

SMITHFIELD TOWN COUNCIL AGENDA
December 1st, 2015 at 7:30 p.m.
Held at Smithfield Center, 220 N. Church Street



A. INFORMATIONAL SECTION:

1. Manager's Report

- a. November Activity Report

B. UPCOMING MEETINGS AND ACTIVITIES:

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| December 1 | - | 7:30 p.m. – Town Council Meeting |
| December 7 | - | 6:30 p.m. – Cary & Main Conditional Rezoning Application Work Session |
| December 8 | - | 6:30 p.m. – Smithfield Planning Commission Meeting |
| December 15 | - | 6:30 p.m. – Board of Historic and Architectural Review |
| December 21 | - | 4:00 p.m. – Town Council Committee Meetings (Consecutive)
Police Committee
Water and Sewer Committee
Finance Committee |
| December 22 - | | 4:00 p.m. – Town Council Committee Meetings (Consecutive)
Parks and Recreation Committee
Public Works Committee
Public Buildings and Welfare Committee |
| December 24 & 25 | | Town Offices will be Closed in Observance of the Christmas Holiday |
| Dec. 31 st & Jan. 1 st | | Town Offices will be Closed in Observance of New Year's Holiday |

NOTE: All of the above public meetings will be held at the Smithfield Center, unless otherwise noted.

C. Public Comments:

The public is invited to speak to Council on any matters, except scheduled public hearing(s). There will be a separate sign up sheet for public hearings. For public comments please use the appropriate sign-up sheet and include your preferred method of contact. Comments are limited to five (5) minutes per person. Any required response(s) from the Town will be provided in writing following the meeting.

D. Council Comments

NOTICE OF INTENT TO COMPLY WITH THE AMERICANS WITH DISABILITIES ACT. Reasonable efforts will be made to provide assistance or special arrangements to qualified individuals with disabilities in order to participate in or attend Town Council Meetings. ADA compliant hearing devices are available for use upon request. Please call (757) 356-9939 at least 24 hours prior to the meeting date so that proper arrangements may be made.

E. Summary of Consent Agenda Items

- a. Finance Committee Chair, Mr. Randy Pack
- b. Parks and Recreation Committee Chair, Ms. Connie Chapman
- c. Public Works Committee Chair, Mr. Michael Smith
- d. Public Buildings and Welfare Committee Chair, Dr. Milton Cook

CONSENT AGENDA ITEMS

C1. Invoices Over \$10,000 Requiring Council Authorization

Finance Committee Chair, Mr. Randy Pack

- a. Blair Brothers, Inc. (South Mason Street) \$19,082.46

C2. Motion to Adopt Procurement Policy Manual

Finance Committee Chair, Mr. Randy Pack

C3. Resolution to Accept Agreement with VMRC for Public Boat Ramp at Clontz Park

Parks and Recreation Committee Chair, Ms. Connie Chapman **TAB # 1**

C4. Motion to Accept Scope of Work for the Design of the Clontz Park Public Boat Ramp by Kimley Horn Associates in an Amount not to Exceed \$33,800.00

Parks and Recreation Committee Chair, Ms. Connie Chapman **TAB # 2**

C5. Motion to Approve Professional Engineering Service Contracts Renewal with Draper Aden Associates and Kimley Horn Associates for an Additional Two (2) Years.

Public Works Committee Chair, Mr. Michael Smith

C6. Motion to Approve Proposal by Draper Aden Associates for Repairs to the Primary Spillway at the Smithfield Lake Dam

Public Works Committee Chair, Mr. Michael Smith

C7. Motion to Authorize the Town Attorney to Start Condemnation Process on 52 Carver Avenue with Property Owners Consent as Part of the Pinewood Heights Relocation Project

Public Buildings and Welfare Committee, Dr. Milton Cook

C8. Motion to Approve the Town's 2016 Meeting Schedule

T. Carter Williams, Mayor **TAB # 3**

ACTION SECTION

1. PUBLIC HEARING: Flood Plain Ordinance

TAB # 4

- a. Staff Presentation by Planning and Zoning Administrator, William G. Saunders, IV
- b. Public Hearing Open
- c. Public Hearing Closed
- d. Consideration by Public Buildings and Welfare Committee Dr. Milton Cook

2. **Motion to Refer Pierceville Property back to the Board of Historic and Architectural Review for Further Action**
Public Buildings and Welfare Committee Chair, Dr. Milton Cook
3. **Motion to Approve the Continued Town Council Meeting Minutes of October 27th, 2015 and the Town Council Meeting Minutes for November 3rd, 2015**
Mr. William H. Riddick, III, Town Attorney
4. **Motion to Appoint a Nominating Committee to Fill the two (2) Expiring Terms of the Board of Historic and Architectural Review.**
T. Carter Williams, Mayor
5. **Motion to Appoint a Nominating Committee to Fill the Expiring Term on the Smithfield Planning Commission**
T. Carter Williams, Mayor
6. **New Business:**
7. **Old Business:**
8. **Closed Session: Acquisition/Disposition of Real Property**
9. **Meeting Adjourned:**

November 24, 2015

TO: SMITHFIELD TOWN COUNCIL

**FROM: PETER M. STEPHENSON, AICP, ICMA-CM
TOWN MANAGER**

SUBJECT: MONTHLY ACTIVITY REPORT – NOVEMBER 2015

TOWN MANAGER'S OFFICE:

- a. Attended the following meetings: Town Safety Committee, Kiwanis Board of Directors, Special Events Committee, Pinewood Heights Facilitated Planning Session and Management Team, VMRC-RFAB in Newport News, HRCJTA Executive Committee in Newport News, HRPDC Board in Chesapeake, Isle of Wight ECC Board and VML Insurance Programs Audit Committee via conference call.
- b. Utilized two days of accrued leave.

TOWN CLERK'S OFFICE:

- a. Transcribed and proofed the monthly minutes from Town Council, Planning Commission, and Board of Historic and Architectural Review for the month of November.
- b. Met with Michael Dodson of Community Planning Partners and Elizabeth Boehringer of VDHCD for Audit of Phase III files, November 10th.
- c. Attended Facilitated Management Session and Pinewood Heights Management Team meetings for Phase II MY 2 and Phase III, November 10th.
- d. Received newsletters back from printers and prepared bulk mailing to town citizens
- e. Prepared November Town Council Committee Agenda and December Town Council Agenda.
- f. Attended Town Council Committee meetings on November 16th and 17th and prepared summary reports from committees.

TREASURER'S OFFICE:

- a. Attended Special Events meeting on November 4 to review scheduled events for the next calendar year.
- b. Met with Sonja Eubank and Peter Stephenson on November 6 to discuss updates to the Town's Procurement Policy.
- c. Mailed PP tax bills on November 6. Worked with front office staff to answer questions regarding the bills.
- d. Attended Pinewood Heights Facilities Management Session and Management Team meetings on November 10 at Town Hall.
- e. Completed bank reconciliations and financial statements for November 2015.
- f. Continued working with auditors to finalize audit. Worked on statistical reports and began preparations for the Management Discussion and Analysis.

PUBLIC WORKS:

- Staff performs the following duties on a monthly basis:
Miss Utility marking, read meters for billing and to transfer property owners, cut offs and cut-ons, check pump stations daily, install and repair street signs, replace and repair broken water meters, take a minimum of 8 water samples and have them tested, flush water lines, repair water leaks, repair radio reads after each reading if needed, maintenance on town owned buildings.
 - Town of Woodstock visited and spent day with administrative staff to learn about public works accreditation process.
1. Sewer Line Repairs and Maintenance:
 - a. 625 Wildwood Cr. - unstopped sewer line and will repair sewer lateral to fix the problem.
 - b. 204 Windsor Ave - replaced sewer lateral.
 2. Sewer Pump Station Repairs and Maintenance:
 - a. Weekly and daily checks on all 27 pump stations.
 - b. Performed the following scheduled maintenance at all pump station
 - Cleaning of wet-wells
 - Alarms testing
 - Sump pump cleaning
 - Check Valve cleaning and repair
 - Generator checks / Godwin pump checks
 - Control Panel / Flow monitor checks
 - Fence and Grounds inspections

Inspected Structure
Inspect and clean pumps
Level system check
Test limit switches
Bar screen cleaning
Rain gauge cleaning

- c. Moonfield pump station down to one pump – new pump ordered
- d. Watson pump station - relining has been completed.
- e. Repaired manholes at James St. pump station.
- f. Completed pump inspections at various pump stations.

3. Water Line Repairs and Maintenance

- a. Repaired water leak repairs:
 - 201 Azalea Dr.
 - 343 Main St.
 - 198 Azalea Dr.
- b. Installed temporary water service at 718 West Main St.

4. Well Repairs and Maintenance

- a. All wells except 8A and 10 (at RO Plant) are off now that RO plant is running. Upgrades to well houses have been completed to keep wells in operating condition in case of an emergency. Emergency wells are flushed once a month.

5. Water Treatment Plant

- a. Daily lab analysis and reports for VDH, HRSD, DEQ and ITT.
- b. Reliability analyst from R.E.Mason tested the bearings of primary RO plant pumps and found them to be in good working order.
- c. Well 8A, well 10, finished water, and concentrate discharge water meters were calibrated by REW.
- d. Samples were pulled by Jaime Weist and RO plant staff for further analysis of discharge water and well water quality.

6. Safety

- a. Monthly truck inspections.
- b. All Public Works employees attended Snow Plow Removal safety training.

7. Windsor Castle Park

- a. Cleaned off and repaired walking trails as needed. Trash cans, recycle bins, information stands and doggie bags are emptied, cleaned or refilled as needed on Mondays and Fridays.
- b. A general inspection of the park is conducted weekly to ensure that all park amenities are in good condition and are not in need of maintenance or repair. This inspection includes walking of the trails to inspect all pedestrian bridges, overlooks, and to identify possible problems with the trails. In addition inspections are made to the kayak launch and fishing pier to identify possible maintenance issues.
- c. Repairs made to trails after being identified during routine inspections

8. Fog/Backflow Programs

- A. Fog inspections on FSE and monitoring of grease disposal is ongoing with a good level of compliance and cooperation from local businesses.
- B. The following locations had FOG inspections conducted this month
 - 1. Wharf Hill
 - 2. Smithfield Skating Ring
 - 3. Cockeyed Roster Cafe
 - 4. Smithfield Ice Cream Parlor
 - 5. Dominoes
 - 6. Taste of Smithfield
- C. Backflow test reports are being submitted by residents and business with a good level of cooperation from the public.

9. Miscellaneous

- a. Grounds crews cut grass at town-owned property and rights-of-way weekly and empty trash cans on Monday and Friday.
- b. Minor repairs at Town Hall and Town Buildings.
- c. Painting light poles, street signs and post in the historical part of town.

PLANNING AND ZONING:

- 1. Planning Commission – November 10, 2015

- A. *Public Hearing* Zoning Ordinance Review – Flood Plain Overlay District and Definitions – Town of Smithfield, applicant – Recommended for approval to Town Council.
2. Rezoning Applications under review
 - A. Cary & Main (Pierceville) Development
3. Special Use Permit Applications under review
 - A. Columbarium Plan – Trinity Methodist Church - 201, 205 S. Mason St.
4. Subdivision and Site Plans under review
 - None
5. Subdivision and Commercial Sites Under Construction and Inspection
 - A. Church Square, Phase I (95% complete)
 - B. Smithfield Manor Townhomes (95% complete)
 - C. Lakeview Cove Condos (75% complete)
6. Board of Historic & Architectural Review – November 17, 2015
 - A. Color Change, Window Removal, Awnings & Shutters – 25 E. Main Street – (Contributing) – Lee Duncan, applicant - Approved.
7. Board of Zoning Appeals – November 17, 2015
 - No meeting held.

ENGINEERING

- A. Church Square, Phase I, contractor has installed E & S controls as required by the Town and the approved site plans. Homes are under construction as per market demand.
- C. Lakeview Cove is now under new ownership. All E & S controls have been installed previously by the contractor as per the approved site plans and required by the Town.

- D. Blair Brother's Contractor continued and completed repair to access road ditch to the James Street Pump Station. Contractor also performed asphalt pothole and pavement patch repairs within the Cypress Creek and Waterford Oaks subdivisions.
- E. Erosion & Sedimentation control field inspections were performed and appropriate reports filed on the following active project: Moody Properties. Also Erosion & Sedimentation control field inspections for single family dwellings were performed at 7 locations throughout the Town and required reports were filed.
- F. Field inspections were held this month involving the Smithfield Lake Dam. It should be noted that the plunge pool area at the outfall of the primary spillway has some damage and may need repair.
- G. Cypress Creek Development; Contractor C. A. Barrs Constr., all work on project has now been completed including the roadway asphalt surface. The project is now under its one year warranty period.

**Town Council
Committee
Summary Reports**

November 24, 2015

TO: SMITHFIELD TOWN COUNCIL

FROM: PETER M. STEPHENSON, AICP, ICMA-CM
TOWN MANAGER

SUBJECT: INFORMATIONAL REPORT FOR THE POLICE COMMITTEE MEETING
HELD ON MONDAY, NOVEMBER 16TH, 2015

The Police Committee met Monday, November 16th, 2015 at 4:00 p.m. at the Smithfield Center located at 220 North Church Street, Smithfield Virginia. Committee member attending were Ms. Connie Chapman and Mr. Andrew Gregory, Vice Mayor. Other Council members present were Mr. Randy Pack, Mr. Michael G. Smith, Dr. Milton Cook, and T. Carter Williams, Mayor. Staff members present were Mr. Peter M. Stephenson, Town Manager; Ms. Lesley King, Town Clerk; Ms. Ellen Minga, Town Treasurer; Mr. Steven G. Bowman, Smithfield Police Chief; Mr. Alonzo Howell, Deputy Chief of Police; Mr. Matt Rogers, Smithfield Police Lieutenant; and Mr. Wayne Griffin, Town Engineer. Also in attendance were newly elected Isle of Wight Board of Supervisors Mr. Joel Acree, Mr. Dick Grice and Mr. William McCarty. There was no media was represented.

Police Committee Member, Vice Mayor Gregory called the meeting to order.

A. MATTERS DISCUSSED BY COMMITTEE WHICH WILL NOT BE ON THE COUNCIL'S AGENDA.

1. Operational Updates – Chief Bowman reported that the Police Department is keeping an eye on what is going on around the world in regards to any terrorist threats.
2. Update on Colonial Avenue and Kendall Haven Streetlight Requests – The Town Manager stated that last month staff was waiting on pricing for both these location from Dominion Virginia Power. The town has since received Dominion's recommendations and costs estimates. Last Thursday afternoon, Mr. Griffin and the Town Manager went out into the field to look at Dominion's recommendations so that we could bring it back to committee. At this time staff is not comfortable with Dominion's recommendation. Staff is requesting some revised pricing based on some revised lighting. For Colonial Avenue staff is recommending proceeding with the one additional streetlight in the cul-de-sac. Staff does not know at this time how much it will be for just that one. The residents that live in the cul-de-sac are the ones that have requested the additional street light. Staff agrees some additional lighting is needed. Once staff gets the revised pricing

it will come back to committee. As for Kendall Haven the proposal was to put two new lights on the Villas of Smithfield side of Battery Park Road at the entrance of Moone Plantation. There are two existing smaller, older ones that the town pays for as you drive into Moone Plantation by the brick entrance sign. Town staff is checking with Dominion Virginia Power to see if these lights can be moved a little closer to the intersection with the new standard acorn light similar to the ones located in front of the Smithfield Station. Nothing would be placed on Smithfield Villas side of the street at this time. Mr. Griffin stated that will be meeting with Dominion Virginia Power tomorrow morning to go over both areas that are requesting additional lighting. Both requests will come back to committee next month with revised pricing from Dominion Virginia Power.

The meeting adjourned at 4:08 p.m.

November 24, 2015

TO: SMITHFIELD TOWN COUNCIL

FROM: PETER M. STEPHENSON, AICP, ICMA-CM
TOWN MANAGER

SUBJECT: INFORMATIONAL REPORT FOR THE WATER & SEWER COMMITTEE
MEETING HELD ON MONDAY, NOVEMBER 16TH, 2015

The Water & Sewer Committee held a meeting on Monday, November 16th, 2015 at 4:08 p.m. at the Smithfield Center located at 220 North Church Street, Smithfield Virginia. Committee members attending was Mr. Andrew Gregory, Chair, and Mr. Michael Smith. Other Council members present were Ms. Connie Chapman, Mr. Randy Pack, Dr. Milton Cook, and T. Carter Williams, Mayor. Staff members present were Mr. Peter M. Stephenson, Town Manager; Ms. Lesley King, Town Clerk; Ms. Ellen Minga, Town Treasurer; Mr. William H. Riddick, III, Town Attorney; and Mr. Wayne Griffin, Town Engineer. Also in attendance were newly elected Isle of Wight Board of Supervisors Mr. Joel Acree, Mr. Dick Grice and Mr. William McCarty. There was no media was represented.

Water and Sewer Committee Chair, Andrew Gregory called the meeting to order.

A. MATTERS DISCUSSED BY COMMITTEE WHICH WILL NOT BE ON THE COUNCIL'S AGENDA

1. Operational Updates – The Town Manager stated that he spoke with the Public Works Superintendent this afternoon and he did not have anything significant to report on at this time. Next month we will have Jamie Weist of Kimley-Horn Associates here along with Mr. Jack Reed from the Reverse Osmosis Treatment Plant to update committee on the thirty day trial period that has been going on collecting data at the treatment plant. We will also have recommended next steps in the process. Ms. Minga stated that she spoke with Mr. Reid and Mr. Snead today about the efficiencies at the plant. They also discussed looking at the HRSD charges, and actual consumption and usage. Mr. Reed had some really good points and they are planning on meeting to discuss how to present data to committee. It may be in several different formats. Even though the town is showing more cost to HRSD than what is being discharged it could coincide with more usage. Adjustments also affect the overall cost to HRSD. Mr. Smith asked if the numbers have gone down for more efficiency. The Town Manager stated that

staff would report on that next month. Mr. Pack stated that if the Town Treasurer presented committee with efficiency numbers he would be satisfied with that. Vice Mayor Gregory stated that their primary concern for the treatment plant is the efficiency of it. Mr. Smith asked when hydrants are flushed does that go as water used. The Town Treasurer and Town Manager stated that was correct but they do estimate this unused water every year. Mr. Smith asked if HRSD makes any adjustments on their end for the unused water. The Town Treasurer replied that they do not. All of this information will be presented to committee next month in a more consolidated fashion. The Town Manager reported that the only other thing to report on is the Isle of Wight Board of Supervisors will hold their public hearing this Thursday in regards to approval of the Gatling Pointe Waterline. The Isle of Wight Planning Commission recommended denial of the Gatling Pointe Waterline. The Planning Commission Chairman stated in the recommendation of denial that the Board should 1) consider the project as part of the 2016 Comprehensive Plan review process; 2) initiate more cooperative efforts between the town, county and the citizens; and 3) consider the need for a sewer line in addition to the waterline. County staff is recommending approval of the waterline at the Board of Supervisors meeting on Thursday, November 19th. Vice Mayor Gregory stated that he attended the County's Planning Commission meeting and was impressed with the thought process of the commissioners. They all asked a lot of good questions. He stated that he spoke during the public comment period. Vice Mayor Gregory continued to explain the majority of presentation by the county attorney that led up to the vote actually outlined several incidents where communities had gone against their own comprehensive plans and the legal ramifications of that. The County Attorney did not push one direction or the other but did present multiple scenarios. Most of the Planning Commissioners comments did revolve around the fact that the waterline was not in conformity to the existing Comprehensive Plan as it is written. That is the reason that the majority of them were not comfortable with recommending approval. Vice Mayor Gregory stated that he will be attending the Board of Supervisor's meeting on Thursday, November 19th.

2. Additional Item Discussed: Town Groundwater Withdrawal Permit – Dr. Cook asked for The Town Manager to refresh his memory on the town's withdrawal permit. What is the expiration of the permit? The Town Manager stated that it expires at the end of July 2023. What was the net change in the town's withdrawal permit from the last permit? The Town Manager replied that the town went from 1.4 million to 1.26 million gallons per day. Dr. Cook asked if prior to getting the new permit was the town ever bumping the limit. The Town Manager stated that we did have one summer that during a drought we were pushing the limit before the permit was reissued. The weather plays a big role in how much water is used and how close we get to our limit.

The meeting adjourned at 4:18 p.m.

November 24, 2015

TO: SMITHFIELD TOWN COUNCIL

FROM: PETER M. STEPHENSON, AICP, ICMA-CM
TOWN MANAGER

SUBJECT: INFORMATIONAL REPORT FOR THE FINANCE COMMITTEE MEETING
HELD ON MONDAY, NOVEMBER 16TH, 2015

The Finance Committee held a meeting on Monday, November 16th, 2015 at 4:18 p.m. at the Smithfield Center located at 220 North Church Street, Smithfield Virginia. Committee members attending were: Mr. Randy Pack, Chair; Mr. Andrew Gregory, Vice Mayor; and Dr. Milton Cook. Other Council members present were Mr. Michael G. Smith, Ms. Connie Chapman and T. Carter Williams, Mayor. Staff members present were Mr. Peter M. Stephenson, Town Manager; Ms. Lesley King, Town Clerk; Ms. Ellen Minga, Town Treasurer; Mr. William Riddick, Town Attorney; and Mr. Wayne Griffin, Town Engineer. Also in attendance were newly elected Isle of Wight Board of Supervisors Mr. Joel Acree, Mr. Dick Grice and Mr. William McCarty. There was no media was represented.

Committee Chair, Mr. Randy Pack called the meeting to order.

A. MATTERS DISCUSSED BY COMMITTEE WHICH WILL BE ON THE COUNCIL AGENDA

1. Invoices Over \$10,000 Requiring Council's Authorization:
 - a. Blair Brothers Inc. \$19,082.46

This invoice is for paving of South Mason Street. Work has been completed and staff is satisfied. Committee recommends payment of invoice. The Town Manager did mention that due to committee's being early this month the town may have additional invoices that come in between now and the December 1st Town Council meeting that may be added for approval.

2. Procurement Policy Manual – Ms. Minga reported that this manual establishes a policy for the town to use as a guideline for procurement. It is basically modeled after what the state regulations are; however in some places the town is a little bit more conservative than what the state allows. Some of the town's levels are a little bit lower. The policy is good to have in place as it will help all departments have something formal to follow. This is also something that the auditors look at every year to make sure we are following our procurement policy. Staff is recommending acceptance of this Procurement

Policy. Mr. Pack asked if there were any major changes to what the town is currently doing. Ms. Minga replied that there were no major changes Ms. Minga did mention that Ms. Eubank has also been working on the non-discriminatory policy that goes along with this but this portion does not need to come before Town Council. It basically states that the town's contractors will do their best to use minority or women businesses. It is the in house portion of the policy and procedures that the town must follow in conjunction with the Procurement Policy. Committee recommends sending this policy to Town Council for consideration.

B. MATTERS DISCUSSED BY COMMITTEE WHICH WILL NOT BE ON THE COUNCIL'S AGENDA.

1. November Financial Statement and Graphs – Ms. Minga reported that due to the fact that the committee meetings were early this month she did not have time to complete November's Financials. She hopes to have them ready so they can be included in the December 1st Town Council agenda packet.

