginia.	• <i>Protects the County in event of legal challenge</i> • <i>Prevents arbitrary and capricious decision-making</i>
Seek to streamline the Ordinance : avoid jargon when possible, use multi-level lists in lieu of paragraphs, use tables in lieu of text, and incorporate more graphics	• <i>Improve readability</i> • <i>Reduce number of interpretations needed by staff</i> • <i>Expedite future text amendments</i>
Clarify standards and processes for waivers and modifications to the Subdivision Ordinance	• <i>Aligns with state code</i> • <i>Prevents development loopholes</i> • <i>Promotes consistent enforcement and predictable processes</i>
Introduce an exception process to the Subdivision Ordinance	• <i>Aligns with state code</i> • <i>Provides property owners with additional relief avenues in hardship circumstances</i> • <i>Improves clarity and transparency</i>

Comprehensive Plan General Recommendations

Comprehensive Plan Tactic	Recommended Improvement
Encourage the development of housing and facilities allowing seniors to age in place in the County.	• <i>Permit accessory dwelling units (ADUs), subject to performance standards, in appropriate residential districts to support multigenerational living arrangements.</i> • <i>Introduce a new use and development standards for "Continuing Care Retirement Community (CCRC)," defined as a unified residential development providing a continuum of care and subject to registration under Code of Virginia § 38.2-4900.</i>
Development will follow guidelines to mitigate stormwater runoff and prevent pollution from reaching waterways.	• <i>Consider introducing a density bonus system for cluster or other types of residential development.</i> • <i>Introduce a maximum requirement for impervious lot coverage in commercial and industrial zoning districts.</i>

Comprehensive Plan General Recommendations

Comprehensive Plan Tactic	Recommended Improvement
Adopt regulations that ensure the timely completion of proposed commercial uses in any future Planned Unit Development.	• <i>Establish a maximum allowable percentage of commercial development within PUDs.</i> • <i>Introduce construction phasing requirements for commercial uses.</i>
Promote increased densities and mixed uses where public utilities are available or adjacent.	• <i>Require at least two different types of residential housing types in PUDs.</i> • <i>Introduce additional housing types and flexible development formats to be permitted in appropriate districts.</i> • <i>Introduce development standards specific to mixed-use structures.</i>

Priority Items

- Integrate required and optional *Code of Virginia* items
- Combine the Zoning and Subdivision Ordinances
- Consolidate and clarify community design standards
- Update sign regulations for *Reed v. Town of Gilbert* compliance
- Consolidate use performance standards
- Revise permitting and application procedures
- Revise cluster and PUD standards

Community Engagement



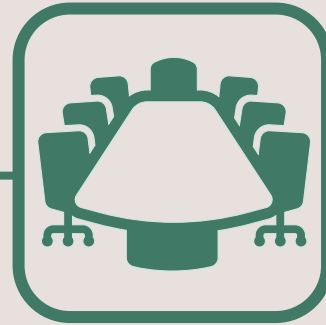
Community Engagement



**COMMUNITY
SURVEY**



WORKSHOPS



FOCUS GROUPS



**FARMERS'
MARKET POP-
UPS**

Key Themes

Preserve rural character by directing all types of new development to appropriate areas of the County.

Introduce design standards that **promote high-quality development** while remaining context-sensitive and area-specific.

Carefully consider how the **scale and intensity of the new development** may impact utility and transportation infrastructure.

Maintain **transparency, predictability, and consistency** in review and permitting processes.