2. November Cash Balances – Ms. Minga reported that everything still looks pretty strong although we have had a really slow month as far as collections for water and sewer. She stated that she is not sure why because she has not had time to evaluate it yet. As you can see sewer is showing that impact a little bit. Ms. Minga reported that the town is slightly down in the town's VML/VACo Investment account. This account does tend to roll up and down a little bit. She stated that they have their next quarterly meeting in January and she will have more updates on the fund itself after that meeting. Water = \$393,659.60; Water Debt Service = \$878,653.08; Water Capital Escrow Availability Fees = \$430,785.67; Water Treatment Plant Escrow = \$111,931.09; Water Deposit Account = \$120,077.92; Water Development Escrow = \$98,157.33; **Subtotal Water = \$1,933,264.69.** Sewer = \$(79,225.69); Sewer Development Escrow = \$355,416.67 Sewer Capital Escrow Availability Fees = \$866,332.40; Sewer Compliance = \$1,226,548.50; **Subtotal Sewer = \$2,369,071.88.** Highway = **\$238,309.38.** General Fund = \$2,859,167.30; Payroll = \$182,824.44; Money Market General Fund Town Bank = \$2,191.35; Business Super NOW-General Fund = \$33,173.55; Money Market General Fund Farmers Bank = \$290,282.68; General Fund Capital Escrow = \$215,161.83; Certificate of Deposit = \$526,234.85; Certificate of Deposit Police Dept = \$36,771.46; Special Project Account (Pinewood) = \$19,997.79; Pinewood Heights Escrow = \$37,016.26; SNAP Program = \$2,287.75; Museum Account = \$113,025.81; Windsor Castle Acct \$19,000.00; **Subtotal General Fund = \$4,337,143.68. TOTAL ALL FUNDS = \$8,877,789.93.**

3. Additional Item Discussed: E911 True-Up – Ms. Minga stated that she received feedback from Isle of Wight County on her question regarding the E-911 True-up. She explained that what the county had built in the budget number that she did not translate in

was compensation board money from the state to fund some of the E-911 operators. This would explain why there was more expense to be distributed down among the Town of Smithfield, Town of Windsor and the County. Ms. Minga told Mr. Robertson that was exactly the information that she was looking for; however why was that not included in the actual. At this time she does not have an answer to that question. Vice Mayor Gregory stated that the town will continue to stay in a hold pattern for this invoice until the town gets further clarity. Ms. Minga stated that she hopes to have answer before the Town Council meeting on December 1st.

The meeting adjourned 4:26 p.m.

November 24, 2015

TO: SMITHFIELD TOWN COUNCIL

FROM: PETER M. STEPHENSON, AICP, ICMA-CM
TOWN MANAGER

SUBJECT: INFORMATIONAL REPORT FOR THE PARKS AND RECREATION
COMMITTEE MEETING HELD ON TUESDAY, NOVEMBER 17TH, 2015

The Parks and Recreation Committee held a meeting on Tuesday, November 17th, 2015 at 4:00 p.m. at the Smithfield Center located at 220 North Church Street, Smithfield Virginia. Committee member attending was: Mr. Randy Pack. Other Council members present were: Mr. Michael G. Smith, Dr. Milton Cook, and Mr. T. Carter Williams, Mayor. Staff members present were Mr. Peter M. Stephenson, Town Manager; Ms. Lesley King, Town Clerk; Mr. Wayne Griffin, Town Engineer; Mr. William H. Riddick, III, Town Attorney; Ms. Amy Musick, Smithfield Center Director; and Mr. William G. Saunders, IV, Planning and Zoning Administrator. Also in attendance were Mr. Rick Bodson, Mr. Andy Snyder and Mr. Victor Valenzuela of Draper Aden Associates; Ms. Betty Clark, Ms. Gay, Ms. Terry Mulherin, and Mr. and Mrs. Braunhart. There was no media represented.

Committee Member, Randy Pack called the meeting to order.

A. MATTERS DISCUSSED BY COMMITTEE WHICH WILL BE ON THE COUNCIL'S AGENDA.

1. Clontz Park Boat Ramp – VMRC RFAB Grant Update – Mr. Pack reported that Mr. John Bull, who is the Director for the Virginia Marine Resource Commission (VMRC), called him on another issue but informed him that the town's grant was being recommended for approval by the Recreational Fishing Advisory Board (RFAB). It will be on VMRC's December 8th agenda for approval. The Town Manager stated that there are two items that he does not have in hand yet but would recommend it be tentatively placed on the December 1st Town Council agenda. VMRC will require a resolution authorizing either the Mayor or himself to agree to the project checklist items. The checklist as discussed last month states that the boat ramp must be kept open for at least thirty years and if it is damaged or destroyed the town will be responsible for fixing it. If the town chooses to charge the public to use the ramp then approval must be granted by VMRC. The resolution would also give the Mayor or himself authorization to sign the contract with VMRC when it is ready early January. The Town Manager stated that the town has submitted the joint permit application to the state. So that is in the process. In

order for the joint permit application to be approved the project design has to be completed and approved. Staff may have a scope of work from Mr. Jamie Weist of Kimley Horn Associates for Council's consideration at the December 1st Town Council meeting. The Town Manager stated the Scope of Work would not be signed until after December 8th but it would keep things rolling with this project. He stated that he has let the Town Treasurer know that this is a complete reimbursement project so once the construction is complete and the state has inspected it, the town will be reimbursed one hundred percent. Mr. Pack recommends that if the Town Manager gets those items ready by the December 1st meeting to place them on the Town Council agenda for consideration.

B. MATTERS DISCUSSED BY COMMITTEE WHICH WILL NOT BE ON THE COUNCIL'S AGENDA.

1. Operational Update – Ms. Musick reported that there were a couple of open to the public events over that last couple of weeks. She also reported that there was a very large cross country meet held at Windsor Castle Park. There was some confusion as to how it was organized. The organizers were standing on the roadways charging folks to attend the cross country meet which included citizens that were not at the park for the cross country meet. Ms. Musick stated that there needs to be more planning for this size of event. She is working with the Athletic Director at Smithfield High School to set a better precedence the next time they try to do this type of event. Ms. Musick reported that the upcoming events to note include the Affordable Care Act meeting this Thursday, which is open to the public and free of charge. The Festival of Trees Gala takes place this weekend, November 21st. The Antique Show is the first week of December here at the Smithfield Center. This is the first time the antique show has been held at the Smithfield Center in many years. The Historic Home tours will be held the first weekend of December as well. The Women's Club Tree Lighting will be December 11th the same night as the Christmas Market. The next day is Breakfast with Santa here at the Smithfield Center followed by the Christmas Parade in Downtown Smithfield. The next week is the Navy Band Concert on December 17th. Ms. Musick mentioned that the Trail Doctors have been busy doing projects and she will continue to report what they are doing each month. At this time they are working on leaf removal, tree trimming and English ivy removal. So far for this year there have been more that ninety-one volunteer hours logged. Steve Senkovich has been leading the way with the most volunteer hours. His work with the removal of the English Ivy has been impressive. Ms. Musick stated that the eco counter data was included in the packet and remains high even though we have had some cold days.

2. Windsor Castle Park Project Signage – Ms. Musick stated that when folks complete projects at Windsor Castle Park she would like to have a sign design that they can go to so that all the signs in the park are uniformed. There was a sample of the

signage included in the committee packet. The sign would include the title of the project, who completed it and then information about the project. Also there would be a brochure holder under it for approximately a year with information that people can pick up and read at their leisure. Mr. Pack asked if she was requesting council's authorization. Ms. Musick stated that it was more of a FYI item to make sure all of council was on board with the design of the signage. Mr. Pack stated that he likes the idea and it helps highlight what folks are doing at the park.

The meeting adjourned at 4:09 p.m.

November 24, 2015

TO: SMITHFIELD TOWN COUNCIL

FROM: PETER M. STEPHENSON, AICP, ICMA-CM
TOWN MANAGER

SUBJECT: INFORMATIONAL REPORT FOR THE PUBLIC WORKS COMMITTEE
MEETING HELD ON TUESDAY, NOVEMBER 17TH, 2015

The Public Works Committee held a meeting on Tuesday, November 17th, 2015 at 4:09 p.m. at the Smithfield Center located at 220 North Church Street, Smithfield Virginia. Committee members attending were: Mr. Michael G. Smith, Chair; and Dr. Milton Cook. Other Council members present were: Mr. Randy Pack, and Mr. T. Carter Williams, Mayor. Staff members present were Mr. Peter M. Stephenson, Town Manager; Ms. Lesley King, Town Clerk; Mr. Wayne Griffin, Town Engineer; Mr. William H. Riddick, III, Town Attorney; and Mr. William Saunders, IV, Planning and Zoning Administrator. Also in attendance were Mr. Rick Bodson, Mr. Andy Snyder and Mr. Victor Valenzuela of Draper Aden Associates; Ms. Betty Clark, Ms. Gay, Ms. Terry Mulherin, and Mr. and Mrs. Braunhardt. There was no media represented.

Committee Chair, Mr. Michael G. Smith called the meeting to order.

A. MATTERS DISCUSSED BY COMMITTEE WHICH WILL BE ON THE COUNCIL'S AGENDA.

1. Professional Engineering Services Contract Renewals – The Town Manager stated that the town has the ability to renew the professional engineering contracts that the town has in place with Draper Aden Associates and with Kimley-Horn Associates. Staff has been satisfied with both firms and would recommend proceeding with these renewals for an additional two (2) years. Committee agreed to send this to council for consideration.

2. Waterworks Dam – Primary Spillway Maintenance – Andy Snyder and Victor Valenzuela of Draper Aden Associates were present to give an update on the needed repairs to the Waterworks Lake Dam. Mr. Griffin explained what has transpired over the last several months from the storms that the town has been having at the Waterworks Lake Dam. There is an area at the dam that was repaired approximately five years ago without stopping the flow of water. Large rip-rap was installed in the area where the water was flowing. Because the water flow was not stopped concrete was not added to fill the voids. The hope was that it would stay in place and it would stabilize itself;

however with the storms that we have had over the last five years it has washed the rip-rap to the bottom. The erosion continues in this area. Mr. Griffin explained that the flow of water in this primary spillway needs to be stopped so that it builds up to go into the emergency or secondary spillway. At that time they can install additional rip-rap and concrete to stabilize the primary spillway. Mr. Snyder explained that the process that the town has been going through over the last ten years with the Department of Conservation and Recreation (VCR) is to get an operating permit. At this time the town has a conditional operating permit. What is required under a conditional operating permit is to have an engineer inspect the dam once a year. As the result of the last inspection that Draper Aden Associates did a little over a year ago there were some things that needed to be taken care of. None of these items were major. The work that they were doing in August and September was under contract to fix these items. Part of that scope of work was debris removal and when the debris was removed they found that the problem areas were worse than they thought. The contractor doing the work was stopped at that time and a credit was issued for work not done. The proposal before you today is to address the issues that were found downstream. In the proposal Draper Aden Associates is requesting a contingency in an amount of \$8,550.00. Mr. Snyder stated that they have no intentions on using the contingency but they have included it for any unforeseen problems that may come up in the repair process. The contingency will not be used without prior approval as well. Mr. Snyder stated that these kinds of repairs are expected. The proposal is to perform some maintenance to keep the dam in good working order. Mr. Smith asked if the temporary flow diversion is something that is already in place. Mr. Snyder stated that it is already in place. He explained that the dam has a primary spillway and an overflow spillway. This is more commonly called the emergency spillway. If the dam cannot be drained through the primary spillway then the water will rise to a point where it will flow through the emergency spillway. This is the spillway that they will use during the repair process of the primary spillway. Mr. Smith stated that it looks like there is a charge for a temporary flow diversion and then there is another charge for removal of temporary flow diversion and cleanup. He asked if this is two different things and if they have been done. Mr. Snyder stated they are two different things and they have not been done. Mr. Smith asked if a temporary flow diversion was going to be installed and then removed when repairs are complete. Mr. Snyder stated that they will need to make sure that the emergency spillway works properly and does not erode. Then it will need to be removed when it is not needed anymore. Mr. Valenzuela stated that the diversion is simply to block the flow of water from the primary spillway so that the repair work can be done. The water level behind that barrier will rise to an elevation to flow through the emergency/secondary spillway. Mr. Snyder stated that the primary spillway is on one end of the dam and the emergency/secondary spillway is on the other end of the dam. Mr. Pack asked why they were not just putting a bunch of big rocks back in that area. Mr. Snyder stated that part of the problem with rip-rap it depends on the situation that you have. The pipe that comes from the primary spillway is very large and is suspended out over the lake. So it is like a waterfall of water that comes from the primary spillway. This is the way that it was designed; however depending on

the flow of the water any rip-rap that is not anchored will wash out. What we are proposing to do is stabilize or anchor the existing rip-rap with concrete to fill the voids and keep it from further erosion. The Town Attorney stated that the flow of water this time of year is constant. The dam is in a relatively small area so it reacts quickly to any kind of storm event. Mr. Valenzuela stated that the period between late September and early October when the town had continuous rain fall every day is when they believe that the majority of this erosion occurred. Dr. Cook asked if this work was budgeted. The Town Manager stated that there was some money in the budget but not all. How much exactly he would need to check with the Town Treasurer. Mr. Smith asked if this work would begin immediately. Mr. Snyder stated that the hope is to get out there in the next couple of weeks. They will need to keep an eye on the weather so they can get three days to complete the work. They do not want to be starting and stopping. He explained that we do not know what type storms are going to happen. This is not a dangerous situation but it is not a good situation. What they are proposing is the least amount of work to fix the problem. There are a number of other things that could potentially be done but in their opinion it could be a waste of money. This should last the town at least another five year until the town finds out where they are going under the actual permitting process. Committee recommends approval of proposal.

B. MATTERS DISCUSSED BY COMMITTEE WHICH WILL NOT BE ON THE COUNCIL'S AGENDA.

1. Operational Update – The Town Manager stated that staff did not have anything significant to report at this time. Staff is doing a lot of maintenance work such as repainting the streetlights along Main Street to freshen them up before the holiday season. Today, the Town Manager and Public Works Staff from Woodstock, Virginia visited town staff to talk about accreditation. They are looking at APWA Accreditation as a small town. At this time they indicated that they are going to proceed with at least the first step which is self-assessment.

The meeting adjourned at 4:28 p.m.

November 24, 2015

TO: SMITHFIELD TOWN COUNCIL

FROM: PETER M. STEPHENSON, AICP, ICMA-CM
TOWN MANAGER

SUBJECT: INFORMATIONAL REPORT FOR THE PUBLIC BUILDINGS & WELFARE
COMMITTEE MEETING HELD ON TUESDAY, NOVEMBER 17TH, 2015

The Public Buildings and Welfare Committee held a meeting on Tuesday, November 17th, 2015 at 4:28 p.m. at the Smithfield Center located at 220 North Church Street, Smithfield Virginia. Committee members attending were: Dr. Milton Cook, Chair; and Mr. Michael G. Smith. Other Council members in attendance were Mr. Randy Pack, and Mr. T. Carter Williams, Mayor. Staff members present were Mr. Peter M. Stephenson, Town Manager; Ms. Lesley King, Town Clerk; Mr. William H. Riddick, III, Town Attorney; Mr. Wayne Griffin, Town Engineer; and Mr. William G. Saunders, IV, Planning and Zoning Administrator. Also in attendance were Mr. Rick Bodson, Ms. Betty Clark, Ms. Gay, Ms. Terry Mulherin, and Mr. and Mrs. Braunhardt. There was no media represented.

Committee Chairman, Dr. Milton Cook called the meeting to order.

A. MATTERS DISCUSSED BY COMMITTEE WHICH WILL BE ON THE COUNCIL'S AGENDA.

1. Pinewood Heights Relocation Project Update – The Town Manager reported that Mr. Dodson's monthly report was included in the packet for review. Staff had several meetings last week in regards to the project. The first meeting was a Facilitated Management Session for Phase III on Tuesday, November 10th. This meeting was between Ms. Elizabeth Boehringer who has been our representative with the Virginia Department of Housing and Community Development (DHCD) since Phase I. Most of the meeting was talking through the pre-requisites that are required working towards accepting the contract for Phase III. There is a requirement, as part of the Section 8 program, that the town receive a letter from the Suffolk Housing and Redevelopment Office for their participation in the project now that Isle of Wight County no longer administers the Section 8 Housing Voucher program. He stated that a letter has been sent to the Suffolk Housing and Redevelopment Office and the town is waiting for a response at this time. There are still a few miscellaneous items that need to be adopted so they will either be on your December 1st Town Council Agenda or your January 6th Town Council Agenda. At this time there are also some questions in terms of the language that changed with HUD in regards to selling lots and what the ramifications of that are in terms of

program income. How does the town deal with this income versus the expenses that the town has put into the project. The town also has a Memorandum of Understanding (MOU) with the county where the county has a cash value that was put into Phase I. At this time the agreement says they can ask for land or lots equivalent to that value. At the Isle of Wight County Board of Supervisor's meeting this Thursday they have a motion to ask that instead of taking possession of lots from Phase I that the County Economic Development Department assist the town with marketing Pinewood Heights for industrial prospects and the county would be reimbursed out of the sale of the proceeds back that cash value. Mayor Williams clarified that Isle of Wight County does not want the land in Pinewood Heights. They want the money from the sale of the lots. The Town Attorney stated that it will be approximately four lots. The Town Manager stated that staff needs to talk about that because the county is using one number and the town is using a different number to determine that cash value. The Town Attorney stated that originally it was going to be four and the county was requesting that they all be contiguous next to the Moody property. He explained that they can be property owners but if they want to sell it they will be like everyone else and contribute to the infrastructure cost. Dr. Cook requested that this item be added to the next Intergovernmental Relations Committee that will be scheduled once the new Board of Supervisors comes on board. The Town Manager stated that Mr. Saunders has met with the county's stormwater folks to see what the town needs to do and how they will treat stormwater management. That is really the biggest infrastructure item as the town looks to redevelop these phases. The Town Attorney is preparing a letter to send to the Associate Director at DHCD to get some questions answered and some items verified including how long after we finish the phases the town can hold the land before we develop it and how it affects the program income policy before we sign the contract for Phase III. The Town Manager stated that on November 10th we also had a Management Team meeting. The Town has a couple more units at 53 Carver and 54 Carver that the town can proceed with demolition. He explained that with the owner's consent the town will need to start the condemnation process to clear the title for 52 Carver Avenue. The property owners have already been relocated; however the town cannot acquire the property at 52 Carver due to an unclear title. There are mortgages on this property that go way back with no proof that they were or were not ever paid. The only way to clear the title is through a friendly condemnation process that the property owners want. The Town Manager asked if this needs to be on the Town Council agenda for authorization to start the condemnation process for 52 Carver. The Town Attorney stated that if it does it will be on the agenda as an action item. Dr. Cook stated for clarification purposes the homeowner is in favor of the town using condemnation to clear the title because she has been unable to do it herself. Mr. Smith asked if 53 and 54 Carver are ready for demolition. Mr. Saunders stated that he is starting the process of having the utilities disconnected. Mr. Smith asked once the utilities have been disconnected for the Town Manager to proceed with a timeline when the units must be demolished by. The Town Manager replied that he would definitely give the town's contractor a firm deadline.

2. Pre-Public Hearing Staff Report – Flood Plain Ordinance – Mr. Saunders stated that as discussed previously there is a new Flood Insurance Rate Map (FIRM). The Federal Emergency Management Agency (FEMA) and the Federal Insurance Agency

have comprehensively redrawn the flood maps for the first time since 2002. They are now layering the Geographic Information System (GIS) rather than paper copies that fold up like maps that you get from gas stations. The maps are more accurate due to the improvements of computer technology and they are intended to become the maps of record on December 2nd. Updates to municipalities' floodplain management ordinances are expected to go along with these changes in mapping. Due to the numerous updates that are required since 2002 to our existing ordinance the town decided to modify the model ordinance provided by the Department of Conservation and Recreation (DCR) rather than revise the previous town floodplain ordinance. The ordinance that you have in your packet of Article 3.O: FP-O is a redline draft. The model ordinance is what is redlined. Any changes that you see are from the model ordinance. There are several types of zones that are not in town that have been struck. There are several ways like the freeboard where the town wants to stay consistent with the county, since we follow their building codes even though it exceeds the minimum requirements. The Department of Conservation and Recreation has reviewed it and deems it to be appropriate. Staff does expect that once it is adopted that this will be all the requirements. The second ordinance included in the packet is Article 13 which is the Definitions section of the Zoning Ordinance. There were more definitions related to floodplain management than what needed to be in the ordinance. The town chose to add these definitions to the existing Definitions Ordinance. The redline copy of Article 13 is actually our existing definition ordinance and we added the floodplain definitions to that. Planning Commission did have a public hearing on this matter November 10th and they are recommending approval to Town Council. Dr. Cook asked why there was not a map of the new floodplain included in the packet. Mr. Saunders stated that the map was actually approved after a few public meeting last year. The approval of the map went through a federal process; however the town did host a meeting for the town and county for those folks that had questions in regards to the floodplain map. The process now is to update our ordinances to co-align with the map effective December 2nd. The Town Manager stated that staff would highly recommend that after the public hearing that Town Council adopt the ordinance as presented. Mr. Saunders stated that if there are any changes that Town Council would like to make to these ordinances that they be brought up next month for discussion. Dr. Cook asked what would happen if we do not pass these ordinances. Mr. Saunders explained that from the way that he understands it flood insurance would be suspended until such time the town has an acceptable ordinance adopted.

3. Additional Item of Discussion: Pierceville Manor House – Dr. Cook stated that committee talked a couple of months ago about starting the process of demolition by neglect against the homeowner. He asked if the town could run this path parallel with the current zoning amendment application so that if things fall through with the zoning application the town can continue with the demolition by neglect. This house will not be standing a year from now if we do not do anything. The town has done the study and we know how much it is going to cost to at least mothball it. For the amount of money we are talking about it would need to go to Town Council for approval. The Town Attorney stated that the town started this process once before. The problem was the town has never been able to get access to the property without a court order. At that time, when you get around to the backside of the property, you could see how bad of shape the house

was in. It became clear to us that it was more of a health and safety situation rather than the historic condition of the property. The town has no jurisdiction over the building codes so it was turned over to the Isle of Wight Building Officials. The building officials went round and round for a long time with her and her attorney before they could ever get anywhere. The owner finally agreed to vacate the premises. We are now back to where we started. The Town Attorney stated that he would review the code but he thinks that the town needs to give her notice again that these things need to be done to secure the home from further deterioration. If the owner does not do that then the town has the option to do it and put a lean on the property. Mr. Pack stated that he suggest we talk to the owner and ask her to allow the town to mothball the house and put a lien on the property so that when it is sold we will get our money back. Dr. Cook asked if you can voluntarily get a lien on your property. The Town Attorney replied absolutely. Mr. Smith stated that we can do that but at the same time we need to start the process in case she refuses this offer. The Town Attorney stated that the town can proceed with both directions simultaneously. Ms. Gay was present and asked if the town could approach the owner nicely and ask if they can have the Department of Historic Resources (DHR) come in and survey the property and look at what needs to be done. Mr. Pack stated that we already have the information on what it would take to mothball the house. Ms. Gay stated you do not have that information because DHR was supposed to come in on the 23rd of July and the town said no. The Town Attorney stated that the town does not have access to the property. He explained that this has been going on for a very long time and the owner refuses to speak to the town. The town has made attempts to go through family members and her physician. These are people that we felt had a close relationship with her and they were not able to convenience her that this would be in her best interest either. Mr. Braunhardt asked if it would be possible for another party to approach her other than the town. Mr. Cook explained that her family went one to put new gravel in her driveway while she was away because she was parking in a mud hole. When she returned home she was so upset that she had them come back, dig it out and remove it. Dr. Cook stated that he wanted to go back to Ms. Gay's comment that DHR was invited to come out and the town told them they could not come. The Town Attorney stated that was inaccurate because the town does not have the authority to let you on the property. The town did tell DHR that if you are coming then you need to contact the property owner or her attorney because we cannot grant access to property we do not own. The Town Manager stated that the town did get permission from the property owner's attorney to go on the property when Frazier and Frazier Associates came to assess the structures on the property. The report from that visit is included in the packet. Mr. Braunhardt asked if Town Council has any objections to a private citizen, maybe from the Preserve Smithfield group, contacting the property owner. Dr. Cooked replied that the town has no problems with that. The Town Attorney stated that in the meantime a dual path would probably be the best thing to do. This will be placed on the December 1st Town Council meeting to discuss a dual path.

B. MATTERS DISCUSSED BY COMMITTEE WHICH WILL NOT BE ON THE COUNCIL'S AGENDA.

1. Public Comment – Ms. Terry Mulherin stated that she had a couple of questions in regards to the Flood Insurance Rate Maps (FIRM). Will the maps be available at the public hearing held by the town? She stated that she knows that they are not up for discussion but having something to show people how to access them electronically would be helpful for people to understand their flood insurance rate that may change because of this mandate. What is the county's role in the Flood Plain Ordinance jurisdiction versus the towns? It appears the town is more strict. The Town Attorney stated that the town is under a mandate to have our ordinance comply with federal models. This must be done by all localities by December 2nd or everyone's flood insurance is subject to cancellation. Ms. Mulherin asked if both entities have to have this? The Town Manager stated that was correct. The County will be doing their adoption at their Board of Supervisor's meeting on Thursday, December 19th. It will be on the town's December 1st Town Council agenda for adoption after a public hearing. Mr. Saunders explained that both the town and the county have to have similar ordinances to meet the requirements by FEMA as it relates to everyone having good flood insurance within a municipality. There is an overlap in the town and county because the county has the building codes department that also works within the town. The town's ordinance should not be stricter than the county because the town is using a model ordinance and the county is using a lot of elements from the model ordinance. There may be individual elements that are a little different but overall they are pretty consistent. The old ordinance from 2002 really needed an overhaul to meet the new standards. If you compare the town's old ordinance to the county's they will be very different. Mr. Saunders stated that the Flood Plain Maps are not like they were years ago. In today's technology we have a GIS layer that he is able to assist homeowners by zooming in on their properties to determine where they are in the flood plain. Mr. Saunders stated that fortunately everywhere that he has seen a difference between where the old flood lines were and where the new flood lines are there is actually less flood prone property shown. Most likely the flood zone is further from your property rather than closer on the new map. Previously, the flood maps were based on RPA lines as opposed to going by contours and elevations. Mr. Saunders stated that he would be more than happy to assist any homeowners with getting the information for their property. He mentioned that it is not user friendly to put online because it is the whole town. He also mentioned that property owners could google FEMA and they have an interactive map on their website. Ms. Mulherin stated that her last comment was because she has lived downstream from a Dam that failed. She knows there is nothing within the Flood Plain Overlay but is there any way for people that live downstream from the dam could know that they are in a potential problematic area. The Town Manager stated that this will be part of the Inundation Study that will be done at the dam in the near future.

Ms. Braunhardt stated that if you remember at the November 3rd Town Council meeting Mr. Harrell stood up and talked about the engineering aspect of wastewater and waste management. She asked if the developer provided a schematic plan for storm drainage and stormwater management improvements. Mr. Pack explained that this information would be submitted by the developer if the town ever gets to the point where

the developer has to submit a subdivision plat. The drawings that are submitted at Planning Commission level are very technical with pipe sizes, locations, and any pump stations that may be required. Ms. Braunhardt stated that this information is required in the Zoning Ordinance. Dr. Cook stated that would not be for a rezoning application. The Town Attorney stated that the developer does not have to have details for a rezoning. He explained that rezoning is discretionary. What is the highest and best use for the property? Is it permissible to have this type of development at this location? If the answer is ultimately yes then under the terms of the subdivision ordinance the developer has to provide engineering for everything such as water, sewer, roads, and BMP's. All of these items must meet the town's standards. If they do not meet the standards then the developer would have to enhance our facilities to bring it in compliance with the town's standards. Ms. Braunhardt stated that she knows what you are saying; however under Article 4 of the Zoning Ordinance it says that schematic plans shall be submitted. Mr. Saunders stated that what Ms. Braunhardt is referring to is that the developer is supposed to provide a preliminary layout of where they think the utilities will go. He stated that if he remembers correctly that information was in the plan booklet and can also be found on the website from when Planning Commission met. Mr. Saunders stated that it is not the kind of detail that is going to be in a subdivision plan. He stated that if it cannot be found on the website he would be happy to e-mail that to Ms. Braunhardt. Ms. Braunhardt stated that many of the residents have some concerns over where the lines will be put. Mr. Smith asked if the BMP was the responsibility of Isle of Wight County. Mr. Saunders replied that it was. The applicant would be required to enter into an agreement with Isle of Wight. Isle of Wight County will also be the one to police the BMP. Once the developer is finished it would be turned over to the homeowners association. Dr. Cook stated that he feels that we are putting the cart before the horse in some of these concerns. Ms. Braunhardt stated that she has been trying to read and study up on what the Town Attorney has been telling us about the correct articles. Ms. Braunhardt stated that her next question was in regards to the cash proffers analysis. Has it been done? Dr. Cook stated that will be part of the work session when Town Council sits down to negotiate with the developer about what the town expects from the cash proffers. They will take in account what Isle of Wight County has given the town on what they expect for schools, and fire and rescue. The Town understands that there is definitely going to be a component for Isle of Wight County for schools, and fire and rescue. One of the many things that we hope will come out of the work session is the proffers. Cash Proffers are strictly volunteer and the town can ask for many things but it is up to the applicant if they are willing to put them in the proffers. Ms. Braunhardt stated her concern with the proffers is the fact that they have been revised three times and the cash proffer amount has not changed. Mr. Pack reminded Ms. Braunhardt that Town Council has not worked with the developer yet. They are hoping to have a December 7th work session that will be open to the public where Town Council can sit down and talk with the developer. Town Council has not yet had the opportunity to say to the developer that we are not prepared to accept the cash proffered amount that is in the current proffers. Mr. Pack stated that he feels that it will take some time to work through all the things that need to be worked through. Dr. Cook stated that their first presentation of the project was two weeks ago at the November 3rd Town Council meeting. Ms. Braunhardt stated that she understands where Town Council is coming from and wanted to know if Town Council understands

their concerns. Mr. Pack assured her that council understands their concerns that the amount for cash proffers is not enough. Again, Town Council will have their first opportunity to negotiate with the developer of December 7th. Mr. Pack stated that cash proffers in Isle of Wight County prior to 2007 were in the neighborhood of \$10,000. The Town Attorney stated that \$11,289.00 was the number forever and it is now higher than that. There was revisions made to the TischlerBise Study and now there are different components that determine proffer amounts. There are provisions for adding and subtracting to this number depending on the impact the development has on county facilities. Ms. Braunhardt thanked Dr. Cook for the opportunity to express their concerns.

Mr. Braunhardt stated that he just wanted to mention a couple of things about the Proffers. He stated that he has gone through them with a fine tooth comb and he has some real concerns with them. The County initially came up with \$7,500 in cash proffers and since has revised that number to \$9,000. Mr. Braunhardt stated that his wife used to work with a developer and has quite a bit of experience in this area as well. They have also talked with a couple of other builders that came up with the same number that the county initially stated. The proffer amount of \$2,492 is totally inaccurate. Mr. Braunhardt stated that he has read all three of the proffers that have been presented. All three of them have remained the same with the exception of the third one where the developer added paragraph two. He feels that it is of great danger to the residents that are dead set against this project. The promise that was made at the BHAR meeting was that the developer would have to come back for each house for approval. The new paragraph reads "Cary and Main shall be constructed in general conformance to the architectural renderings, material specifications, and color selections made a part of the Conceptual Plan, and previously reviewed by the Board of Historic and Architectural Review. Substantial deviation, as determined by the Zoning Administrator of the Town of Smithfield, from the architectural renderings as submitted. Mr. Braunhardt stated that what they have really told us is that once they have been to the BHAR they will not have to come back to BHAR again. The only thing that they have to come back to the town for is zoning permits. They do not have to come back and do the 151 houses that was discussed by BHAR. Mr. Braunhardt stated that nobody has questioned the quality of Hearndon Construction. Mr. Braunhardt stated that as he stated at last month's Public Buildings and Welfare Committee these are nice looking houses. He stated that he has also purchased houses just like these and he is very familiar with how builders make their money. Despite the fact that Hearndon Construction might be a good builder they will cut corners within the confines of this rule. Paragraph two is broad enough that the developer will not have to come back to the BHAR for approval each time. Mr. Braunhardt stated that he deals in absolute fact. What is the regulation and in this case what is the legal law or ordinance required? It says new construction has to be cementitious board such as hardiplank. The developer is proposing to use engineered lumber. Engineered lumber can be hardiplank but it does not have to be. Mr. Braunhardt stated that he thinks that the BHAR should have come back to the developer and say you will use hardiplank and if you want an exception to that then you have to come back to us for each house that you want to do differently. Mr. Braunhardt stated that paragraph two takes that away and they do not have to come back to discuss materials. Mr. Smith stated that what you are saying is the developer wants a blanket approval. Mr. Pack explained

that what BHAR said was from the schematics that the developer brought us the colors and materials that you are proposing are in general conformity with what is being approved in the historic district. BHAR has not given the developer approval on any of the schematics. The Town Attorney replied that was correct. They have told the developer that these schematics would be appropriate but that is not approval of any design. BHAR specifically stated that each and every house will come back to the BHAR for approval. The Town Attorney also stated that just because the developer added paragraph two to the proffers does not mean that the town has to accept it. This is something that will be discussed at the upcoming Town Council work session with the developer. BHAR made it clear at their October 20th meeting that they would be approving each and every house individually. Mr. Braunhardt stated that this was a concern of his that he wanted to bring it to the attention of the Town Council so that it can be discussed at the work session with the developer. He explained that what has been presented are track homes. They do not have the same features that he presented at Dr. Cooks meeting based on a survey that he did of the historic homes in the historic district. These are the things that BHAR needs to make sure that Town Council includes in their discussion with the developer upfront. Mr. Braunhardt stated that he is dead set against the development but if you are going to build it these are the requirements. For example, you have to have wrap around porches on some percentage of the 151 homes. The houses must be representative of what this town's historic district looks like. Mr. Pack stated that, besides the traffic study and the proffers, the number one thing for him that needs to be done right is the product. He agrees that at this time the product is not there yet. Mr. Braunhardt stated that he feels 151 houses would be terribly overbuilt. He does not feel that you should turn off of Main Street into a subdivision of tract homes like Wellington Estates. He stated that there is nothing wrong with Wellington Estates, he has lived in places just like that. To him Smithfield is different and that is why he is so adamant about this project must be done by the book. He stated that the book is really good and a lot of hard work went into creating the ordinances that are in place. The ordinances capture the essence of what makes Smithfield. Mr. Braunhardt stated that there are some people that are dealing with incorrect information. For example, the number of houses. He has heard more people from both Town Council and the various committees that use the number of three houses per acre. That is incorrect. The developer is asking for D-NR which is five houses per acre. The way the proffers read the minimal lot size is 6,000 square feet. In the end the developer could put approximately 272 houses on the 38 buildable acres. Dr. Cook stated that he would love to envision this development be an extension of Historic Smithfield; however the lot sizes in Smithfield are very small. For example his office use to be an old Victoria house. The lot is only 28 feet wide and about 100 feet long. He explained that he does not want to see that many homes in this area; however if you want an extension of Smithfield you will have lots that are 28 feet wide and some lots that are 75 feet wide. Mr. Braunhardt stated that his point is if no comment is made from the town the proffers say it is a D-NR with a minimum lot size of 6,000 square feet. The town will end of with a situation where the developer has a legal right to put 6,000 square foot lots and approximately 272 houses. The Town Attorney stated that was incorrect because their application clearly states the number of lots to be developed shall not exceed 151 homes. Mr. Braunhardt stated that his concern is that the developer will come back and ask for changes once everything has been approved if he is not

selling the houses as he had anticipated. Dr. Cook stated that would be true for anything that is put in the proffers. Mr. Braunhardt stated that he wants to tie the Town Council's hands just as much as he wants to tie the developer's hands. Dr. Cook stated that it is almost impossible to say that you will never change. Mr. Braunhardt stated that if Town Council wants to maintain the historic district you have to do that. You have to have set boundaries. Dr. Cook stated that this is the last large tract of land in the historic district the Town Council has the responsibility to be specific on what we want to look at. Mr. Braunhardt stated that this is not just land. We have providence that we can trace this land back centuries. Mr. Pack stated that the way we fix all of these concerns is in writing, the Proffers. If it is not in the proffers it does not exist. The Town Attorney stated that there are two types of zoning. The developer could have asked for straight Downtown Neighborhood Residential (D-NR) zoning, which has no conditions. If Town Council approved it then the developer could do whatever the ordinance says they can. They could get their 272 houses with no architectural conditions. Since D-NR was approved by the General Assembly it has never been approved by the town. The only subdivisions that have been approved by the town are Mallory Pointe, Villas of Smithfield, and Church Square. All the other subdivisions within the town were approved by Isle of Wight County. The developer has requested a conditional rezoning which is asking for D-NR with the following conditions. All of the conditions are found in the proffers. The Town Attorney explained that to your point about maximum density in a D-NR zoning, yes it is allowed to put 272 houses there; however their proffers says they cannot do that. Mr. Braunhardt stated that the developer is going to try and get the best deal possible and we as citizens owe it to ourselves and our future generations to be sure it is the right product in the end. Mr. Saunders stated that he wanted to make a comment, in regards to hardiplank, to Mr. Braunhardt because he knows that he is planning on attending the BHAR meeting tonight. If the town wants the developer to use hardiplank it will need to be a requirement by the Town Council not the BHAR. The empowering legislation from the state that allows localities to create architectural review boards for historic districts is not as strong as the empowering legislation that creates building codes. The BHAR cannot trump something that meets the building codes. If someone comes in with something that looks like hardiplank the historic board does not have the power to deny the use of that product. The Town Council would have the power to deny the use of that product through the proffers for rezoning such as this if you chose to. Again, the BHAR does not have the power to prohibit something that is allowed by the building code. Mr. Saunders continued to explain that the BHAR does not typically approve vinyl siding in the historic district. It is not denied because it is vinyl siding because that meets the state building code. The BHAR can deny the vinyl siding because you can tell it is not wood from the sidewalk. This is just some information that Town Council needs to keep in mind when they are reviewing the proffers with the developer. Dr. Cook stated that goes back to if it is not in writing you are not guaranteed to have it. Mr. Pack mentioned that is the same for houses having crawl space verses a slab foundation.

Ms. Betty Clark was present and invited everyone to come out and enjoy the upcoming Antique Show on December 5th and 6th. Ms. Clark stated that she has a couple of questions about the Pierceville property. Has there been an archeological study done on the property? Dr. Cook replied that the town does not own the property so we do not

know what has been done on that property. Mr. Pack asked if an archeological study was required. Ms. Clark stated that it has been suggested that a study be done by Historic Resources in Richmond. Ms. Mulherin stated that Pierceville has been identified as a landmark. Dr. Cook asked the Town Manager if he has received a notice from the Department of Historic Resources (DHR) in Richmond for the town to provide an archeological survey on the Pierceville property. The Town Manager replied that he has not. Ms. Clark stated that it has been suggested to the Preserve Smithfield group. If the town needs this letter they will see what they can do. Mr. Smith stated that he would think that you would need to be on a National Registry to start asking questions like that. Mrs. Clark asked wasn't the historic district itself on the national registry? Mr. Smith stated that it was not. Ms. Clark stated that it is listed as a landmark structure. The Town Attorney explained that is part of the town's historic district overlay. It categorizes each structure as to whether it is a landmark, a contributing property or non-contributing property. It is a landmark based on the town's local ordinance. It does not have anything to do with the national registry. Ms. Clark thanked committee for that clarification. She asked if Committee thought it would be advisable to have an archeological survey done. Mr. Smith stated that the town cannot have one done because we do not owe the property. Dr. Cook asked if she was asking that as part of our negotiation process with the developer that it be put in writing that an archeological survey be done. Ms. Clark stated she thought was an excellent idea. She stated that they know that there is a cemetery out there according to an old survey and wanted to know if anyone has located that on the property. Mr. Smith stated again that the town does not own the property so we do not have the answers to these questions. Has anyone talked about the slave quarters and the eighteenth century barn with the developer? Dr. Cook stated that Town Council has not met with the developer yet. Ms. Clark asked if it would be possible for these things to be brought up at the upcoming work session with the developer. Dr. Cook replied absolutely. Dr. Cook stated that is why he asked for Preserve Smithfield's phone number so that he could get more information about your expectations for the property before the work session on December 7th. Ms. Clark provided the town with a copy of a 1937 survey of the Pierceville property. Dr. Cook asked if the survey was just a property survey or an archeological survey. Ms. Clark did not think it was an archeological survey. Mr. Pack stated that if the project was approved what would she expect to find from the archeological survey. One of the big topics of discussion with this project besides the potential subdivision is the restoration of the Pierceville house itself. Ms. Clark stated that the house should definitely be preserved. Mr. Pack stated that is definitely what Town Council would like to see as well. Mr. Pack asked Ms. Clark what her expectations would be if the archeological survey was approved and five years down the road when a house is being built in the back part of the property the developer runs across something of archeological significance. Would you expect work to stop? Ms. Clark stated that if it is of archeological significance then yes she would expect the project to stop until it can be investigated or moved. The Town Attorney gave an example of the development of Lawns Pointe where homes were built in areas where there was possible archeological significance. It was put in writing that if you find anything you have to stop work and go to a certain level of study. They were not required to do a shovel test on 2,000 acres. The Town Attorney asked Ms. Clark what she feels is an appropriate survey on the 58 acres. Should it be a shovel test on a ten foot grid or just

around the house? Ms. Clark replied that she thinks all of it needs to be looked at. The Town Attorney stated that the county has maps in their zoning ordinance that identifies areas that might have likely significance. Archeological surveys are not required on all properties. It has to be determined what is reasonable with the characteristics of each property and any known significance. Ms. Clark stated that she definitely thinks the cemetery needs to be located. The Town Attorney stated that the town did not even know a cemetery was there. Dr. Cook asked if the information was on the 1937 survey. Ms. Clark replied that the survey refers to a cemetery but does not say where it is located on the property. The Town Attorney asked if it says who was buried there. Ms. Clark replied that it does not. She explained that it has a list of property owners and would assume most of them would be buried there along with slaves. Mr. Pack stated for clarification purposes that she is requesting that some archeological surveys be done if the project gets that far. Ms. Clark stated that was correct.

2. Additional Item Discussed: Town Council Work Session – Dr. Cook mentioned that the Town Manager had sent out an e-mail to schedule a work session for the purpose of discussing the Cary & Main Conditional Rezoning Application. The Town Manager stated that he has confirmed that the Smithfield Center is available for Monday, December 7th @ 6:30 p.m. He has also received e-mails from Councilwoman Tynes and Councilwoman Chapman that they are both available on that day as well. The Town Manager stated that he would proceed with posting the work session on the town's website and at town facilities. He will also contact the applicant. Mr. Pack stated that the work session is open to the public; however there will be no public comment. Dr. Cook stated that nothing will be voted on or approved. It is a work session to work out differences to see if there is a possible path to go down with the developer.

3. Additional Item Discussed: Intergovernmental Meeting – Dr. Cook asked for the Town Manager to request an Intergovernmental meeting once the new Board of Supervisors come on board. Their first meeting will be the third Thursday of January so realistically it will not be until February. The Town Manager will work on getting that scheduled as soon as possible.

Meeting adjourned at 5:57 p.m.

November Activity Reports

**SMITHFIELD POLICE DEPARTMENT
MANAGER'S REPORT
NOVEMBER 2015**

Committees and Projects:

- 10/27 Town Committee mtgs – Center – Chief Bowman
- 11/03 Town Council – Center – Deputy Chief Howell
- 11/04 Special Events Committee mtg – Town Hall – Chief Bowman, Deputy Chief Howell, Lt. Rogers
- 11/04 Department Head – Town Hall – Chief Bowman, Deputy Chief Howell, Lt. Rogers
- 11/07 TOP COP Dinner – Norfolk – Deputy Chief Howell, Lt. Rogers, Sgt. Miller, Officer Fordham, Annette Crocker
- 11/10 TRIAD meeting – IOW Courthouse – Sgt. Miller, Kurt Beach
- 11/16 Police Committee – Center – Chief Bowman, Deputy Chief Howell, Lt. Rogers
- 11/17 ECC mtg – IOW Courthouse – Chief Bowman
- 11/17 Crime Line – Center – Chief Bowman, Lt. Rogers, Sgt. Meier, Kurt Beach and Annette Crocker
- 11/18 Department Head – Town Hall – Chief Bowman, Deputy Chief Howell

Training

- 11/10 Firearms Instructor Recert – HRCJTA – Deputy Chief Howell (2 hrs.)