Farmers' Market Pop-Ups

	TOTALS*			
	THIS	DEPENDS	THAT	
Allow more housing types (in-law suites, townhomes, etc.) to give people more options	<u>13</u>	4	12	Keep most areas single-family to maintain lower density
Reduce commercial parking requirements to limit pavement and lower costs	5	2	<u>11</u>	Maintain or increase commercial parking requirements to avoid spillover
Require more trees and landscaping to improve appearance and increase shade	<u>25</u>	-	2	Allow reduced landscaping requirements to reduce costs and simplify design
Require larger buffers between uses to reduce noise and visual impacts	<u>19</u>	-	2	Allow reduced buffering requirements to allow more usable space and reduce costs
Allow more development without special approval to save time and cost	-	1	<u>25</u>	Have the Board of Supervisors approve more development on a case-by-case basis

Farmers' Market Pop-Ups

	TOTALS*					
	Rural Areas	Hamlets and Residential Areas	Villages	Commercial and Mixed-Use Areas	Industrial Areas	County-wide
Preserve open space	<u>18</u>	2	-	1	-	15
Promote a variety of housing types	2	6	<u>7</u>	-	-	5
Encourage environmentally friendly designs	4	4	1	1	2	<u>23</u>
Encourage neighborhoods with housing, shopping, and amenities	1	8	<u>11</u>	2	-	3
Require landscaping and buffers between different uses	-	-	3	6	-	<u>19</u>
Require high quality design along major roadways	-	2	1	6	-	<u>17</u>

Farmers' Market Pop-Ups

More Of...

- Grocery stores/options (x7)
- Local restaurants (x2)
- More restaurants/options (x5)
- Open spaces (x2)
- Small businesses (x2)
- More commercial/shopping (x2)
- ADUs
- Another bank
- Keep water/water quality
- Grocery store/something with school supplies
- Sustainable/environmentally friendly planning
- Outdoor spaces
- Entertainment
- Third spaces (cafes, parks, etc.)
- Majority community vote to approve data centers
- Trees
- Another drug store
- Another primary school
- Sidewalks to town parks (i.e. Kingsfield to Quinton Park)
- So much history in the area! More museums. Highlight our history
- Roads widened a bit
- Public fair area
- Longer time on Farmers Market
- Bigger Farmers Market
- Sidewalks
- Outdoor parks, recreation, and water access
- Water studies before new development
- Amenities for senior citizens
- Longer months for Farmers Market
- A1 zoned land used more than 20% and 80% of open space
- More houses built on owners property land
- Stay rural

Less Of...

- No data centers (x17)
- Food Lions (x2)
- Subdivisions (x2)
- Dead cars
- Solar farms
- Houses
- Grocery stores
- Big shopping (Bucee's)
- No apartments
- No motels
- Monster warehouses
- Housing developments
- Less houses
- Tractor trailers

Community Survey

- **741** responses
- **94%** identified as **residents**
 - *59% have lived in the County at least 10 years*
 - *18% have lived in the County under 5 years*
 - *66% are property owners*
- **2%** self-identified as **developers**

Community Survey

- **37%** have used the **Zoning Ordinance**
- **30%** have used the **Subdivision Ordinance**
- For both Ordinances, **opinions are split** on whether it is ***easy or difficult to understand and navigate***

Community Survey

Most *Encouraged** Land Uses

- ✓ Small-scale commercial development **(89%)**
- ✓ Food trucks/mobile restaurants **(88%)**
- ✓ Outdoor commercial recreation **(76%)**
- ✓ Outdoor amphitheaters or event venues **(71%)**

**By-right with no or some restrictions.*

Most *Discouraged* Land Uses

- ✗ Data Centers **(87%)**
- ✗ Vehicle tow yards **(74%)**
- ✗ Truck stops **(71%)**
- ✗ Mini storage/self-storage facilities **(60%)**

Community Survey

Most Supported *Community Design* Statements

- ✓ Landscaping should continue to be required as a buffer between business/industrial development and agricultural or residential property. **(94%)**
- ✓ Tree cover should be required for business & industrial *and* residential developments to preserve character and protect environmental resources. **(93% and 91%, respectively)**