In-House Training

- 10/19 Nighttime boat training – Sgt. Meier, Officer Powell, Officer Pittman, Officer Bancroft, Officer Phillips (3 hrs)
- 11/05 Honor Guard Training – Old Rescue Squad building – Sgt. Jones, Sgt. Meier, Officer Bancroft, Officer Johnson, Officer Wright (2 hrs.)
- 11/18 Radar Recert – PD – Sgt. Brady, Officer Fordham, Officer R. Howell, Officer R. Howell

Motorcycle Utilization

- 11/21 Norfolk Christmas Parade – Officer Phillips

Bicycle Utilization

- 10/31 Safe Trick or Treat – Town – Bike Patrol – Officer Johnson, Officer Fordham

Community Relations

- 10/21 & 23 Town Nighttime Security Assessment – Officer Seamster
- 10/24 Special Event – Smfd Century Bike Event – Officer R. Howell, Officer Phillips
- 10/26 Ride Along – Larkin Stone – Officer R. Howell
- 10/27 School Zone – Westside Elementary School – Chief Bowman, Officer Johnson
- 10/27 Church Security Assessment – Harvest Fellowship Baptist Church – Kurt Beach
- 10/28 Homework Station – Jersey Park/Woods Edge Apts. – Officer Pittman
- 10/31 Farmers Market – Officer Seamster

10/31 Safe Trick or Treat – Town – Deputy Chief Howell, Lt. Rogers, Sgt. Brady, Sgt. Miller, Officer Seamster, Officer Pittman, Officer Cook, Officer R. Howell, Officer Bancroft, Officer Powell, Officer Adams, Officer Phillips

11/02 – 11/23 School Zone – Westside Elementary – Sgt. Miller, Sgt. Araojo, Officer Johnson, Officer Cook, Officer Bancroft, Officer Pittman, Officer R. Howell, Officer Wright, Officer Wooley, Officer Powell

11/04 Homework Station – Jersey Park/Woods Edge Apts – Officer Fordham

11/04 Speaking with two teenagers regarding narcotics – Cranford Road – Officer Adams

11/07 Boys Basketball Camp – YMCA – Sgt. Araojo

11/07 Sports Banquet – Anna’s – Sgt. Jones, Officer Powell

11/10 Veteran’s Day program – Westside Elementary – Lt. Valdez, Sgt. Araojo, Officer Johnson

11/11 Teach Wrestling – Hearn’s Furniture – Officer Wooley

11/12 Food Bank – Old Little’s Supermarket – Officer Cook

11/16 Active Shooter Training – Smithfield Baptist Church – Sgt. Araojo

11/16 Playing football with the kids – Bradford Mews – Officer Wooley

11/16 Teach Wrestling – Hearn’s Furniture – Officer Wooley

11/17 Playing football with kids – Kendall Haven – Officer Wooley

11/17 Teach wrestling – Hearn’s – Officer Wooley

11/18 Homework Station – Jersey Park/Woods Edge Apts – Officer Wooley

11/20 Ride Along – Bob Hanlon – Officer Fordham

11/21 Grand Illumination parade – Norfolk – Officer Phillips

11/21 Festival of Trees – Smfd Center – Chief Bowman

Investigations:

Case#: 2015-00898
Location: 1001 S. Church St. (Supreme Gas Station)
Offense: Robbery
Disposition: Pending

On 11/01/15 Officers were called out to Supreme for an armed robbery call. The victim stated that a black male wearing a Michael Myers Halloween mask came into the store with what appeared to be a firearm in a brown paper bag. The suspect demanded all the money from the register. The clerk gave him some money and he left the store. Case is pending.

Case#: 2015-00904
Location: 1282 Smithfield Plaza (Farm Fresh)
Offense: Embezzlement
Disposition: Cleared by Arrest

On 11/4/15 a Farm Fresh loss prevention officer reported to Smithfield Police that an employee had stolen \$250 from Farm Fresh. The employee took \$100 on one occasion and \$150 on a second occasion. The employee confessed when approached and was charged with two counts of embezzlement.

November 2015

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5	6	7
11:00 AM - 11:00 PM MH 4:00 PM 70th Birthday Celebration	2:00 PM - 10:00 PM Suites 6:00 PM Pop Warner Recognition	5:00 AM - 9:00 PM MH 6:00 AM Election Day 5:00 PM - 6:30 PM D 5:30 PM WCFCB Meeting 7:00 PM - 10:00 PM A&B 7:30 PM Town Council	10:00 AM - 5:00 PM MHSu 10:00 AM Smithfield Foods Town Hall Set 2:00 PM - 5:00 PM Trails 2:00 PM Cross Country Tri-Meet	7:00 AM - 2:00 PM MHSu 10:00 AM Smithfield Foods Town Hall Meeting	12:00 PM - 12:00 AM MH 7:00 PM Rushmere Fire Department Banquet	2:00 PM - 12:00 AM MHSu 5:00 PM Munro-Hill Wedding & Reception
8	9	10	11	12	13	14
Pressure Wash Deck	3:00 PM - 9:00 PM MH 5:00 PM Paradigm Services Meeting	7:00 AM - 5:30 PM C&D 7:30 AM Smithfield STARS Training 3:30 PM - 6:00 PM MH 4:00 PM Pinewood Heights Meeting 6:00 PM - 8:00 PM A&B 6:30 PM Planning Commission	Veterans Day Courtney Off 11:00 AM - 12:00 PM Memorial Lawn 11:00 AM Veterans Service	Courtney Off 3:00 PM - 12:00 AM MHSu 6:00 PM Wheeler and Self Wedding and Reception	Courtney Off 2:00 PM - 3:00 PM MHSu 2:00 PM Daniels and Morris Reception 7:00 PM - 11:00 PM OTS 7:00 PM Smithfield Skate -Officer Requet	Courtney Off 10:00 AM - 1:00 AM MHSu 6:00 PM Daniels and Morris Reception
15	16	17	18	19	20	21
Courtney Off 2:00 PM - 10:00 PM MHSu 4:00 PM Sawi and Tennial Wedding and Reception	Stain Deck 3:30 PM - 6:00 PM C&D 4:00 PM Committee Meetings	Stain Deck 8:00 AM - 4:00 PM MH 9:00 AM VDOT Superintendent Meeting 8:30 AM - 11:00 AM C&D 9:00 AM Schoolhouse Committee 11:30 AM - 1:30 PM C&D 12:00 PM Crime Line Meeting 3:15 PM - 6:00 PM C&D 4:00 PM Committee Meetings 7:00 PM - 9:00 PM A&B 7:30 PM BHA&R	Stain Deck 6:00 AM - 5:00 PM MHSu 7:00 AM Diabetes Symposium	Stain Deck 10:00 AM - 3:00 PM Suites 12:00 PM Smithfield Women's Club 1:00 PM - 9:00 PM MH 2:00 PM Affordable Care Act Meeting	Courtney Off 10:00 AM - 5:00 PM MHSu 10:00 AM Festival of Trees Set 7:00 PM - 11:00 PM OTS 7:00 PM Smithfield Skate -Officer Requet	Courtney Off 12:00 PM - 11:00 PM MHSu 6:00 PM Festival of Trees

November 2015

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
22	23	24	25	26	27	28
Courtney Off	Carpet Cleaning	Carpet Cleaning Clean Kayaks and Vests	Close at Noon	Thanksgiving	Sat Rate 3:00 PM - 5:00 PM MHSu 3:00 PM Mowery-McCollum Set 7:00 PM - 11:00 PM OTS 7:00 PM Smithfield Skate -Officer Requet	Melissa Off 8:00 AM - 5:00 PM MHSu 11:00 AM Mowery-McCollum Wedding & Reception
29	30					
Sat Rate Melissa Off						

Smithfield Center - November 2015 - Monthly Report

Booking Date	Building Code	Room Code	Group	Event Name	Group City	How did you hear about us	Pricing Plan	Venues	Town Services
11/1/2015	Center	MH	70th Birthday Celebration	70th Birthday Celebration	Smithfield	Word of Mouth	B.) Resident-Fri, Sat, Sun	\$1,914.64	
11/2/2015	Center	Suites	Pop Warner Recognition	Pop Warner Recognition	Carrollton	Word of Mouth	D.) Resident -Weekday	\$400.00	
11/3/2015	Center	A&B	Town of Smithfield	Town Council	Smithfield	Town Event	h.) Town		
11/3/2015	Center	D	Windsor Castle Foundation Board	WCFB Meeting		Town Event	h.) Town		
11/3/2015	Center	MH	Registrars Office	Election Day		Town Event	h.) Town		
11/4/2015	Center	MHSu	Smithfield Foods Executive Offices	Smithfield Foods Town Hall Set	Smithfield	Returning Client	D.) Resident -Weekday		
11/5/2015	Center	MHSu	Smithfield Foods Executive Offices	Smithfield Foods Town Hall Meeting	Smithfield	Returning Client	D.) Resident -Weekday	\$960.00	
11/6/2015	Center	MH	Rushmere Fire Department	Rushmere Fire Department Banquet	Smithfield	Returning Client	g.) Sponsored		
11/7/2015	Center	MHSu	Munro-Hill Wedding & Reception	Munro-Hill Wedding & Reception	Smithfield	Word of Mouth	B.) Resident-Fri, Sat, Sun	\$1,599.28	
11/9/2015	Center	MH	Paradigm Liaison Services	Paradigm Services Meeting	Wichita	Returning Client	C.) Standard-Weekday	\$400.00	
11/10/2015	Center	A&B	Town of Smithfield	Planning Commission	Smithfield	Town Event	h.) Town		
11/10/2015	Center	C&D	Smithfield Foods Executive Office a	Smithfield STARS Training	Smithfield	Returning Client	D.) Resident -Weekday	\$200.00	
11/10/2015	Center	MH	Town of Smithfield	Pinewood Heights Meeting	Smithfield	Town Event	h.) Town		
11/12/2015	Center	MHSu	Wheeler and Self Wedding and Reception	Wheeler and Self Wedding and Reception	Newport News	Word of Mouth	C.) Standard-Weekday	\$650.00	
11/13/2015	Center	MHSu	Daniels and Morris Reception	Daniels and Morris Reception	Carrollton	Word of Mouth	B.) Resident-Fri, Sat, Sun	\$2,067.40	
11/13/2015	Town Sites	OTS	Smithfield Skate	Smithfield Skate -Officer Requet	Smithfield	Returning Client	D.) Resident -Weekday		
11/15/2015	Center	MHSu	Sawi and Tennial Wedding and Reception	Sawi and Tennial Wedding and Reception	Virginia Beach	Word of Mouth	A.) Standard-Fri, Sat, Sun	\$2,283.60	
11/16/2015	Center	C&D	Town of Smithfield	Committee Meetings	Smithfield	Town Event	h.) Town		
11/17/2015	Center	A&B	Town of Smithfield	BHA&R	Smithfield	Town Event	h.) Town		
11/17/2015	Center	C&D	Town of Smithfield	Schoolhouse Committee	Smithfield	Town Event	h.) Town		
11/17/2015	Center	C&D	Town of Smithfield	Crime Line Meeting	Smithfield	Town Event	h.) Town		
11/17/2015	Center	MH	VDOT	VDOT Superintendent Meeting	Suffolk	Returning Client	C.) Standard-Weekday	\$400.00	
11/18/2015	Center	MHSu	Sentara Obici	Diabetes Symposium	Suffolk	Returning Client	(none)	\$711.30	
11/19/2015	Center	MH	Town of Smithfield	Affordable Care Act Meeting	Smithfield	Town Event	h.) Town		
11/19/2015	Center	Suites	Smithfield Women's Club	Smithfield Women's Club	Smithfield	Returning Client	Non Profit	\$156.00	
11/20/2015	Center	MHSu	Luter Family YMCA	Festival of Trees Set	Smithfield	Returning Client	Non Profit		
11/21/2015	Center	MHSu	Luter Family YMCA	Festival of Trees	Smithfield	Returning Client	Non Profit	\$2,050.00	
11/27/2015	Center	MHSu	Mowery-McCollum Wedding & Reception	Mowery-McCollum Set	Newport News	Word of Mouth	A.) Standard-Fri, Sat, Sun		
11/28/2015	Center	MHSu	Mowery-McCollum Wedding & Reception	Mowery-McCollum Wedding & Reception	Newport News	Word of Mouth	A.) Standard-Fri, Sat, Sun	\$0.00	

\$13,792.22

Deposit totals for November 2015
 \$6,032.92 Venue rental deposits
 \$225.00 Town services deposits

Smithfield/Isle of Wight Tourism Activity Report –NOVEMBER 2015

- Director attended BOS meeting 11/19/15.
- Director attended Smithfield Town Council Meeting 11/3/15.
- County BOS Agenda Review Meeting 11/6/15.
- Direct Report meeting with County Administrator 11/2/15.
- Monthly Tourism Staff Meeting 11/2/15.
- Executive Staff meeting to plan new BOS member orientations 11/3/15.
- Smithfield 2020 Meeting 11/4/15.
- Saint Luke's Board Marketing Committee meeting 11/4/15.
- Smithfield Special Event Committee meeting 11/4/15.
- Christmas in Smithfield event meeting 11/4/15 and 11/18/15. Antique Show and Homes Tour to be held the first weekend in December.
- Held "live" HAM CAM tourism minute on the web 11/5,12,19,26/15. Museum will be broadcasting a Museum Minute on every Tuesday at 12:05 p.m. and Tourism will be broadcasting a Tourism Minute on every Thursday at 12:05 p.m. to highlight something special going on!
- IOW County Customer Service Training 11/5/15.
- Voices Executive Committee meetings 11/4/15;11/20/15 and 11/23/15.
- Judged PTA "Reflections" Program for Carrollton Elementary School 11/5/15.
- Attended VACO annual conference 11/7-10/15. VACVB Exhibit at VACO Trade Show.
- Holiday 11/11/15. (Veterans Day)
- Beaches to Bluegrass Trail meeting with Sandra Tanner with Virginia Tourism 11/12/15. Further planning meeting scheduled for January.

- Met with the MS Society about their special event bike ride in June on 11/12/15.
- Met with P&R Director and professor from ODU regarding a planned research project for the Blackwater River property 11/13/15.
- VINTAGE MARKET held 11/14/15. Estimated attendance 10,000. VERY successful market and day for all local retail and food!
- Attended the VA-1 Tourism Summit in Richmond 11/15-17/15. Excellent programming and networking.
- Director is facilitating the Chamber Student Leadership Institute again this year. Class held 11/18/15. Class is held monthly and is for High School Juniors who were selected to be a part of the leadership program. November program focused on & Habits for Highly Effective Teen Leaders.
- Attended Windsor Castle Park Lovers Park Party meeting 11/18/15. This year's fundraiser will have a Tropical Theme and planning is well under way.
- Attended IOW County Safety & Wellness Council 11/19/15.
- IOW County Executive Team meeting 11/20/15. County Administrator announced her resignation as of December 31, 2015. Staff meeting cancelled for 11/23/15.
- Staff met with Ruritan Club rep 11/20/15 to provide an alternative sight to current car show location for next year. Date and location will be changed from Main Street to the Smithfield Center and from Town & Country Day to the third weekend in October.
- Thanksgiving Specialty Craft and Food Market held 11/21/15. Excellent attendance!!!
- United Way staff fundraiser completed 11/20/15. \$110 additional funds raised for United Way by Tourism Staff.
- Travel Host article on Smithfield completed 11/23/15. Article will run in January.
- Smithfield VA Events meeting held 11/24/15. BOB FEST planning is in full swing! BOB FEST is SOLD OUT. Event to be held MLK Weekend in January.
- Thanksgiving Break 11/25-27/15.
- Smithfield Staff Meeting 11/4/15 and 11/18/15.

- Tourism Facebook postings and tweets throughout month.
- Update website events and *Where the Locals Go* event promotion newsletter weekly. This e-newsletter combines tourist events and the Farmer's Market information.
- Weekly individual meetings with staff to address concerns and review projects.

Upcoming Events: See www.VisitSmithfieldVa.com for more details!

ZONING PERMITS OCTOBER 2015

PERMIT #	CONSTRUCTION TYPE	PROJECT	ADDRESS	CONTRACTOR/ OWNER
6540	DECK	MOONEFIELD ESTATES	13 RIVERSIDE DRIVE	STEVE BOWLER
6541	SHED	PAGAN POINT	500 PAGAN ROAD	H. BUNCH
6542	2' WALL	WATERFORD OAKS	801 CANTEBERRY LANE	BELINDA TAYLOR
6543	SHED	GRIMESLAND	1602 WILSON ROAD	NANCY VAN BUREN CRAZED CREATIONS
6544	REMOVE 2 UNDERGROUND OIL TANKS		1500 SOUTH CHURCH STREET	JEFFERSON GHENT GREEN ENVIRONMENTS
6545	POLE BARN	MOONEFIELD	35 PLEASANT LANE	C. WILSON
6546	SHED	HISTORIC DISTRICT	224 ASTRID STREET	JANET MATHIS
6547	SHED	WATERFORD OAKS	203 WINCHESTER PLACE	ANGELIA BLOUNT
6548	FREESTANDING DECK	MOONE PLANTATION	417 LANE CRESCENT	FEDER HAMMER CONTRACTING
6549	PATIO	WELLINGTON ESTATES	660 WESTMINSTER REACH	THOMPSON DAN WHITE



CITY OF POQUOSON

500 City Hall Avenue, Poquoson, Virginia 23662-1996

(757)868-3000 Fax (757)868-3101

Office of the City Manager

November 12, 2015

Mr. Peter M. Stephenson
Smithfield Town Manager
P.O. Box 246
Smithfield, VA 23431

Dear Mr. Stephenson:

This is to notify you that the Poquoson City Council on Monday, November 6, 2015 voted unanimously to adopt a resolution, a copy of which is attached, endorsing the City of Hampton's 2016 Legislative Program to include a request for support of an amendment to the Code of Virginia to add a section entitled Flood Prevention in No Wake Zones. This amendment, if adopted, would make it unlawful for any person in the Commonwealth to operate a motor vehicle or a boat on a flooded street, highway, alley or parking lot, whether publicly or privately owned, in such a manner as to increase the level of floodwaters to a level which causes or could be reasonably expected to cause damage to vehicles, adjacent real property or improvements located on adjacent real property. An exemption for governmental vehicles while on official business is included in the amendment and a class 4 misdemeanor penalty for any person failing to comply with this provision.

As fellow members of the Hampton Roads Planning District Commission we encourage you to join us in requesting that your State Legislators support this amendment, a copy of which is attached. Working together we can send a strong message to the 2016 General Assembly that this amendment is crucial in order to protect and enhance private property rights.

Sincerely,

J. Randall Wheeler
Poquoson City Manager

JRW:vhd

Attachment

RESOLUTION NO. 3992

**RESOLUTION ENDORSING THE CITY OF HAMPTON'S LEGISLATIVE REQUEST
FOR AN AMENDMENT TO THE STATE CODE TO ADD A SECTION ENTITLED
"NO WAKE ZONE ON FLOODED STREETS"**

WHEREAS, during tidal events property owners located adjacent to flooded streets experience additional damage to their homes and businesses due to vehicular wakes made when traveling over water covered streets; and

WHEREAS, City Staff is reviewing several possible actions to help protect residents' properties from man-made wakes including but not limited to signage and public outreach/information as well as working with the City of Hampton to seek changes to the Code of Virginia; and

WHEREAS, the City of Hampton has approved as part of its legislative program, its support for amendment of the Code of Virginia by adding a section entitled "No Wake Zone For Flooded Streets."

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Poquoson, Virginia:

Section 1: That the City of Poquoson does hereby support and endorse the City of Hampton's legislative request for an amendment to the Code of Virginia to add a section entitled "No Wake Zone For Flooded Streets."

Section 2: That this resolution which shall be in effect on and after its adoption and a copy forwarded to the City of Hampton to be included in its legislative package.

ADOPTED: November 9, 2015

TESTE: Judy J. Higgins
City Clerk

Legislative Language:

§46.2-800.3. Flood Prevention in No Wake Zones

(a) No wake on flooded street.

It shall be unlawful for any person to operate a motor vehicle or a boat on a flooded street, highway, alley, or parking lot, whether publicly or privately owned, in such manner as to increase the level of floodwaters to a level which causes, or could be reasonably expected to cause, damage to other vehicles, adjacent real property, or improvements located on adjacent real property.

(b) Exemption.

Operation of vehicles utilized by government agencies and rescue craft while on official business shall be exempt from the provisions of this section.

(c) Any person who shall fail to comply with the provisions of this section shall be guilty of a class 4 misdemeanor.

VIRGINIA SALTWATER RECREATIONAL FISHING DEVELOPMENT FUND
AUTHORIZING

RESOLUTION

WHEREAS, under the provisions of the VIRGINIA SALTWATER RECREATIONAL FISHING DEVELOPMENT FUND, funding assistance is available to aid in financing the cost of development of saltwater fishing facilities; and

WHEREAS, the Town Council of the Town of Smithfield considers it in the best interest to construct a boat ramp facility at Clontz Park on the Pagan River;

NOW, THEREFORE, BE IT RESOLVED that;

1. The Town is committed to operate the facility for its intended purpose for 30 years;
2. The Town will be responsible for law enforcement and patrol of the facility;
3. The Town understands that it is responsible for maintenance and/or capital improvement of the facility and that a fee may be approved by the Recreational Fishing Advisory Board to offset the cost;
4. The Town understands that if a fee is to be charged, holders of Virginia Saltwater Recreational Fishing Licenses will receive a discount from facility fees;
5. The Town will abide by all construction, reporting, usage restrictions and maintenance requirements of the VMRC Facility Grant Provisions;
6. The Town Manager is authorized to sign the Virginia Saltwater Recreational Fishing Development Fund grant contract after counsel review.

This resolution was adopted by the Town of Smithfield Town Council during the meeting held the 1st day of December, 2015, at the Town meeting in Smithfield, Virginia, 23430.

Signed and approved by the following authorized representative:

Peter M. Stephenson, Town Manager



TOWN OF SMITHFIELD
TASK ORDER No. 8
Clontz Boat Ramp

November 23, 2015

Project Title: Clontz Park Boat Ramp

This Task Order is entered into by and between Kimley-Horn and Associates, Inc. (Consultant or Kimley-Horn) and the **Town of Smithfield** (Owner). This Task Order incorporates by reference the Consulting Agreement entered into by the Parties dated January 2, 2013 (the Master Consulting Agreement). The Master Consulting Agreement is hereby amended and supplemented as follows:

Background and Project Description:

The Town of Smithfield obtained approval from the Virginia Marine Resources Commission (VMRC) for a Recreation Fishing Advisory Board (RFAB) grant to construct a dual boat ramp on the Pagan River at Clontz Park.

In assisting the Town of Smithfield to obtain grant approval, Canada Land Surveying and Kimley-Horn previously provided a boundary and topographic survey of the site, a hydrographic survey at the location of the ramp within the Pagan River, an Environmental Assessment and Joint Permit Application (JPA), and a conceptual site plan.

The Town now requires construction plans and construction phase services in order to construct and complete the boat ramp and parking area as noted above. We understand that this work will be completed as part of the RFAB grant requirements which follows the design guidelines of the Virginia Department of Game and Inland Fisheries (VDGIF). In order to meet the parking requirements set forth by the VDGIF design guidelines, we anticipate the Town of Smithfield entering into a long term agreement to utilize existing surface parking areas owned by Smithfield Foods adjacent to Clontz Park.

Scope of Services:

Task 101 – Geotechnical Investigation

Through the services of a subconsultant, we will provide a geotechnical investigation that shall include two (2) soil test borings extending to depths of 10 to 15 feet beneath the existing ground surface and a detailed written report outlining their recommendations for site preparation and the design and construction of the piers, boat landing and pavements.

Task 102 – Construction Documents

We will prepare construction documents for the boat ramp, courtesy piers, paved parking lot, perimeter grading and stormwater management. A review set of plans and list of specifications will be provided at approximately 30% completion. Following your review, we will address your

Clontz Park Boat Ramp



comments and prepare 95% complete documents for final review. Preliminary opinions of probable construction costs will be provided at the 95% complete document stage.

We will prepare a list of specifications, which will be provided with our submittal of the 30% plans to the City for review. At 95% plans, we will provide the technical specifications for your review.

Following your review, we will address your remarks and finalize the plans and specifications by incorporating your final comments.

Following final approval, we will assemble the bid documents, including the contract and general conditions provided by you. We will coordinate advertisements in two newspapers, distribute bid documents, attend the pre-bid meeting, issue one addendum (if necessary), attend the bid opening, review the bids, tabulate the results, and make recommendations for award of the contract. The City shall pay all advertising fees.

Deliverables

- Three (3) sets of 30% plans and list of technical specifications
- Three (3) sets of 95% plans and technical specifications
- Three (3) sets of final plans and technical specifications (hard copy and digital)
- Up to twenty (20) sets of bid documents
- Preliminary Opinion of Probable Construction Costs (95%)

Task 103 – Construction Phase Services

Construction Phase Services will be provided on an as-needed basis at our contractual hourly rates.

Services Not Included

Items not included within the scope of this Task Order include, but are not limited to the following:

- Hydrographic or topographic surveying services
- Geotechnical borings in the water
- Environmental Engineering and Permitting
- Wetland Delineation
- Archeological or Cultural Resources Investigation

Information Provided by Client

- Record Documents
- Access to the site
- Coordination with Smithfield Foods
- Survey of the site



Fee and Expenses

We will provide the services outlined above for the fees listed below.

Task	Description	Fee
101	Geotechnical Investigation	\$3,800 (Lump Sum)
102	Construction Documents	\$25,000 (Lump Sum)
103	Construction Phase Services	\$5,000 (Hourly, Not-to-Exceed)

Project Schedule: We will provide the aforementioned services on a mutually agreeable schedule.

Meeting Dates for 2016

January 2016

New Year's Day, Thursday December 31 and January 1st – Town Offices Closed

January 5 Town Council Meeting 7:30 p.m.

January 12 Planning Commission Meeting 6:30 p.m.

Lee/Jackson Holiday, Friday 15th & Martin Luther King, Jr. Day, Monday 18th – Town Offices Closed

January 19 Board of Historic & Architectural Review 6:30 p.m.

January 19 Board of Zoning Appeals 7:30 p.m.

January 25 Town Council Committee Meetings 4:00 p.m.

January 26 Town Council Committee Meetings 4:00 p.m.

February 2016

February 2 Town Council Meeting 7:30 p.m.

February 9 Planning Commission Meeting 6:30 p.m.

Presidents Day, Monday 15th – Town Offices Closed

February 16 Board of Historic & Architectural Review 6:30 p.m.

February 16 Board of Zoning Appeals Meeting 7:30 p.m.

February 22 Town Council Committee Meetings 4:00 p.m.

February 23 Town Council Committee Meetings 4:00 p.m.

March 2016

March 1 Town Council Meeting 7:30 p.m.

March 8 Planning Commission Meeting 6:30 p.m.

March 15 Board of Historic & Architectural Review 6:30 p.m.

March 15 Board of Zoning Appeals Meeting 7:30 p.m.

March 28 Town Council Committee Meetings 4:00 p.m.

March 29 Town Council Committee Meetings 4:00 p.m.

April 2016

April 5 Town Council Meeting 7:30 p.m.

April 12 Planning Commission Meeting 6:30 p.m.

April 19 Board of Historic & Architectural Review 6:30 p.m.

April 19 Board of Zoning Appeals Meeting 7:30 p.m.

April 25 Town Council Committee Meetings 4:00 p.m.

April 26 Town Council Committee Meetings 4:00 p.m.

May 2016

May 3 Town Council Meeting 7:30 p.m.

May 10 Planning Commission Meeting 6:30 p.m.

May 17 Board of Historic & Architectural Review 6:30 p.m.

May 17 Board of Zoning Appeals Meeting 7:30 p.m.

May 23 Town Council Committee Meetings 4:00 p.m.

May 24 Town Council Committee Meetings 4:00 p.m.

Memorial Day, Monday 30th – Town Offices Closed

June 2016

June 7 Town Council Meeting 7:30 p.m.

June 14 Planning Commission 6:30 p.m.

June 21 Board of Historic & Architectural Review 6:30 p.m.

June 21 Board of Zoning Appeals Meeting 7:30 p.m.

June 27 Town Council Committee Meetings 4:00 p.m.

June 28 Town Council Continued Meeting 4:00 p.m.

July 2016

Independence Day, Monday, July 4th – Town Offices Closed

July 5	Town Council Meeting	7:30 p.m.
July 12	Planning Commission Meeting	6:30 p.m.
July 19	Board of Historic & Architectural Review	6:30 p.m.
July 19	Board of Zoning Appeals Meeting	7:30 p.m.
July 25	Town Council Committee Meetings	4:00 p.m.
July 26	Town Council Committee Meetings	4:00 p.m.

August 2016

August 2	Town Council Meeting	7:30 p.m.
August 9	Planning Commission Meeting	6:30 p.m.
August 16	Board of Historic & Architectural Review	6:30 p.m.
August 16	Board of Zoning Appeals Meeting	7:30 p.m.
August 22	Town Council Committee Meetings	4:00 p.m.
August 23	Town Council Committee Meetings	4:00 p.m.

September 2016

Labor Day, Monday September 5th – Town Offices Closed

September 6	Town Council Meeting	7:30 p.m.
September 13	Planning Commission Meeting	6:30 p.m.
September 20	Board of Historic & Architectural Review	6:30 p.m.
September 20	Board of Zoning Appeals Meeting	7:30 p.m.
September 26	Town Council Committee Meetings	4:00 p.m.
September 27	Town Council Committee Meetings	4:00 p.m.

October 2016

October 4	Town Council Meeting	7:30 p.m.
Columbus Day, Monday 10 th – Town Offices Closed		
October 11	Planning Commission Meeting	6:30 p.m.
October 13 Employee Training Day – Town Offices Closed		
October 18	Board of Historic & Architectural Review	7:30 p.m.
October 18	Board of Zoning Appeals Meeting	7:30 p.m.
October 24	Town Council Committee Meetings	4:00 p.m.
October 25	Town Council Committee Meetings	4:00 p.m.

November 2016

November 1	Town Council Meeting	7:30 p.m.
November 8	Planning Commission Meeting	6:30 p.m.
Veterans Day, Friday 11 th – Town Offices Closed		
November 15	Board of Historic & Architectural Review	6:30 p.m.
November 15	Board of Zoning Appeals Meeting	7:30 p.m.
Thanksgiving, Wednesday 23 rd - Town Offices Close at Noon		
Thanksgiving, Thursday 24 th and Friday 25 th – Town Offices Closed		
November 28	Town Council Committee Meetings	4:00 p.m.
November 29	Town Council Committee Meetings	4:00 p.m.

December 2016

December 6	Town Council Meeting	7:30 p.m.
December 13	Planning Commission Meeting	6:30 p.m.
December 19	Town Council Committee Meetings	4:00 p.m. (MOVED UP A WEEK)
December 20	Town Council Committee Meetings	4:00 p.m. (MOVED UP A WEEK)
December 20	Board of Historic & Architectural Review	6:30 p.m.
December 20	Board of Zoning Appeals Meeting	7:30 p.m.
Christmas Holiday, Friday 23 rd and Monday 26 th – Town Offices Closed		

NOTE: ALL MEETINGS, INCLUDING STAFF MEETINGS IN 2016 WILL BE HELD AT THE SMITHFIELD CENTER UNLESS OTHERWISE POSTED

AN ORDINANCE TO AMEND THE ZONING ORDINANCE
OF THE TOWN OF SMITHFIELD, VIRGINIA

WHEREAS, the Town Council of the Town of Smithfield deems it necessary to revise and amend certain provisions of the Zoning Ordinance of the Town of Smithfield to better implement and enforce the Town’s land use regulations; and,

WHEREAS, the Town’s Planning Commission, after a public hearing, has unanimously recommended that the Town Council adopt the proposed amendments and revisions; and,

WHEREAS, this Council, after a public hearing on the matter, finds it to be in the best interest of the citizens of the town to revise and amend the following provisions of its Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Smithfield, Virginia, as follows, to-wit:

1. That the following provisions of the Zoning Ordinance, are hereby repealed and reenacted, with the full text of the provisions to be reenacted attached hereto as Exhibit “A”:

Article 3.O. FP-O Floodplain Overlay District

2. That Article 13. –Definitions, is hereby amended and revised by the inclusion and/or revision and amendment of the following definitions with the full text of the new definitions and the revised definitions attached hereto as Exhibit “B”:

Base Flood Elevation

Basement

Development

Dwelling manufactured or mobile home

Elevated Building

Existing Construction

Existing Manufacture Home Park/Subdivision

Flood hazard zone

Flood Insurance Rate Map (FIRM)
Flood Insurance study (FIS)
Flood proofing
Floodway
Freeboard
Highest adjacent grade
Historic structure
Hydrologic and Hydraulic Engineering Analysis
Letters of Map Change (LOMC)
Letter of Map Amendment (LOMA)
Letter of Map Review (LOMR)
Conditional Letter of Map Revision (CLOMR)
Lowest Floor
Mobile (Manufactured) home park or subdivision
New Construction
Post-FIRM structures
Pre-FIRM structures
Recreational vehicle
Repetitive Loss Structure
Severe Repetitive Loss Structure
Special flood hazard area
Start of construction
Structure
Substantial damage
Substantial improvement
Violation

3. This ordinance shall be in effect immediately upon adoption.

Adopted: December 1, 2015

TOWN OF SMITHFIELD

By _____
T. Carter Williams, Mayor

Attest:

Lesley G. King, Clerk

Article 3.O:
FP-O, Floodplain Overlay District

Article 3.O:
FP-O, Floodplain Overlay District

SECTION I - GENERAL PROVISIONSSection 1.1 – Statutory Authorization and Purpose [44 CFR 59.22(a)(2)]

This ordinance is adopted pursuant to the authority granted to localities by Va. **Code** § 15.2 - 2280.

The purpose of these provisions is to prevent: the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by

- A. regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies;
- B. restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding;
- C. requiring all those uses, activities, and developments that do occur in flood-prone districts to be protected and/or flood-proofed against flooding and flood damage; and,
- D. protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

Section 1.2 – Applicability

These provisions shall apply to all privately and publicly owned lands within the jurisdiction of The Town of Smithfield and identified as areas of special flood hazard identified by the community or shown on the flood insurance rate map (FIRM) or included in the flood insurance study (FIS) that are provided to the Town of Smithfield by FEMA. The flood insurance rate map panels specifically referenced by this ordinance and dated to take effect on December 2, 2015 include the following: 51093C0088 E, 51093C0135 E, 51093C0151 E, 51093C0152 E, 51093C0153 E, 51093C0154 E.

Section 1.3 - Compliance and Liability

- A. No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ordinance.
- B. The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study, but does not imply total flood protection. Larger floods may occur on rare occasions. Flood

heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that districts outside the floodplain district or land uses permitted within such district will be free from flooding or flood damages.

- C. This ordinance shall not create liability on the part of The Town of Smithfield or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Section 1.4 – Records [44 CFR 59.22(a)(9)(iii)]

Records of actions associated with administering this ordinance shall be kept on file and maintained by or under the direction of the Floodplain Administrator in perpetuity.

Section 1.5 - Abrogation and Greater Restrictions [44 CFR 60.1(b)]

To the extent that the provisions are more restrictive, this ordinance supersedes any ordinance currently in effect in flood-prone districts. To the extent that any other existing law or regulation is more restrictive or does not conflict it shall remain in full force and effect.

These regulations are not intended to repeal or abrogate any existing ordinances including subdivision regulations, zoning ordinances or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall govern.

Section 1.6 - Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this ordinance. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this ordinance are hereby declared to be severable.

Section 1.7 - Penalty for Violations [44 CFR 60.2(e)]

Any person who fails to comply with any of the requirements or provisions of this article or directions of the Planning and Zoning Administrator or any authorized employee of the Town of Smithfield shall be guilty of a Class 1 Misdemeanor.

The VA USBC addresses building code violations and the associated penalties in Section 104 and Section 115. Violations and associated penalties of the Zoning Ordinance of The Town of Smithfield are addressed in Article 11: Section Q and Article 2: Section X of the Zoning Ordinance.

In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this article. The imposition of a fine or penalty for any violation of, or noncompliance with, this article shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this article may be declared by the Town of Smithfield to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this article.

SECTION II - ADMINISTRATIONSection 2.1 - Designation of the Floodplain Administrator [44 CFR 59.22(b)]

The Planning and Zoning Administrator is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator. The Floodplain Administrator may:

- A. Do the work themselves. In the absence of a designated Floodplain Administrator, the duties are conducted by the Town of Smithfield chief executive officer.
- B. Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees.
- C. Enter into a written agreement or written contract with another community or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

Section 2.2 - Duties and Responsibilities of the Floodplain Administrator [44 CFR 60.3]

The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

- A. Review applications for permits to determine whether proposed activities will be located in the Special Flood Hazard Area (SFHA).
- B. Interpret floodplain boundaries and provide available base flood elevation and flood hazard information.
- C. Review applications to determine whether proposed activities will be reasonably safe from flooding and require new construction and substantial improvements to meet the requirements of these regulations.
- D. Review applications to determine whether all necessary permits have been obtained from the Federal, State or local agencies from which prior or concurrent approval is required; in particular, permits from state agencies for any construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction (including bridges, culverts, structures), any alteration of a watercourse, or any change of the course, current, or cross section of a stream or body of water, including any change to the 100-year frequency floodplain of free-flowing non-tidal waters of the State.
- E. Verify that applicants proposing an alteration of a watercourse have notified adjacent communities, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), and other appropriate agencies (VADEQ, USACE) and have submitted copies of such notifications to FEMA.

- F. Advise applicants for new construction or substantial improvement of structures that are located within an area of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act that Federal flood insurance is not available on such structures; areas subject to this limitation are shown on Flood Insurance Rate Maps as Coastal Barrier Resource System Areas (CBRS) or Otherwise Protected Areas (OPA).
- G. Approve applications and issue permits to develop in flood hazard areas if the provisions of these regulations have been met, or disapprove applications if the provisions of these regulations have not been met.
- H. Inspect or cause to be inspected, buildings, structures, and other development for which permits have been issued to determine compliance with these regulations or to determine if non-compliance has occurred or violations have been committed.
- I. Review Elevation Certificates and require incomplete or deficient certificates to be corrected.
- J. Submit to FEMA, or require applicants to submit to FEMA, data and information necessary to maintain FIRMs, including hydrologic and hydraulic engineering analyses prepared by or for the Town of Smithfield, within six months after such data and information becomes available if the analyses indicate changes in base flood elevations.
- K. Maintain and permanently keep records that are necessary for the administration of these regulations, including:
1. Flood Insurance Studies, Flood Insurance Rate Maps (including historic studies and maps and current effective studies and maps) and Letters of Map Change; and
 2. Documentation supporting issuance and denial of permits, Elevation Certificates, documentation of the elevation (in relation to the datum on the FIRM) to which structures have been floodproofed, inspection records, other required design certifications, variances, and records of enforcement actions taken to correct violations of these regulations.
- L. Enforce the provisions of these regulations, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action.
- M. Advise the Board of Zoning Appeals regarding the intent of these regulations and, for each application for a variance, prepare a staff report and recommendation.
- N. Administer the requirements related to proposed work on existing buildings:
1. Make determinations as to whether buildings and structures that are located in flood hazard areas and that are damaged by any cause have been substantially damaged.
 2. Make reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct. Prohibit the non-compliant repair of substantially damaged buildings except for temporary emergency protective measures

necessary to secure a property or stabilize a building or structure to prevent additional damage.

- O. Undertake, as determined appropriate by the Floodplain Administrator due to the circumstances, other actions which may include but are not limited to: issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with other Federal, State, and local agencies to assist with substantial damage determinations; providing owners of damaged structures information related to the proper repair of damaged structures in special flood hazard areas; and assisting property owners with documentation necessary to file claims for Increased Cost of Compliance coverage under NFIP flood insurance policies.
- P. Notify the Federal Emergency Management Agency when the corporate boundaries of the Town of Smithfield have been modified and:
1. Provide a map that clearly delineates the new corporate boundaries or the new area for which the authority to regulate pursuant to these regulations has either been assumed or relinquished through annexation; and
 2. If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.
- Q. Upon the request of FEMA, complete and submit a report concerning participation in the NFIP which may request information regarding the number of buildings in the SFHA, number of permits issued for development in the SFHA, and number of variances issued for development in the SFHA.
- R. It is the duty of the Community Floodplain Administrator to take into account flood, mudslide and flood-related erosion hazards, to the extent that they are known, in all official actions relating to land management and use throughout the entire jurisdictional area of the Community, whether or not those hazards have been specifically delineated geographically (e.g. via mapping or surveying).

Section 2.3 - Use and Interpretation of FIRMs [44 CFR 60.3]

The Floodplain Administrator shall make interpretations, where needed, as to the exact location of special flood hazard areas, floodplain boundaries, and floodway boundaries. The following shall apply to the use and interpretation of FIRMs and data:

- A. Where field surveyed topography indicates that adjacent ground elevations:

1. Are below the base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as special flood hazard area and subject to the requirements of these regulations;
 2. Are above the base flood elevation and the area is labeled as a SFHA on the FIRM, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the SFHA.
- B. In FEMA-identified special flood hazard areas where base flood elevation and floodway data have not been identified and in areas where FEMA has not identified SFHAs, any other flood hazard data available from a Federal, State, or other source shall be reviewed and reasonably used.
- C. Base flood elevations and designated floodway boundaries on FIRMs and in FISs shall take precedence over base flood elevations and floodway boundaries by any other sources if such sources show reduced floodway widths and/or lower base flood elevations.
- D. Other sources of data shall be reasonably used if such sources show increased base flood elevations and/or larger floodway areas than are shown on FIRMs and in FISs.
- E. If a Preliminary Flood Insurance Rate Map and/or a Preliminary Flood Insurance Study has been provided by FEMA:
1. Upon the issuance of a Letter of Final Determination by FEMA, the preliminary flood hazard data shall be used and shall replace the flood hazard data previously provided from FEMA for the purposes of administering these regulations.
 2. Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall be deemed the best available data pursuant to Section 3.1.A.3. and used where no base flood elevations and/or floodway areas are provided on the effective FIRM.
 3. Prior to issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data is permitted where the preliminary base flood elevations or floodway areas exceed the base flood elevations and/or designated floodway widths in existing flood hazard data provided by FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.

Section 2.4 - Jurisdictional Boundary Changes [44 CFR 59.22, 65.3]

The County floodplain ordinance in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements for participation in the National Flood Insurance Program. Municipalities with existing floodplain ordinances shall pass a resolution acknowledging and accepting responsibility for enforcing floodplain ordinance standards prior to annexation of any area containing identified flood

hazards. If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.

In accordance with the Code of Federal Regulations, Title 44 Subpart (B) Section 59.22 (a) (9) (v) all NFIP participating communities must notify the Federal Insurance Administration and optionally the State Coordinating Office in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area.

In order that all Flood Insurance Rate Maps accurately represent the community's boundaries, a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority must be included with the notification.

Section 2.5 - District Boundary Changes

The delineation of any of the Floodplain Districts may be revised by the Town of Smithfield where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the U. S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency. A completed LOMR is a record of this approval.

Section 2.6 - Interpretation of District Boundaries

Initial interpretations of the boundaries of the Floodplain Districts shall be made by the Planning and Zoning Administrator. Should a dispute arise concerning the boundaries of any of the Districts, the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the District boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

Section 2.7 – Submitting Model Backed Technical Data [44 CFR 65.3]

A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Emergency Management Agency of the changes by submitting technical or scientific data. The community may submit data via a LOMR. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and flood plain management requirements will be based upon current data.

Section 2.8 – Letters of Map Revision

When development in the floodplain will cause or causes a change in the base flood elevation, the applicant, including state agencies, must notify FEMA by applying for a Conditional Letter of Map Revision and then a Letter of Map Revision.

Example cases:

- Any development that causes a rise in the base flood elevations within the floodway.
- Any development occurring in Zones A1-30 and AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation.
- Alteration or relocation of a stream (including but not limited to installing culverts and bridges) 44 Code of Federal Regulations §65.3 and §65.6(a)(12)

SECTION III - ESTABLISHMENT OF ZONING DISTRICTSSection 3.1 - Description of Special Flood Hazard Districts [44 CFR 59.1, 60.3]**A. Basis of Districts**

The various special flood hazard districts shall include the SFHAs. The basis for the delineation of these districts shall be the FIS and the FIRM for The Town of Smithfield prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated December 2, 2015, and any subsequent revisions or amendments thereto.

The Town of Smithfield may identify and regulate local flood hazard or ponding areas that are not delineated on the FIRM. These areas may be delineated on a "Local Flood Hazard Map" using best available topographic data and locally derived information such as flood of record, historic high water marks or approximate study methodologies.

The boundaries of the SFHA Districts are established as shown on the FIRM which is declared to be a part of this ordinance and which shall be kept on file at the Town of Smithfield offices

1. The **Floodway District** is in an **AE Zone** and is delineated, for purposes of this ordinance, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the one percent annual chance flood without increasing the water surface elevation of that flood more than one (1) foot at any point.

The following provisions shall apply within the Floodway District of an AE zone [44 CFR 60.3(d)]:

- a. Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels within the community during the occurrence of the base flood discharge. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator.

Development activities which increase the water surface elevation of the base flood may be allowed, provided that the applicant first applies – with the Town of Smithfield endorsement – for a Conditional Letter of Map Revision (CLOMR), and receives the approval of the Federal Emergency Management Agency.

If Article III Section 3.1 A 1 a is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 4.

- b. The placement of manufactured homes (mobile homes) is prohibited, except in an existing manufactured home (mobile home) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring, elevation, and encroachment standards are met.
2. The **AE Zones** on the FIRM accompanying the FIS shall be those areas for which one-percent annual chance flood elevations have been provided and the floodway has **not** been delineated. The following provisions shall apply within an AE zone [44 CFR 60.3(c)] where FEMA has provided base flood elevations (The requirement in 60.3(c)(10) only applies along rivers, streams, and other watercourses where FEMA has provided base flood elevations. The requirement does not apply along lakes, bays and estuaries, and the ocean coast.):

Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special flood hazard, designated as Zones A1-30, or AE, on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the Town of Smithfield.

Development activities in Zones A1-30, or AE on the Town of Smithfield FIRM which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the applicant first applies – with the Town of Smithfield endorsement – for a Conditional Letter of Map Revision, and receives the approval of the Federal Emergency Management Agency.

3. The **A Zone** on the FIRM accompanying the FIS shall be those areas for which no detailed flood profiles or elevations are provided, but the one percent annual chance floodplain boundary has been approximated. For these areas, the following provisions shall apply [44 CFR 60.3(b)]:

The Approximated Floodplain District shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a one percent annual chance floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the FIS. For these areas, the base flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific one percent annual chance flood elevation cannot be determined for this area using other sources of data, such as the U. S. Army Corps of Engineers Floodplain Information Reports, U. S. Geological Survey Flood-Prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this base flood elevation. For development proposed in the approximate floodplain the applicant must use technical methods that correctly reflect currently accepted practices, such as point on boundary, high water marks, or detailed methodologies hydrologic and hydraulic analyses. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator.

The Floodplain Administrator reserves the right to require a hydrologic and hydraulic analysis for any development. When such base flood elevation data is utilized, the lowest floor shall be elevated to or above the base flood level plus eighteen (18) inches.

During the permitting process, the Floodplain Administrator shall obtain:

1. The elevation of the lowest floor (in relation to mean sea level), including the basement, of all new and substantially improved structures; and,
2. If the structure has been flood-proofed in accordance with the requirements of this article, the elevation (in relation to mean sea level) to which the structure has been flood-proofed.