Community Survey

Most Supported *Housing Policies*

- ✓ Encourage mixed-use developments **(39%)**
- ✓ Allow assisted living/elder care in more areas **(33%)**
- ✓ Other policy not mentioned **(32%)**
- ✓ Increase residential density in designated growth areas **(15%)**
- ✓ Reduce the minimum lot size for residential development in designated growth areas **(12%)**

Focus Groups



4 Groups



20

Participants

- Agricultural and Forestal District Advisory Committee
- Business Owners
- Chamber of Commerce
- Colonial Soil and Water Conservation District
- Commercial Developers
- Current Residents
- Engineers/Surveyors
- Financial Institutions
- Home Building Association of Richmond
- Land Use Attorneys
- Residential Developers
- Virginia Economic Development Partnership
- Williamsburg Area Association of Realtors

Focus Groups

Preserve Rural Character

- Adjust commercial and industrial lighting standards
- Introduce context-sensitive design standards along rural corridors
- Evaluate minimum lot sizes to facilitate appropriate land use, particularly for agriculture and cluster development

Context-Sensitive Residential and Mixed-Use Development

- Introduce a standalone mixed-use zoning district
- Introduce tiered industrial zoning districts to better distinguish light and heavy industrial
- Consider where permissions for workforce housing can be expanded

User-Friendly Processes

- Improve consistency between zoning & subdivision standards
- Expand options for electronic submittals
- Introduce more graphics to illustrate concepts
- Retain efficiency and predictability in review process

Public Workshops



2

Workshops



12

Participants

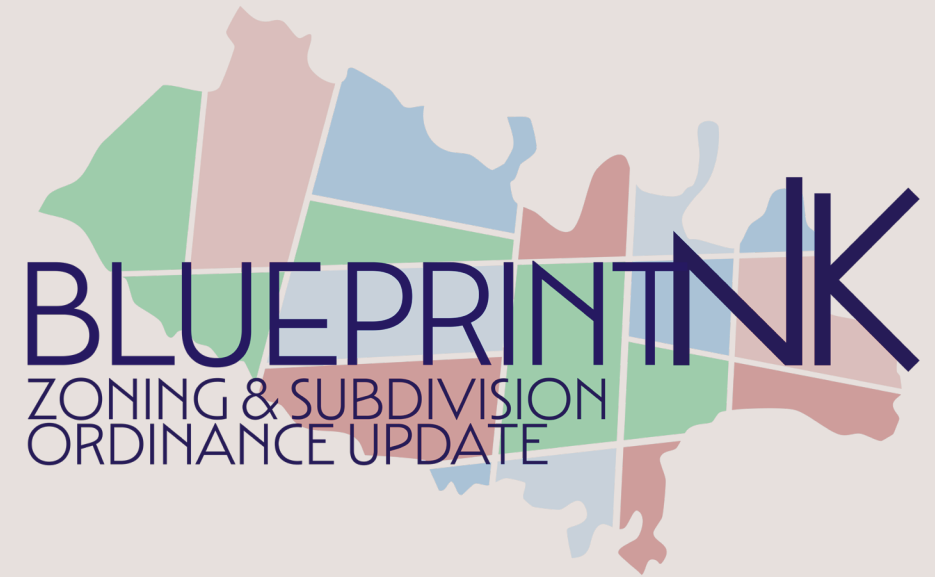
Workshop Highlights:

- ✓ Context-Sensitive Buffering
- ✓ Community Connection and Activity
- ✓ Environmental Preservation

How will we continue to engage the community?