Base flood elevation data shall be obtained from other sources or developed using detailed methodologies comparable to those contained in a FIS for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty (50) lots or five (5) acres, whichever is the lesser.

4. The **Coastal A Zone** is labelled as AE on the FIRM; it is those areas that are seaward of the limit of moderate wave action (LiMWA) line. As defined by the VA USBC, these areas are subject to wave heights between 1.5 feet and 3 feet. For these areas, the following provisions shall apply:

Buildings and structures within this zone shall have the lowest floor elevated to or above the base flood elevation plus eighteen (18) inches of freeboard, and must comply with the provisions in Article III, Section 3.1 A 2 and Article IV, Sections 4.2 and 4.3.

5. The **VE or V Zones** on FIRMs accompanying the FIS shall be those areas that are known as Coastal High Hazard areas, extending from offshore to the inland limit of a primary frontal dune along an open coast or other areas subject to high velocity waves. For these areas, the following provisions shall apply [44 CFR 60.3(e)]:
 - a. All new construction and substantial improvements in Zones V and VE, including manufactured homes, shall be elevated on pilings or columns so that:
 - 1) The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level plus eighteen (18) inches; and,
 - 2) The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given

year (one-percent annual chance).

- b. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of Article III, Section A 6 a.
- c. The Floodplain Administrator shall obtain the elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures in Zones V and VE. The Floodplain Management Administrator shall maintain a record of all such information.
- d. All new construction shall be located landward of the reach of mean high tide.
- e. All new construction and substantial improvements shall have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood-lattice work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:
 - 1) Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and
 - 2) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any give year.
- f. The enclosed space below the lowest floor shall be used solely for parking of vehicles, building access, or storage. Such space shall not be partitioned into multiple rooms, temperature-controlled, or used for human habitation. The enclosed space should be less than 299 square feet (to avoid triggering high insurance rates).
- g. The use of fill for structural support of buildings is prohibited. When non-structural fill is proposed in a coastal high hazard area, appropriate engineering analyses shall be conducted to evaluate the impacts of the fill prior to issuance of a development permit.

- h. The man-made alteration of sand dunes, which would increase potential flood damage, is prohibited.
7. The mapped floodplain includes all of the above regions and also the regions designated as having a 0.2 percent annual chance of flooding on any flood map or flood insurance study. In this area no emergency service, medical service or governmental records storage should be allowed except by special exception using the variance process.

Section 3.2 - Overlay Concept

The Floodplain Districts described above shall be overlays to the existing underlying districts as shown on the Official Zoning Ordinance Map, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.

If there is any conflict between the provisions or requirements of the Floodplain Districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.

In the event any provision concerning a Floodplain District is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

SECTION IV - DISTRICT PROVISIONS [44 CFR 59.22, 60.2, 60.3]

Section 4.1 – Permit and Application Requirements

A. Permit Requirement

All uses, activities, and development occurring within any floodplain district, including placement of manufactured homes, shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of this Ordinance and with all other applicable codes and ordinances, as amended, such as the Virginia Uniform Statewide Building Code (VA USBC) and the Town of Smithfield Subdivision and Zoning Regulations. Prior to the issuance of any such permit, the Floodplain Administrator shall require all applications to include compliance with all applicable state and federal laws and shall review all sites to assure they are reasonably safe from flooding. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

B. Site Plans and Permit Applications

All applications for development within any floodplain district and all building permits issued for the floodplain shall incorporate the following information:

1. The elevation of the Base Flood at the site.
2. The elevation of the lowest floor (including basement) or, in V zones, the lowest horizontal structural member.
3. For structures to be flood-proofed (non-residential only), the elevation to which the structure will be flood-proofed.
4. Topographic information showing existing and proposed ground elevations.

Section 4.2 - General Standards

The following provisions shall apply to all permits:

- A. New construction and substantial improvements shall be built according to this ordinance and the VA USBC, and anchored to prevent flotation, collapse or lateral movement of the structure.
- B. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state anchoring requirements for resisting wind forces.
- C. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- D. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- E. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- F. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- G. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- H. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

In addition to provisions A – H above, in all special flood hazard areas, the additional provisions shall apply:

- I. Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the U. S. Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, in riverine areas, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), other required agencies, and the Federal Emergency Management Agency.
- J. The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

Section 4.3 - Elevation and Construction Standards [44 CFR 60.3]

In all identified flood hazard areas where base flood elevations have been provided in the FIS or generated by a certified professional in accordance with Section 3.1 A 3, the following provisions shall apply:

A. Residential Construction

New construction or substantial improvement of any residential structure (including manufactured homes) in Zones A1-30, AE and A with detailed base flood elevations shall have the lowest floor, including basement, elevated to or above the base flood level plus eighteen (18) inches. See Section 3.1.5 and Section 3.1.6 for requirements in the Coastal A and VE zones.

B. Non-Residential Construction

- 1. New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated to or above the base flood level plus eighteen (18) inches. See Section 3.1.5 and Section 3.1.6 for requirements in the Coastal A and VE zones.
- 2. Non-residential buildings located in all A1-30, or AE zones may be flood-proofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the BFE plus eighteen (18) inches are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation (in relation to mean sea level) to which such structures are floodproofed, shall be maintained by the Town Clerk.

C. Space Below the Lowest Floor

In zones A, AE and A1-A30, fully enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall:

1. Not be designed or used for human habitation, but shall be used solely for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator).
2. be constructed entirely of flood resistant materials below the regulatory flood protection elevation;
3. include measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:
 - a. Provide a minimum of two openings on different sides of each enclosed area subject to flooding.
 - b. The total net area of all openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding.
 - c. If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
 - d. The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.
 - e. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
 - f. Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

D. Standards for Manufactured Homes and Recreational Vehicles

1. In zones A, AE, VE and V, all manufactured homes placed, or substantially improved, on individual lots or parcels, must meet all the requirements for new construction, including the elevation and anchoring requirements in sections 3.1.A.6., 4.2, and 4.3.
2. All recreational vehicles placed on sites must either:

- a. be on the site for fewer than 180 consecutive days, be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions); or
- b. meet all the requirements for manufactured homes in Article 4.3(D)(1).

Section 4.4 - Standards for Subdivision Proposals

- A. All subdivision proposals shall be consistent with the need to minimize flood damage;
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and
- D. Base flood elevation data shall be obtained from other sources or developed using detailed methodologies, hydraulic and hydrologic analysis, comparable to those contained in a Flood Insurance Study for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty (50) lots or five (5) acres, whichever is the lesser.

SECTION V – EXISTING STRUCTURES IN FLOODPLAIN AREAS

Any structure or use of a structure or premises must be brought into conformity with these provisions when it is changed, repaired, or improved unless one of the following exceptions is established before the change is made:

- A. The floodplain manager has determined that
 - a. change is not a substantial repair or substantial improvement AND
 - b. no new square footage is being built in the floodplain that is not complaint AND
 - c. no new square footage is being built in the floodway AND
 - d. the change complies with this ordinance and the VA USBC AND
- B. The changes are required to comply with a citation for a health or safety violation.
- C. The structure is a historic structure and the change required would impair the historic nature of the structure.

SECTION VI - VARIANCES: FACTORS TO BE CONSIDERED [44 CFR 60.6]

Variations shall be issued only upon (i) a showing of good and sufficient cause, (ii) after the Board of Zoning Appeals has determined that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) after the Board of Zoning Appeals has determined that the granting of such variance will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

While the granting of variations generally is limited to a lot size less than one-half acre, deviations from that limitation may occur. However, as the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases. Variations may be issued by the Board of Zoning Appeals for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of this section.

Variations may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of this section are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

In passing upon applications for variations, the Board of Zoning Appeals shall satisfy all relevant factors and procedures specified in other sections of the zoning ordinance and consider the following additional factors:

- A. The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any Floodway District that will cause any increase in the one percent (1%) chance flood elevation.
- B. The danger that materials may be swept on to other lands or downstream to the injury of others.
- C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- E. The importance of the services provided by the proposed facility to the community.
- F. The requirements of the facility for a waterfront location.
- G. The availability of alternative locations not subject to flooding for the proposed use.

- H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- I. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- J. The safety of access by ordinary and emergency vehicles to the property in time of flood.
- K. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- L. The historic nature of a structure. Variances for repair or rehabilitation of historic structures may be granted upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- M. Such other factors which are relevant to the purposes of this ordinance.

The Board of Zoning Appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.

Variances shall be issued only after the Board of Zoning Appeals has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

Variances shall be issued only after the Board of Zoning Appeals has determined that the variance will be the minimum required to provide relief.

The Board of Zoning Appeals shall notify the applicant for a variance, in writing that the issuance of a variance to construct a structure below the one percent (1%) chance flood elevation (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance.

A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variances. Any variances that are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

SECTION VII – ENACTMENT

Enacted and ordained this ____ day of _____, 20____. This ordinance, number ____ of The Town of Smithfield, Virginia, shall become effective upon passage.

Signature

Title

Attested

Article 13:
DEFINITIONS

Article 13:
Definitions

A. Interpretations:

For the purpose of this Ordinance, certain words and terms are to be interpreted as follows:

1. Words used in the present tense can include the future; words used in the masculine gender can include the feminine and neuter; words in the singular number can include the plural; and words in the plural can include the singular, unless the obvious construction of the wording indicates otherwise.
2. The word "shall" is mandatory. The word "may" is permissive.
3. Unless otherwise specified, all distances shall be measured horizontally and at right angles to the line in relation to which the distance is specified.
4. The word "building" includes the word structure, and the word "structure" includes the word building; the word "lot" includes the word plot; the word "used" shall be deemed also to include designed, intended, or arranged to be used; the term "erected" shall be deemed also to include constructed, reconstructed, altered, placed, relocated or removed.
5. The terms "land use" and "use of land" shall be deemed also to include building use and use of building.
6. The word "adjacent" means nearby and not necessarily contiguous; the word "contiguous" means touching and sharing a common point or line.

B. Definitions:

As used in this article, the following terms or words shall have meanings given below unless the context requires otherwise.

Accessory: As applied to use or structure, means customarily subordinate or incidental to the primary use or structure, and on the premises of such primary use or structure. The phrase "on the premises of" mean on the same lot or on the contiguous lot in the same ownership.

Accessory apartment dwelling unit: A residential apartment which is incidental and subordinate to a single family detached residence for the purpose of accommodating not more than two (2) occupants and as further defined in the Ordinance.

Accessory use: A use which is clearly incidental and subordinate to or customarily found in connection with and (except where otherwise provided in the Ordinance) is located on the same lot as the principal use on the premises.

Acre: A measure of land equating to 43,560 square feet.

Acreage: A parcel of land, regardless of area, described by metes and bounds and not a lot of any recorded subdivision plat.

Administrator: The Planning and Zoning Administrator of the Town of Smithfield as designated by resolution of the Town Council.

Addition: Any construction which increases the area of cubic content of a building or structure. The construction of walls which serve to enclose completely any portion of an existing structure, such as a porch, shall be deemed an addition within the meaning of the chapter.

Adult day care center: A building or structure where care, protection and supervision are provided on a regular schedule for disabled adult persons and senior citizens for less than 24 hours per day.

Agricultural lands: Those lands used for the planting and harvesting of crops or plant growth of any kind in the open; pasture; horticulture; dairying; floriculture; or raising or poultry and/or livestock.

Alley: A public or private way less than 30' in width intended for vehicular traffic and designed to give access to the side and rear of properties whose principal frontage is on a street.

Alteration: Any material change in the architectural features of a structure and its surrounding site including, but not limited to, additions and removals, change in use, substantial landscaping and any subdivision. Modifications classified as ordinary repair are excluded from this definition.

Amusement arcade: Establishments in which a principal use is the operation of video, mechanical, electronic and/or coin operated games and/or devices for the amusement of the general public.

Amusement machines: Any video, mechanical, electronic and/or coin operated game and/or device for the amusement of patrons. This definition shall not be constructed to include coin operated music players, coin operated mechanical children's rides or coin operated television.

Animal shelter: As differentiated from a **Kennel** as defined herein, any place designated to provide for the temporary accommodation of five (5) or more common, unowned household pets until appropriate disposition of such pets can be effectuated.

Apartment: See **Dwelling, Multiple family**.

Architect: A professional who is registered with the State Department of Professional and Occupational Registration as an architect.

Attached residential buildings: A row of two (2) or more dwelling units, separated from one another by continuous vertical wall(s) without opening from basement floor to roof, with each unit located on a separate lot of record. Townhouses are included in this category.

Automobile and/or trailer sales area: An open space, other than a street or required automobile parking space, used for display or sale of new or used automobiles or trailers and where no repair work is done.

Automobile salvage yard: Any lot or place which is exposed to the weather and upon which more than five (5) motor vehicles of any kind incapable of being licensed or operated on the highways are placed, located or found.

Average Daily Traffic (ADT): Total volume of traffic during a given period of time (in whole days greater than one day and less than one year) divided by the number of days in that time period.

Bank: See **Financial institution**.

Base Flood: See **Flood**.

Base flood elevation: The water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year. The water surface elevation of the base flood in relation to the datum specified on the community's Flood Insurance Rate Map. For the purposes of this ordinance, the base flood is the 1% annual chance flood.

Basement: That portion of a building partly underground, having at least one-half of its height above the average adjoining grade; or, any area of the building having its floor sub-grade (below

ground level) on all sides. A basement shall be termed a cellar when more than one-half of its height is below the average adjoining grade. A basement or cellar shall be counted as a story only if the vertical distance from the average adjoining grade to the ceiling is over five (5) feet.

Bed and breakfast lodging: A single family dwelling, occupied by its owner or operator, containing sleeping and breakfast accommodations as an accessory use to the principal use as a private residence. Such lodging shall have no more than five (5) room accommodations for transient persons and wherein a charge is normally paid for such accommodations.

Berm: A landscaped earthen mound intended to screen, buffer, mitigate noise and generally enhance views of parking areas, storage areas or required yards particularly from public streets or adjacent land uses.

Best Management Practices or BMPs: A practice, or a combination of practices, that is determined by a state or designated area-wide planning agency to be most effective, practical means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.

Block: That land abutting on one side of a street extending to the rear lot lines, or for parcels of land extending through to another street, to a line midway between the two (2) streets and lying between the two (2) nearest intersecting and intercepting streets or between the nearest intersecting or intercepting street and the boundary of any railroad right-of-way, park, school ground or non-subdivided acreage or center line of any drainage channel twenty (20) feet or more in width.

Board: The Board of Zoning Appeals of the Town of Smithfield.

Boardinghouse: A single detached dwelling where the property owner, after obtaining a boardinghouse permit and license from the Town, must reside on the premises, and where for compensation and by prearrangement for definite periods, lodging and/or meals shall be provided for not more than four (4) persons not of the same family. Operation of a boarding or rooming house shall not be deemed a home occupation. There shall be no more than one (1) boarding or rooming house on each recorded lot.

Buffer or screening: Any device or natural growth, or a combination thereof, which shall serve as a barrier to vision, light, or noise between adjoining properties, wherever required by this ordinance and further defined herein.

Buffer Area: An area of natural or established vegetation managed to protect other components of a Resource Protection Area (RPA) and state waters from significant degradation due to land disturbances.

Buildable area: The portion of a lot remaining after required yards have been provided.

Building: Any structure used or intended for supporting or sheltering any use of occupancy.

Building footprint: The area on the ground surface covered by the building.

Building front: That one (1) face or wall of a building which is architecturally designed as the front of the building, which normally contains the main entrance(s) for use by the general public. Also known as a "facade."

Building height: See **Height, building**.

Building, rear: That portion of a building which is, by either service area, secondary entry and egress or the facade directly opposite the front facade of the structure; the reverse frontage of the building.

Bulk regulations: Regulations controlling the size of structures and the relationship of structures and uses to each other and to open areas and lot lines. Bulk regulations include provisions controlling (a) maximum building height, (b) maximum floor area ratio and (c) minimum yard requirement.

Car wash: A commercial establishment whose structure, or portion thereof, contains facilities for washing motor vehicles, using production-line, automated or semi-automated methods for washing, whether or not employing a chain conveyor, blower, steam-cleaning or similar mechanical device, and whose primary use is for the purpose of washing motor vehicles for a stipulated fee.

Carport: Any space outside a building and contiguous thereto, wholly or partly covered by a roof, and used for the shelter of parked motor vehicles. A carport is to have no enclosure, other than the side of the building to which the carport is contiguous, that is more than eighteen (18) inches in height, exclusive of screens.

Cemetery: Property used for the interring of the dead, in which columbariums and mausoleums may be utilized.

Center line: A line lying midway between the side lines of a street or alley right-of-way as measured in the horizontal plane.

Chesapeake Bay Preservation Areas: Any land designated by the Town Council pursuant to Part III of the Chesapeake Bay Preservation Area Designation and Management Regulations, 9 VAC 10-20-10 et seq. and Section §10.1-2107 of the Code of Virginia. A Chesapeake Bay Preservation Area shall consist of a Resource Protection Area (RPA) and a Resource Management Area (RMA).

Child care center: A regularly operating service arrangement for two (2) or more children under the age of thirteen (13) where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision, protection and well-being of a child for less than a twenty-four (24) hour period, in a facility that is not the residence of the provider or of any of the children in care.

Church or place of religious worship: A building whose primary use is for the assembly of persons for religious worship and instruction. The religious facility may include offices, classrooms, parlors and meeting rooms for religious purposes.

Clinic: An establishment where patients who are not lodged overnight are admitted for examination and treatment by physicians practicing medicine, dentistry or psychiatric treatment.

Cluster subdivision: An alternate means of subdividing a lot premised on the concept of reducing lot size, yard and bulk requirements in return for the provision of common open space and recreational improvements within the development. Cluster subdivisions are often permitted at higher net densities in comparison to conventional developments, but also leave more open space by reducing lot sizes.

Commercial use: An occupation, employment, enterprise or activity that is carried on for profit or not for profit by the owner, lessee or licensee.

Commission: The Planning Commission of the Town of Smithfield.

Community center: A building used for recreational, social, educational and cultural activities.

Comprehensive plan: The official document or elements thereof, adopted by the Town Council and intended to guide the physical development of the Town or a portion thereof. Such plan,

including maps, plats, charts, policy statement and/or descriptive material shall be that adopted in accordance with Section 15.1-450 of the Code of Virginia.

Condominium: Real property and any incidentals thereto or interests therein which have been or are to be lawfully established as such under the Virginia Condominium Act.

Construction footprint: The area of all impervious surface including, but not limited to, buildings, roads and drives, parking areas, and sidewalks and the minimal area necessary for construction of such improvements. The Zoning Administrator will evaluate the size of the areas proposed for use during construction and appropriate if appropriately designed.

Contractor's offices and shops: Establishments for the installation and servicing of such items as air conditioners, electrical equipment, flooring, heating, painting, plumbing, roofing, tiling and ventilating.

Convenience store: A small commercial shopping facility designated as a component of a neighborhood.

Cul-de-sac: A local street, one end of which is closed and consists of a circular turn-around.

Curb grade: The elevation of the established curb in front of the building measured at the midpoint of such frontage. Where no curb exists, the Town engineer shall establish such curb grade for the existing or proposed street in accordance with the existing street grading plans of the Town.

Curb line: The face of a curb along private streets, travelways, service drives and/or parking bays / lots.

Demolition: The complete or substantial removal of any structure or external element of any structure.

Density: The number of dwelling units per acre.

Developer: The legal or beneficial owner or owners of all the land proposed to be included in a given development, or the authorized agent thereof. In addition, the holder of an option or contract to purchase, a lessee having a remaining term of not less than thirty (30) years, or other persons having an enforceable proprietary interest in such land shall be deemed to be a developer for the purpose of this Ordinance.

Development: The division of land, or construction or substantial alteration of residential, commercial, industrial, institutional, recreational, transportation or utility facilities or structures; or, any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Development plan, generalized: A required submission at the time of filing for an amendment to the Zoning Map for all districts, prepared and approved in accordance with the provisions of this Ordinance, and which generally characterizes the proposed development of the subject lot.

Diameter at breast height or DBH: means the diameter of a tree measured outside the bark at a point 4.5 feet above ground.

District: Any section of the Town of Smithfield in which the regulations governing the use of the buildings and premises, the heights of building, the size of yards and the intensity of the use are uniform.

Dripline: A vertical projection to the ground surface from the furthest lateral extent of a tree's leaf canopy.

Drive-in bank: Any financial institution which offers its services to persons within a motor vehicle.

Driveway: That space or area of a lot that is specifically designated and reserved for the movement of motor vehicles within the lot from one site to another or from the lot to a public street.

Duplex: A two-family attached residential use in which the dwelling units are located on individual platted lots, and which share a common wall (including without limitation the wall of an attached garage or porch) and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance.

Dustless surface: A surface adequately covered in accordance with good practice with a minimum of either two (2) applications of bituminous surface treatment, concrete, bituminous concrete or equivalent paving material approved by the Director of Public Works, and to be maintained in good condition at all times.

Dwelling: A building or portion thereof, designed or used exclusively for residential occupancy. The term "dwelling" shall not be construed to mean a boat, trailer, mobile home, motor home,

manufactured home, motel, rooming house, hospital or other accommodation used for transient occupancy.

Dwelling, manufactured or mobile home: A single family residential unit subject to federal regulation with all of the following characteristics: (a) designed for long-term human occupancy and containing sleeping accommodations, a flush toilet, a tub or shower, bath and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems; (b) designed to be transported in one or more sections after factory fabrication on detachable wheels or on a flat bed or other trailer; (c) must have eight (8) body feet or more in width and forty (40) body feet or more in length in the traveling mode or cover three hundred and twenty (320) or more square feet when erected on site, (d) ready for occupancy upon the arrival at the intended site except for minor and incidental unpacking and assembly operations, placement on an impermanent concrete foundation, connection to utilities, and the like; (e) designed to be moved from one site to another and to be used without a permanent foundation. A manufactured home may include one (1) or more units, separately towable, which when joined together shall have the characteristics as described above. Mobile homes are further subdivided in this Ordinance into single-wide and double-wide categories, and separate bulk regulations are provided for each. For the purpose of this Ordinance, a manufactured and mobile home shall not be deemed a **Single family detached dwelling**. For floodplain management purposes the term “manufactured home” also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

Dwelling, industrialized modular unit: A factory-fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site into a modular structure that will be a finished building in a fixed location attached to a permanent foundation. A modular unit must bear and be fully supported by the permanent foundation system. The foundation system must be sufficient for weight and potential structure loads as designated by the Uniform Virginia Building Code. For the purpose of this Ordinance, a modular unit shall be deemed a **Single family dwelling** and shall not be deemed a **Manufactured or Mobile home**.

Dwelling, multiple family: A dwelling unit within a residential building containing three (3) or more separate dwelling units located on a single lot or parcel of ground. A multiple family dwelling, commonly known as an apartment building, generally has a common outside entrance(s) for all the dwelling units, and the units are generally designed to occupy a single floor one above another. For the purpose of this Ordinance, a multiple family dwelling shall not be construed to mean a **Single family attached dwelling** as defined herein.

Dwelling, single family: A residential building containing only one (1) **Dwelling Unit** and not occupied by more than one (1) family.

Dwelling, single family attached: A group of two (2) or more single family dwelling units which are generally joined to one another by a common party wall, a common floor/ceiling and/or connecting permanent structures such as breezeways, carports, garages or screening fences or walls, whether or not such a group is located on a single parcel of ground or on adjoining individual lots. Each unit on a lot shall have its own outside entrance(s); architectural facades or treatment of materials shall be varied from one unit to another; and no more than two (2) abutting units in a row shall have the same rear and front setbacks, with a minimum setback offset being two and one half (2 1/2) feet unless otherwise approved by the Planning and Zoning Administrator. For the purpose of this Ordinance, dwellings such as a semidetached, garden court dwelling, patio house, zero lot line dwelling, town house, duplex and two-family dwelling shall be deemed a single family attached dwelling.

Dwelling, single family detached: A single family dwelling unit which is entirely surrounded by open space or yards on the same lot. Such dwelling unit may include rental space for occupancy by not more than two (2) persons unrelated to the resident family, provided that such rental space does not include separate kitchen facilities or a separate entrance for the exclusive use of the renters.

Dwelling, townhouse: An attached residence located on an individually platted lot, in which each dwelling unit shares a common wall (including without limitation the wall of an attached garage or porch) with at least one (1) other dwelling unit, and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance.

Dwelling unit: One (1) or more rooms in a residential building or residential portion of a building which are arranged, designed, used or intended for use as a complete, independent living facility for one (1) family, and which include permanent provisions for living, sleeping, eating, cooking and sanitation.

Easement: A right created by an express or implied agreement of one (1) owner of land to make lawful and beneficial use of the land of another for a special purpose not inconsistent with any other uses already being made of the land.

Eating establishment: Establishment in which the principal use is the sale of food and beverages for dining on the premises. A fast food restaurant, a snack bar or refreshment stand at a public or non-profit recreational facility, operated solely by the agency or group operating the recreational facility, and for the convenience of patrons of the facility, shall not be deemed eating establishments.

Elderly housing: A structure containing multi-family dwelling units where the occupancy of the dwellings are restricted to persons 60 years of age or older, or couples where either the husband or wife is 60 years of age or older and which meets the Fair Housing Amendments Act of 1988 for elderly housing. Such a structure may consist of individual dwelling units, community dining areas, common recreation areas, special support services and limited medical or nursing care.

Elevated building: A non-basement building built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, or columns (posts and piers).

Engineer: A professional who is registered with the State Department of Professional and Occupational Registration as a professional engineer.

Existing construction: For the purposes of the flood insurance program, structures for which the “start of construction” commenced before December 5, 1990. “Existing construction” may also be referred to as “existing structures” and “pre-FIRM.”

Existing Manufacture Home Park/Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed before the initial effective date of these regulations.

Family: One (1) person or two (2) or more persons related by blood, adoption, marriage or guardianship living together as a single housekeeping unit with no more than two (2) boarders; or a group of not more than three (3) unrelated persons living together as a single housekeeping unit.

Family day home: A child day program offered in the residence of the provider or the home of any of the children in care for one (1) through twelve (12) children under the age of thirteen (13), exclusive of the provider’s own children and any children who reside in the home, when at least one (1) child receives care for compensation.

Fast food restaurant: Any establishment which provides as a principal use wrapped and/or packaged food and drink which is ready for consumption, on the premises or off-premises. For the purpose of this Ordinance, a fast food restaurant shall not be deemed an **Eating establishment** or **Quick service food store**.

Financial institution: Any building where the primary occupation is concerned with such State regulated businesses as banking, savings and loans, loan companies and investment / securities

companies; however, for the purpose of this Ordinance, any financial institution having a drive-in window(s) shall be deemed a **Drive-in bank** as defined herein.

Flood (100-Year) or Base flood: The flood having a one percent chance of being equaled or exceeded in any given year.

Flood hazard zone: The delineation of special flood hazard areas into insurance risk and rate classifications on the flood insurance rate map (FIRM) published by the Federal Emergency Management Agency (FEMA) and which include the following zones and criteria:

1. **Zone A:** On the FIRMs accompanying the Flood Insurance Study (FIS) shall be those areas for which no detailed flood profiles or elevations are provided, but the one-percent annual chance floodplain boundary has been approximated.
2. **Zone AE:** On the FIRMs accompanying the FIS shall be those areas for which one-percent annual chance flood elevations have been provided and the floodway has not been delineated.
3. **Zone VE or Zone V:** On the FIRMs accompanying the FIS shall be those areas that are known as Coastal High Hazard areas, extending from offshore to the inland limit of a primary frontal due along an open coast or other areas subject to high velocity waves.
4. **Zone X:** Areas located above the 100-year flood boundary (areas for which there is a one-percent annual chance of flood) and having moderate or minimal flood hazards.
5. **Floodway District:** Is in an AE Zone and is delineated, for purposes of this ordinance, using the criterion that certain areas within the floodplain must be capable of carrying waters of the one- percent annual chance flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this District are specifically defined in Table 4 of the FIS and shown on the accompanying FIRM.
6. **Coastal A Zone:** Is labelled as AE on the FIRMs and is those areas that are seaward of the limit of moderate wave action (LiMWA) line. As defined by the Virginia Uniform Statewide Building Code, these areas are subject to wave heights between 1.5 feet and 3 feet.

Flood Insurance Rate Map (FIRM): An official map of a community, on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study (FIS): A report by FEMA that examines, evaluates and determines flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.

Floodplain: All land areas in and adjacent to streams and water courses subject to continuous or periodic inundation from flood events as designated by the United States Department of Housing and Urban Development (HUD), or the Federal Emergency Management Agency (FEMA), and/or the United States Geological Survey.

Flood proofing: Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point within the community.

Floor area, gross: The sum of the total horizontal areas of all floors of all buildings on a lot, measured from the interior faces of exterior walls. The term "gross floor area" shall include basements; elevator shafts and stairwells at each story; floor space used for mechanical equipment with structural headroom of six (6) feet, six (6) inches or more; penthouses, attic space, whether or not a floor has actually been laid, providing structural headroom of six (6) feet, six (6) inches or more; interior balconies; and mezzanines.

Floor area, net: The total floor area designed for tenant occupancy of all floors of all buildings on a lot, measured from the center line of joint partitions to the interior faces of exterior walls, which excludes areas designed for permanent uses such as toilets, utility closets, corridors for pedestrian or vehicle through traffic, enclosed parking areas, meters, rooftop mechanical structures, mechanical and equipment rooms, fire exits, stairwells, elevators and escalators. For the purposes of this Ordinance, the term "net floor area" shall not include outdoor display areas for the sale, rental and display of recreational vehicles, boats and boating equipment, trailers, horticultural items, farm or garden equipment and other similar products.

Floor area ratio: The ratio determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

Freeboard: A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and

floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.

Frontage: A lot shall be deemed to have frontage on a street if one (1) property line of a lot abuts an accessible public street right-of-way.

Funeral home: A building used for the preparation of the deceased for funeral and the ceremonies connected therewith before burial or cremation.

Garage, private: An accessory building designed and used only for storage purposes which is owned and/or by the occupants of the building to which it is accessory.

Garage, public: A building, or portion thereof, other than a private garage, designed or used primarily for equipping, servicing, repairing, renting or selling motor driven vehicles and accessories.

Garage, commercial parking or storage: A building, or portion thereof, designated or used exclusively for the parking or storage of vehicles for a fee, but within which no licensed and operable passenger vehicles are serviced, repaired, equipped or sold.

Geometric design: The dimensions and arrangements of the visible features of a roadway. These include pavement widths, horizontal and vertical alignment, slopes, channelization, interchanges, and other features the design of which significantly affects traffic operation, safety and capacity.

Golf course: Land, whether publicly or privately owned, on which the game of golf is played, including accessory uses such as golf driving ranges and buildings customary thereto.

Golf driving range: A practice range for hitting golf balls from a common tee-off area, and for purposes of this Ordinance, not operated in conjunction with a golf course or country club.

Grade: A horizontal reference plane representing the average of finished ground level adjoining a building at all exterior walls; also referred to as **Grade plane**.

Gross site area: The total area measured in acres within the boundaries of a zoning lot. See also **Net developable area** which is a subset of Gross Site Area.

Group home: A residential facility which is used to provide assisted community living for persons with physical, mental, emotional, familial or social difficulties and in which a maximum of eight (8)

such persons receiving community living assistance reside. For the purpose of this Ordinance, a group home shall not be deemed a family, and a facility which provides assisted community living for more than eight (8) persons shall be deemed an institutional use for the care of the indigent, orphans and the like.

Guest House: Dwelling or lodging units for a temporary or non-paying guest or guests in an accessory building. No such quarters shall be occupied by the same guest or guests for a period of time of more than three (3) months in any twelve (12) month period, and no such quarters shall be rented, leased, otherwise made available for compensation of any kind.

Hardship, inordinate: To establish a case of "inordinate hardship," the applicant shall submit evidence that the strict conformance to any of the provisions of the zoning ordinance would burden the applicant, whereby the applicant cannot make reasonable economic use of the property because of such regulations. Such evidence may include proof of consideration of plans for construction, attempts to sell, rent or lease the property, and information regarding annual income and expenses. Any hardship created by action of the applicant shall not be considered in reviewing any application.

Height, building: The vertical distance to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and the ridge for gable, hip and gambrel roofs measured from the curb level if the building is not more than ten (10) feet distance from the front lot line, or from the **Grade** in all other cases.

Highest adjacent grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Highly erodible soils: Soils (excluding vegetation) with an erodibility index (EI) from sheet and rill erosion equal to or greater than eight. The erodibility index for soil is defined as the product of the formula $RKLS/T$, where K is the soil susceptibility to water erosion in the surface layer; R is the rainfall and runoff; LS is the combined effects of slope length and steepness; and T is the soil loss tolerance.

Highly permeable soils: Soils with a given potential to transmit water through the soil profile. Highly permeable soils are identified as any soil having permeability equal to or greater than six inches of water improvement per hour in any part of the soil profile to a depth of 72 inches (permeability groups "rapid" and "very rapid") as found in the "National Soil Survey Handbook" of November 1996 in the "Field Office Technical Guide" of the U.S. Department of Agriculture National Resources Conservation Service.

Historic area or district: An area or existing site containing buildings or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community of such significance as to warrant conservation and preservation.

Historic preservation: The protection, rehabilitation and restoration of districts, sites, buildings, structures and artifacts significant in American history, architecture, archaeology or culture.

Historic structure: 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; or,
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; or,
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. Any structure that is individually listed as a landmark or contributing structure on the local inventory of historic places, Properties of Historic or Architectural Significance, within the Town of Smithfield Historic Preservation District and as delineated by the Town of Smithfield's Zoning Ordinance (Article 4, Section 14).

Homeowners association: A community association internally organized in a specific development in which individual owners share common interests in open space or facilities.

Hospital: Any institution receiving in-patients and rendering medical, surgical or obstetrical care, to include general hospitals and specialized institutions in which care is oriented to cardiac, eye, ear, nose, throat, psychiatric, pediatric, orthopedic, skin and cancer and obstetric cases.

Hotel, motel: A building or portion thereof or a group of buildings which provide sleeping accommodations in six (6) or more separate units or rooms for transients on a daily, weekly, or similar short-term basis, whether such establishment is designated as a hotel, inn, automobile court, motel, motor lodge, tourist cabin, tourist court, tourist home or otherwise. A hotel or motel shall be deemed to include any establishment which provides residential living accommodations for transients on a short-term basis, such as an apartment hotel.

Housing: See "Dwelling."

Hydrologic and Hydraulic Engineering Analysis: Analyses performed by a licensed professional engineer, in accordance with standard engineering practices that are accepted by the Virginia Department of Conservation and Recreation and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.

Impervious cover: A surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil. Impervious surfaces include, but are not limited to: roofs, buildings, streets, parking areas, and any concrete, asphalt, or compacted gravel surface.

Industrial, heavy: Land use classification consisting of, but not limited to, large manufacturing operations, heavy equipment facilities, construction and maintenance yards, fuel businesses and other basic intensive industrial activities.

Industrial, light: Land use classification consisting of, but not limited to, light manufacturing, fabricating, processing, wholesale distributing and warehousing uses appropriately located for access by highways.

Industrial park: A planned coordinated development of a tract of land with two (2) or more separate industrial buildings. Such development is planned, designed, constructed and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design and orientation and open space.

Institutional home: A facility providing assisted community living for more than eight (8) persons deemed as indigent, orphaned or the like.

Institutional use: A nonprofit corporation or a nonprofit establishment whose purpose is of a civic, educational, charitable, religious or philanthropic nature.

Intensely Developed Areas or IDAs: A built-up portion of a Resource Protection Area or a Resource Management Area designated by the Town Council where development is concentrated and the natural environment has been significantly disturbed.

ITE: Institute of Traffic Engineers.

Junk: Dilapidated and inoperative automobiles, trucks, tractors, and other such vehicles and parts thereof, dilapidated wagons and other kinds of vehicles and parts thereof, discarded appliances, scrap building material, scrap contractor's equipment, tanks, casks, cans, barrels, boxes, drums, piping, bottles, glass, wood scraps, old iron, machinery, rags, paper, excelsior,

hair, mattresses, beds or bedding or any other kind of scrap or waste material which is stored, kept, handled or displayed.

Junk vehicle: Any motor vehicle, trailer or semi-trailer which is either inoperable or unfit for licensing and which by virtue of its condition may not be economically feasibly restored. In addition, any vehicle may be presumed to be a junk vehicle when State inspection stickers are not displayed or have been expired for more than ninety (90) days.

Jurisdiction: The area within the corporate boundaries of the Town of Smithfield.

Kenel: Any place or establishment in which dogs and other small domestic animals normally kept as pets are kept, bred, trained, boarded or handled for a fee, or any place where more than five (5) dogs are kept.

Landfill: A land depository, excavation, or area operated in a controlled manner by a person for the dumping of debris or inert material other than clean dirt; or a disposal site operated by means of compacting and covering solid waste at least once a day with an approved material. This term is intended to include both debris landfills and sanitary landfills.

Landscape architect: Any professional who is registered with the State Department of Professional and Occupational Registration as a Landscape Architect.

Landscaping: The improvement of a lot with grass, shrubs, trees, other vegetation and/or ornamental objects. Landscaping may include pedestrian walks, flower beds, ornamental objects such as fountains, statues and other similar natural and artificial objects designed and arranged to produce an esthetically pleasing effect.

Land Disturbance: Any land change including, but not limited to, clearing, grading, excavating, transferring, filling or any other construction which results in disturbing the natural vegetation or existing contours or results in soil erosion or sedimentation into public or private property or facilities.

Land surveyor: Any professional who is registered with the State Department of Professional and Occupational Registration as a Land Surveyor.

Letters of Map Change (LOMC): A Letter of Map Change is an official FEMA determination, by letter, that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a land as defined by meets and bounds or structure is not located in a special flood hazard area.

Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. A Letter of Map Revision Based on Fill (LOMR-F), is a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study.

Level of service: A qualitative measure that represents the collective factors of speed, travel time, traffic interruptions, freedom to maneuver, safety, driving comfort and convenience, and operating costs provided by a highway facility under a particular volume conditions.

Loading space: A space, within a building or on the premises, providing for the standing, loading or unloading of vehicles.

Lot: A parcel of land that is designated at the time of application for a rezoning, a special permit, a special exception, a building permit, or a residential/non-residential use permit, as a tract all of which is to be used, developed or built upon as a unit under single ownership. A parcel of land shall be deemed to be a lot in accordance with this definition, regardless of whether or not the boundaries thereof coincide with the boundaries of lots or parcels as shown on any map of record.

Lot area: The total horizontal area measured in the horizontal plane included within the lot lines of a lot.

Lot, corner: A lot at the junction of and abutting on two (2) or more intersecting streets when the interior angle of intersection does not exceed 135 degrees. On a corner lot, all yards lying between the principal building and the intersecting streets shall be deemed front yards.

Lot depth: The average horizontal distance between the front and rear lot lines.

Lot, interior: Any lot, including a through lot, other than a corner lot.

Lot line: Any boundary of a lot as defined herein. Where applicable, a lot line shall coincide with a **Street line** or **Right-of-way line**. Where a lot line is curved, all dimensions related to said lot line shall be based on the chord of the arc.

Lot line, front: A line which is contiguous to the street boundary of a lot; or, in the case where a lot does not abut a street other than by its driveway, or is a through lot, that lot line which runs generally parallel to and /or in front of the principal entrance of the main building on the lot.

Lot line, rear: That lot line that is most distance from, and is most nearly parallel with, the front lot line. If a rear lot line is less than ten (10) feet in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a ten (10) foot line parallel to the front lot line, lying wholly within the lot for the purpose of establishing the required minimum rear yard.

Lot line, side: A lot line which is neither a front lot line nor a rear lot line as defined herein.

Lot, nonconforming: An otherwise legally platted lot that does not conform to the minimum area or width requirements of this chapter for the district in which it is located either at the effective date of this chapter or as a result of subsequent amendments to this chapter.

Lot, pipestem: A lot approved which does not abut a public street other than by its driveway which affords access to the lot.

Lot of record: A lot, shown upon a plan or plat, referred to in a deed, and described by metes and bounds, which has been recorded in the Office of the Clerk of the Circuit Court of Isle of Wight County.

Lot, reverse frontage: A residential through or corner lot, intentionally designed so that the front lot line faces a local street rather than facing a parallel major thoroughfare.

Lot size requirements: Restrictions on the dimensions of a lot, to include a specified zoning district size, lot area and lot width, all established to limit the minimum size and dimension of a lot in a given zoning district.

Lot, through: An interior lot, but not a corner lot, abutting on two (2) or more public streets.

Lot width: The distance between side lot lines, measured in one of the following manners, whichever is applicable:

1. In the case of a rectangular-shaped lot, the width shall be measured along the front lot line; or
2. In the case of an irregular-shaped lot or a curvilinear front lot line, the width shall be measured between the lot's narrowest dimensions at that location on the lot where the center of the building is proposed/located.
3. In the case of a pipestem lot, the width shall be measured between the lot's narrowest dimensions at that location on the lot where the center of the building is proposed/located.

Lowest floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR §60.3.

Manufactured home: See **Dwelling, manufactured home.**

Manufacturing: The processing, fabrication, assembly, distribution or produces such as, but not limited to: scientific and precision instruments, photographic equipment, communication equipment, computation equipment, household appliance, toys, sporting and athletic goods, glass products made of purchase glass, electric lighting and wiring equipment, industrial controls, radio and TV receiving sets, optical goods, and electrical machinery.

Marina, commercial: A marina designed and operated for profit, or operated by any club or organized group where hull and engine repairs, boat and accessory sales, packaged food sales, eating establishments, personal services, fueling facilities, storage and overnight guest facilities or any combination of these are provided.

Marina, private: A marina designed and intended to be used for mooring of boats by residents of the general neighborhood with no commercial facilities other than those necessary for minor servicing or repair.

Marquee: A permanent roof like structure projecting over an entrance.

Mobile home or trailer: See **Dwelling, mobile home**.

Mobile (Manufactured) home park or subdivision: Any area of twenty (20) acres or more, however designated, that is occupied or designed for occupancy by one (1) or more manufactured homes. The term "mobile home park" shall not include sales lots on which unoccupied mobile homes, whether new or used, are parked for the purposes of inspection and sale. For floodplain management purposes the term "manufactured home park or subdivision" constitutes a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mini-warehouse: A building consisting of individual, small, self-contained units that are leased for the storage of household goods, business goods or contractors' supplies.

Motel: See **Hotel**.

Net developable area: The land deemed most suitable for development within a given area or parcel. It is calculated by subtracting the critical environmental areas within the area or parcel that should be protected from development and the estimated right-of-way requirements from the total gross area. The result is the net developable area, which provides a realistic measure of land holding capacity for an area or parcel in the Town. (Refer to illustrative example of the net developable area calculation in Appendix 1 of the Zoning Ordinance.)

New construction: For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after December 5, 1990, and includes any subsequent improvements to such structures. For floodplain management purposes, **new construction** means structures for which the **start of construction** commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

Nonconforming building or use: A building or use, lawfully existing on the effective date of this Ordinance or prior ordinances, which does not conform with the regulations of the zoning districts in which it is located, except as may be qualified by this Ordinance.

Nonpoint source pollution: Pollution consisting of constituents such as sediment, nutrients, and organic and toxic substances from diffuse sources, such as runoff from agriculture and urban land development and use.

Nontidal wetlands: Those wetlands other than tidal wetlands that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by the U.S. Environmental Protection Agency pursuant to Section 404 of the federal Clean Water Act, in 33 C.F.R. 328.3b, dated November 13, 1986.

Noxious weeds: Weeds that are difficult to control effectively, such as Johnson Grass, Kudzu, and mutiflora rose.

Nursery school: A private school program, as recognized and accredited by the State Board of Education, operated for the purpose of providing training, guidance, education and/or care for children below the age of compulsory school attendance, separated from their parents or guardians during any part of the day other than from 6 pm to 6 am.

Nursing home: A home for the aged, or infirm, senile, chronically ill or convalescent in which persons not of the immediate family are received, kept or provided with food, shelter, treatment and care for compensation, not including hospitals, clinics or similar institutions.

Off-site: Any area outside the boundary of a lot.

Office: Any room, studio, clinic, suite or building wherein the primary use is the conduct of a business such as accounting, correspondence, research, editing, administration or analysis; or the conduct of a business by salesmen, sales representatives or manufacturer's representatives; or the conduct of a business by professionals such as engineers, architects, land surveyors, artists, musicians, lawyers, accountants, real estate brokers, insurance agents, dentists or physicians, urban planners and landscape architects.

For the purpose of this Ordinance, an office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair or storage of materials, goods and products; or the sale and/or delivery of any materials, goods or products which are physically located on the premises. An office shall not be deemed to include a veterinary clinic.

On-site: That area which is within the boundary of a lot.

Open space: That area intended to provide light and air, and is designed for either scenic or recreational purposes. Open space shall, in general, be available for entry and use by the residents or occupants of the development, but may include a limited proportion of space so located and treated as to enhance the amenity of the development by providing landscaping features, screening for the benefit of the occupants or those in neighboring areas, or a general appearance of openness. Open space shall not include driveways, parking lots, or other vehicular surfaces, any area occupied by a building, or areas so located or so small as to have no substantial value for the purpose stated in this definition.

Open space, common: All open space that is designed and designated for use and enjoyment by all residents or occupants of the development or by the residents or occupants of a designated portion of the development. Common open space shall represent those areas not to be dedicated as public lands and rights of way, but which are to remain in the ownership of a homeowners association or of a condominium in accordance with the provisions set forth in this Ordinance. Pedestrian paths and sidewalks may be included in the calculation of required common open space. Vehicular travelways, parking lots and individual private yards within the area of platted residential lots may not be included in the calculation of required common open space.

Open space, dedicated: All open space which is to be dedicated or conveyed to the Town or an appropriate public agency, board, or body for public use as open space.

Open space, landscaped: That open space within the boundaries of a given lot that is designed to enhance privacy and the amenity of the development by providing landscaping features, screening for the benefit of the occupants or those in neighboring areas, or a general appearance of openness. Landscaped open space may include, but need not be limited to lawns, decorative planting, flower beds, sidewalks/walkways, ornamental objects such as fountains, statues and other similar natural or artificial objects, wooded areas and water courses, any or all of which are designed and arranged to produce an esthetically pleasing effect within the development. Landscaped open space may be either **Common** or **Dedicated open space** as defined herein.