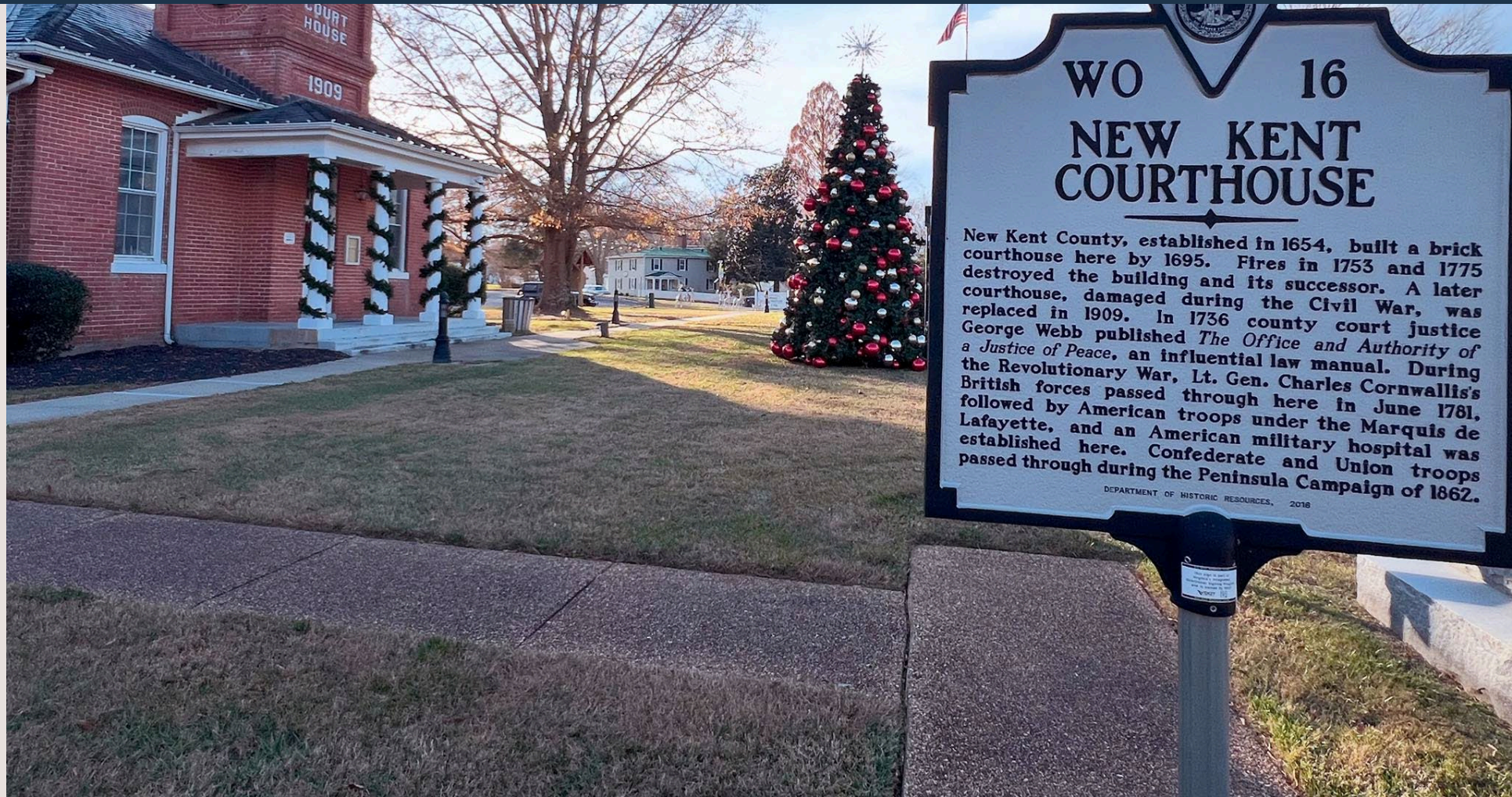
BlueprintNK Project Website

- Frequently Asked Questions
- Project Progress Tracker
- Draft Ordinance Language
- Planning Commission and Board memos, presentations, and meeting materials
- Additional comment forms/surveys



www.tinyurl.com/BlueprintNK

Final Discussion and Questions



Next Steps

- "Phase 1" Ordinance drafting with Berkley Group and County staff
 - *Code of Virginia* compliance
 - Reorganization
- **Joint Drafting Worksession #1:
November 2026**