Owner: Any person who has legal title to the land in question, or the lessee of the land in question having a remaining term of not less than thirty (30) years.

Parking bay: A combined travelway and parking area developed as a private improvement designed to provide necessary and sufficient vehicular access and off-street parking service to a private development. Spaces with parking bays are normally oriented perpendicular to the line of travel in the travelway. A parking bay may be either single-loaded (parking only on one side of the travelway) or double loaded (parking on both sides of the travelway). Refer to the Town's

Design and Construction Standards Manual for geometric requirements and transportation design criteria for parking bays and travelways.

Parking lot: An area containing one (1) or more spaces for the purpose of temporary, daily or overnight off-street parking. A parking lot shall include automobile and truck display lots, lots for the display of other types of vehicles, lots for the storage of vehicles and commercial parking lots.

Parking, off-street: Any space specifically allotted to the parking of motor vehicles as an accessory use. For the purpose of this Ordinance, such space shall not be located in a dedicated right-of-way, a travel lane, a service drive, nor any easement for public ingress or egress.

Parking space: The area required for parking one (1) automobile which shall be a minimum of nine (9) feet wide and eighteen (18) feet long, not including passageways.

Parking unit, private: A self-contained and privately maintained area accessed by a public street but allowing no through traffic routes and providing such off-street parking as may be required under this chapter for the building served. Said parking unit may be entered by a private drive from the public street; provided, that such drive offers adequate ingress and egress for emergency vehicles and otherwise complies with acceptable Town standards.

Performance standards: A set of criteria or limits relating to nuisance elements which a particular use or process may not exceed.

Permanent Foundation: A structural foundation system consisting of a continuous poured-in-place concrete footing with fully mortared masonry units designed and constructed in accordance with the Uniform Virginia Building Code.

Person: A public or private individual, group, company, firm, corporation, partnership, association, society, joint stock company, or any other combination of human beings whether legal or natural.

Personal service establishment: Any building wherein the primary occupation is the repair, care of, maintenance or customizing of personal properties that are worn or carried about the person or are a physical component of the person. For the purpose of this Ordinance, personal service establishments shall include but need not be limited to barber shops, beauty parlors, pet grooming establishments, laundering, cleaning and other garment servicing establishments, tailors, dressmaking shops, shoe cleaning or repair shops, and other similar places of business.

Pipestem (flag) lot: A lot which does not abut a public street other than by its driveway which affords access to the lot.

Plan of development: A sketch of the site drawn to scale, showing the dimensions and acreage of the property, and approximate location of buildings, roads, parking areas and landscaping, the number of dwelling units or commercial or other types of buildings and other information essential for determining whether the provisions of this chapter are being observed, such as pertinent site engineering data.

Plat: A drawing, map or plan for a parcel of land or subdivision, or rearrangement, revision of re-subdivision of land.

Post-FIRM structures: For floodplain management purposes, a structure for which construction or substantial improvement occurred after December 4, 1990.

Pre-FIRM structures: For floodplain management purposes, a structure for which construction or substantial improvement occurred on or before December 4, 1990.

Premises: A lot, together with all buildings or structures occupying it.

Principal building: A building in which the primary use of the lot on which the building is located is conducted.

Principal use: The main use of land or structures as distinguished from a secondary or accessory use.

Private club: An association organized and operated on a non-profit basis for persons who are bona fide members paying dues, from which the association owns or leases premises, the use of which premises is restricted to such members and their guests, and which manages the affairs of such association by and through a board of directors, executive committee, or similar body chosen by the members. Food, meals and beverages may be served on such premises, provided adequate dining space and kitchen facilities are available.

Pro-rata share: The payment of a subdivider or developer of land for his share of the cost of providing reasonable and necessary drainage or utility facilities located outside the property limits of the land owned or controlled by the subdivider or developer of land and necessitated or require, at least in part, by the construction or improvement of his subdivision or development.

Public building: A building, or part thereof, owned or leased by a governmental agency and used for governmental functions by an agency or political subdivision of the US, the Commonwealth, County or Town. Also referred to as “**Public facility.**”

Public facility: See **Public building.**

Public floor area: The gross building area, as figured on a per-story basis, which clearly serves the general public, such as vestibules and lobbies, corridors, waiting rooms and toilets, servicing areas, and required stairs, ramps and elevators. Employee-oriented areas, such as kitchens and freezer rooms, storage, maintenance and service areas, shall not apply. Unfinished areas shall be included and figures on the basis of potential use.

Public Road: A publicly owned road designed and constructed in accordance with water quality protection criteria at least as stringent as requirements applicable to the Virginia Department of Transportation, including regulations promulgated pursuant to (i) the Erosion and Sediment Control Law (§ 10.1-560 et seq. of the Code of Virginia) and (ii) the Virginia Stormwater Management Act (§ 10.1-603.1 et seq. of the Code of Virginia). This definition includes those roads where the Virginia Department of Transportation exercises direct supervision over the design or construction activities, or both, and cases where secondary roads are constructed and maintained, or both, by the Town of Smithfield in accordance with the standards of the Town of Smithfield.

Public use: Any area, building or structure held, used or controlled exclusively for public purposes by any department or branch of the Town of Smithfield, Isle of Wight County, State government, Federal government, without reference to the ownership of the building or structure or of the realty upon which it is situated.

Public utility: A business or service having an appropriate franchise from the State, which is engaged in regularly supplying the public with some commodity or service which is of public consequence and need, such as, gas, water, transportation or communication.

Public utility, heavy: A business or service which is engaged in regularly supplying the public with a service which is of public consequence and whose operations have the potential to negatively impact the environment in terms of noise, odor, and personal harm (i.e. sewage treatment and electricity generation plants).

Public utility, light: A use or structure which is engaged in conducting the supply of utility services to the public which is of public consequence and whose operations have little or no potential to negatively impact the environment in terms of noise, odor and personal harm (ie.

electric transformer, natural gas, telecommunications facilities, water and sewer transmission, collection, distribution and metering devices; and water and sewerage pumping stations).

Quick-service food store: Any food store selling convenience items in a retail establishment of less than 5,000 square feet of net floor area.

Recreational vehicle: A vehicle which is:

1. built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. designed to be self-propelled or permanently towable by a light duty truck; and,
4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

Recycling center: A facility which used material is separated and processed prior to shipment to other facilities that will use those materials to manufacture new products.

Redevelopment: The process of developing land that is or has been previously developed.

Refuse: Waste materials including ashes, garbage, rubbish, junk, industrial waste, dead animals, and other solid waste materials, including salvable waste.

Rehabilitation: The upgrading of a building previously in a dilapidated or substandard condition, for human habitation or use.

Renovation: The upgrading of a building.

Repair service establishment: Any building containing no more than 5,000 square feet of net floor area wherein the primary occupation is the repair and general service of common home appliances such as musical instruments, sewing machines, televisions and radios, washing machines, vacuum cleaners, power tools, electric razors, refrigerators and lawn mowers; or any building wherein the primary occupation is interior decorating, to include reupholstering and the making of draperies, slipcovers and other similar articles, but not to include furniture or cabinet-making establishments.

Repetitive Loss Structure: A building covered by a contract for flood insurance that has incurred flood-related damages on two occasions in a 10-year period, in which the cost of the repair, on the average, equaled or exceeded 25 percent of the market value of the structure at the time of each such flood event; and at the time of the second incidence of flood-related damage, the contract for flood insurance contains increased cost of compliance coverage.

Resource Management Area (RMA): The component of the Chesapeake Bay Preservation Area not classified as a resource protection. Resource management areas include land types which, if improperly used or developed, have the potential for causing significant water quality degradation or for diminishing the functions value of a resource protection area.

Resource Protection Area (RPA): The component of a Chesapeake Bay Preservation Area comprised of lands adjacent to water bodies with perennial flow which have a intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impact which may result in significant degradation to the quality of state waters.

Restaurant: See **Eating establishments.**

Restoration: The replication or reconstruction of a building's original architectural features.

Retail sales establishment: Any building wherein the primary occupation is the sale of merchandise in small quantities, in broken lots or parcels, not in bulk, for use or consumption by the immediate purchaser. For the purpose of this Ordinance, however, retail sales establishments shall not be interpreted to include **Automobile-oriented uses** and **Quick-service food stores.**

Review board: The Smithfield Board of Historic and Architectural Review.

Right-of-way lines: Lines which separate private property from dedicated public property containing or proposed to contain publicly owned street surfaces, curb and gutter, sidewalks and planted strips. Where a public street is designated on the major thoroughfare plan, all requirements of this chapter which relate to rights-of-way shall be measured from the indicated proposed right-of-way lines.

Rooming house: see **Boardinghouse.**

Salvage yard: Any space or area or portion of lots used for the storage, sale, keeping or abandonment of junk or waste materials, including used building material, for the dismantling, demolition, sale or abandonment of automobiles and other vehicles, machinery or parts thereof.

Semi-permeable or Permeable Materials: Grid and modular pavements, consisting of bricks or blocks designed to allow water percolation, and other semi-permeable or permeable surfacing materials, such as permeable asphalt or gravel, shall be used for any required parking areas, and low traffic areas and driveways, unless otherwise approved by the Zoning Administrator.

Service stations: Buildings and premises wherein the primary use is the supply and dispensation at retail of gasoline, oil, grease, batteries, tires and motor vehicle accessories, and where in addition, the services for minor engine repair, tire servicing, exhaust systems, washing, brake repairs, and other minor repair activities may be rendered and sales made, but only as accessory and incidental to the primary occupation.

Setback: In this Ordinance, the term setback is not used, as such term represents a distance that is established in like manner as that for a **Yard** in the minimum yard requirements.

Severe repetitive loss structure: A structure that: (a) Is covered under a contract for flood insurance made available under the NFIP; and (b) Has incurred flood related damage – (i) For which 4 or more separate claims payments have been made under flood insurance coverage with the amount of each such claim exceeding \$5,000, and with the cumulative amount of such claims payments exceeding \$20,000; or (ii) For which at least 2 separate claims payments have been made under such coverage, with the cumulative amount of such claims exceeding the market value of the insured structure.

Shopping center: Any group of two (2) or more commercial uses which (a) are designed as a single commercial group, whether or not located on the same lot, (b) are under common ownership or management, (c) are connected by party walls, partitions, canopies or other structural members to form one continuous structure, or if located in separate buildings, are interconnected by walkways and accessways designed to facilitate customer interchange between the uses, (d) share a common parking area, and (e) otherwise present the appearance of one (1) continuous commercial area.

Shrink-swell soil: Expansive and contracting soil composed largely of clay and as further defined by geotechnical evaluation of soils subject to land development activity in the Town. The soil will expand generally in an upward direction when water from any source is interspersed into a shrink/swell soil. When a shrink/swell soil dries, cracks and voids are sometimes created between the soil and constructed footings, which can subsequently lead to foundation settlement.

Sign: A name, display or illustration which is affixed to, or represented, directly or indirectly, upon a building, structure, parcel or lot which directs attention to an object, place, activity, institution, organization, or business located on the premises. The term “sign” shall not be deemed to include official court or governmental notices nor the flag, emblem or insignia of a nation, political unit, school or religion, or directional aids for traffic flow and other public safety purposes.

Silvicultural Activity: Any forest management activity, including but not limited to the harvesting of timber, the construction of roads and trails for forest management purposes, and the preparation of property for reforestation that are conducted in accordance with the silvicultural best management practices developed and enforced by the State Forester pursuant to § 10.1-1105 of the Code of Virginia and are located on property defined as real estate devoted to forest use under § 58.1-3230 of the Code of Virginia.

Site plan: A required submission, prepared and approved in accordance with the provisions of Article 11 of this Ordinance, which is a detailed engineering drawing of the proposed improvements required in the development of a given lot or lots.

Special exception: A yard exception or height exception specifically listed in the Zoning Ordinance which may be permitted in a specified district or in all districts in accord with terms of the Ordinance by the Board of Zoning Appeals under certain conditions, such conditions to be determined in each case by the terms of this Ordinance and by the Board of Zoning Appeals.

Special flood hazard area: The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined by the Town of Smithfield's Zoning Ordinance (Article 3.O, Floodplain Overlay District).

Special use: A use that, owing to some special characteristics attendant to its size, siting, intensity, operation or installation, is permitted in a district after site specific review and subject to special conditions approved by the Town Council.

Spot zoning: The zoning of land for the convenience of the owner and without reference to the land use plan or pattern of development.

Start of construction: For other than new construction and substantial improvement, under the Coastal Barriers Resource Act (P.L. – 97-348), means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement,

the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Storage yard: The use of any space, whether inside or outside a building, for the storage or keeping of construction equipment, machinery, vehicles or parts thereof, boats and / or farm machinery, and inventory which, due to its physical character, is not normally stored within a structure.

Story: That part of a building between the level of one (1) finished floor and the level of the next higher finished floor or, if there is no higher finished floor, then part of the building between the level of the highest finished floor and the top of the roof beams.

Street: A strip of land intended primarily for vehicular traffic and providing the principal means of access to property, including but not limited to road, lane, drive, avenue, highway, boulevard or any other thoroughfare.

Street, arterial: A street which carries the major portion of the trips entering and leaving an urban area, as well as the majority of through movements desiring to bypass the Downtown Area. Because of the nature of travel served by an arterial street, almost all fully and partially controlled access streets are a part of this functional class, including freeways, major thoroughfares, inter states and expressways.

Street, collector: A street which provides for principal internal movements at moderate operating speeds within residential developments, neighborhoods, and commercial or industrial districts. It also provides the primary means of circulation between adjacent neighborhoods and can serve as a local bus route. A collector street functions to distribute trips from arterioles to local and other collector streets. Conversely, it collects traffic from local streets and channels it into the arterial system. The collector street provides for the dual purpose of land access and local traffic movement.

Street line: The dividing line between a street and a lot; same as a right-of-way line of a public street, or the curb line of a parking bay, travel lane or private street.

Street, local: A street which primarily provides direct access to residential, commercial, industrial or other abutting property. The local street system includes all facilities not classified as a principal arterial, minor arterial or collector street. A local street offers the lowest level of mobility and may not serve a bus route. Overall operating speeds are low in order to permit frequent stops or turning movements is deliberately discouraged.

Street, principal highway: Any highway so classified by the Virginia Department of Highways and Transportation, which serves as a multi-lane arterial devoted purely to traffic movement.

Street, private: A local or collector street, not a component of the State primary or secondary system, which is guaranteed to be maintained by a private corporation and is subject to the provisions of this Ordinance.

Street, public: A platted street, dedicated for the use of the general public, graded and paved in order that every person has the right to pass and to use it at all times, for all purposes of travel, transportation or parking to which it is adapted and devoted.

Street, service drive: A public street paralleling and contiguous to a major thoroughfare, designed primarily to promote safety by providing free access to adjoining property and limited access to major thoroughfares. All points of ingress and egress are subject to approval by the appropriate local authorities and the Virginia Department of Highways and Transportation.

Street tree: Any tree which grows in the street right-of-way or on private property abutting the street right-of-way.

Structure: That which is built or constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground; for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Subdivider: Any person who subdivides land pursuant to the Subdivision Ordinance of the Town of Smithfield.

Subdivision: A division of a lot, parcel, or tract of land into two (2) or more lots for the purpose, whether immediate or future, of transfer of ownership; or any division of land upon which a street, alley, or public right-of-way is involved. The term includes re-subdivision and, where appropriate to the context, shall relate to the process of subdividing or to the land subdivided and solely for the purpose of recordation of any single division of land into two (2) lots, a plat of such division shall be submitted.

Subdivision, cluster: An alternate means of subdividing a lot premised on the concept of reducing lot size, yard and bulk requirements in return for the provision of common open space and recreational improvements within the development. Cluster subdivisions are often permitted

at higher net densities in comparison to conventional developments, but leave more open space by reducing lot sizes.

Subdivision, conventional: The subdivision of a lot in accordance with the lot size requirements and bulk regulations specified in the district regulations.

Substantial alteration: Expansion or modification of a building or development that would result in a disturbance of land exceeding an area of 2,500 square feet in the Resource Management Area only.

Substantial damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the **start of construction** of the improvement. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
2. Any alteration of a **historic structure**, provided that the alteration will not preclude the structure's continued designation as a historic structure.
3. Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined above, must comply with all ordinance requirements that do not preclude the structure's continued designation as a **historic structure**. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

Theater: A building or structure designed for the enactment of dramatic and other artistic performances and / or showing of motion pictures. For the purpose of this Ordinance, a dinner theater shall be deemed an **Eating establishment**. A drive-in theater shall be deemed a separate use.

Tidal shore or shore: Land contiguous to a tidal body of water between the mean low water level and the mean high water level.

Tidal wetlands: Vegetated and nonvegetated wetlands. Vegetated wetlands are defined as lands lying between and contiguous to mean low water and an elevation above mean low water equal to the factor one and one-half times the mean tide range at the site of the proposed project in the county, city, or town in question, and upon which is growing any of the following species: saltmarsh cordgrass, saltmeadow hay, saltgrass, black needlerush, saltwort, sea lavender, marsh elder, groundsel bush, wax myrtle, sea oxeye, arrow arum, pickerelweed, big cordgrass, rice cutgrass, wildrice, bulrush, spikerush, sea rocket, southern wildrice, cattail, three-square, buttonbush, bald cypress, black gum, tupelo, dock, yellow pond lily, marsh fleabane, royal fern, marsh hibiscus, beggar's tick, smartweed, arrowhead, sweet flag, water hemp, reed grass, or switch grass. Nonvegetated wetlands are defined as unvegetated lands lying contiguous to mean low water and between mean low water and mean high water.

Townhouse: An attached residence located on an individually platted lot, in which each dwelling unit shares a common wall (including without limitation the wall of an attached garage or porch) with at least one (1) other dwelling unit, and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance.

TIA: Traffic Impact Assessment. A traffic impact assessment is a formal evaluation of traffic required of developers by the Town which is used to provide an efficient means for the incorporation of transportation systems analysis for future development projects, including redevelopment activities.

TSM: Transportation Safety Measures. Transportation safety measures are specific transportation applications designed to reduce the potential number of vehicular accidents at a particular intersection or section of road, street or highway.

Trash: see **Refuse**.

Travelway: A private street which is intended to serve the vehicular access requirements of and provides internal access to a private development. A travelway may incorporate perpendicular or parallel parking. Refer to the Town's Design and Construction Standards Manual for geometric requirements and transportation design criteria for travelways.

Tree canopy or tree cover: Shall include all areas of coverage by plant material exceeding five (5) feet in height.

Unrelated person(s): More than one (1) person(s) occupying a dwelling and living as a single housekeeping unit, all of whom are not related by birth, adoption, marriage, guardianship or as distinguished from a family as defined.

Use: Any purpose for which a structure or tract of land may be designed, arranged, intended, maintained or occupied; also, any activity, occupation, business or operation carried on, or intended to be carried on, in or on a structure or on a tract of land.

Variance: A reasonable deviation from provisions of the zoning ordinance regulating the size or area of a lot or parcel of land, or the size, area, bulk, or location of a building or structure when the strict application of this chapter would result in inordinate hardship to the property owner. Such need for a variance is site specific and would not be shared generally by other properties, provided such variance is not contrary to the intended spirit and purpose of the zoning ordinance and the Comprehensive Plan, and such variance would result in substantial justice being done to the property owner. The term "variance" shall not include a change in use that would be accomplished by a rezoning or a conditional zoning.

Vehicle service establishment: Buildings and premises wherein mechanical and body work, repair of transmissions and differentials, straightening of body parts, painting, welding or other similar work is performed on vehicles within a completely enclosed structure. Vehicle service establishments shall not be deemed to include **Heavy equipment sale, rental and Service establishments.**

Vehicle sale, rental and ancillary service establishment: Any use of land whereon the primary occupation is the sale, rental and ancillary service of any vehicle in operating condition such as an automobile, motorcycle, truck, trailer, ambulance, taxicab, recreational vehicle, mobile home or boat. For the purpose of this Ordinance, vehicle sale, rental and ancillary service establishments shall not be deemed to include **Heavy equipment sale, rental and service establishments.**

Violation: For floodplain management purposes, the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

V/C: Volume to Road Capacity Ratio, where volume represents the number of vehicles passing over a given section of a lane or roadway in a given time, which can be one (1) hour or more and road capacity represents the maximum number of vehicles that can reasonably be expected to

pass over a given section of a lane or roadway in one direction, or both directions if so indicated, during a given time (usually one (1) hour) under prevailing roadway and traffic conditions.

Warehouse: A building used primarily for the holding or storage of goods and merchandise.

Water Bodies with Perennial Flow: A body of water that flows in a natural or man-made channel year-round during a year of normal precipitation. This includes, but is not limited to streams, estuaries, and tidal embayments and may include drainage ditches or channels constructed in wetlands or from former natural drainageways, which convey perennial flow. Lakes and ponds, through which a perennial stream flows, are a part of the perennial stream. Generally, the water table is located above the streambed for most of the year and groundwater is the primary source for stream flow.

Water-dependent facility: A development of land that cannot exist outside the resource protection area and must be located on the shoreline by reason of the intrinsic nature of its operation. These facilities may include, but are not limited to:

- (a) Ports;
- (b) The intake and outfall structures of power plants, water treatment plants, sewage treatment plants and storm sewers;
- (c) Marinas and other boat docking structures;
- (d) Beaches and other public water-oriented recreation areas;
- (e) Fisheries or other marine resources facilities; and

Wetlands: An area as identified on the national Inventory of Wetlands and/or regulated by the Army Corps of Engineers.

Wholesale trade establishment: Any building wherein the primary occupation is the sale of merchandise in gross for resale, and any such building wherein the primary occupation is the sale of merchandise to institutional, commercial and industrial consumers. For the purpose of this Ordinance, a warehouse shall not be deemed a wholesale trade establishment.

Yard: Any open space on the same lot with a building or building group lying between the building or building group and the nearest lot line, unobstructed from the ground upward and unoccupied except by specific uses and structures allowed in such open space by the provisions of this Ordinance. On any lot which is occupied by an attached dwelling, no minimum required yard shall be occupied by any part of a vehicular travel way or parking space that is owned and maintained by a homeowners' association, condominium, or by the public.

Yard, Minimum: The minimum yard requirements set forth in this Ordinance represent that minimum distance which the principal building(s) shall be set back from the respective lot lines. On a lot where a service drive is to be dedicated to the Town, such dedication shall not affect the applicable minimum yard requirements.

Yard, front: A yard extending across the full width of a lot, measured perpendicular to the front lot line and extending to the principal building. On a corner lot, all yards lying between the principal building and the intersecting streets shall be deemed front yards.

Yard, privacy: A small area contiguous to a building and enclosed on at least two (2) sides with either a wall or fence of six (6) feet minimum height.

Yard, rear: A yard extending across the full width of the lot and lying between the rear lot line of the lot and the principal building group.

Yard, side: A yard between the side lot line of the lot and the principal building, and extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front or rear lot lines.

Zoning district: See "District."

Zoning Administrator: See "Administrator." Also referred to as "Planning and Zoning Administrator."

(Ord. of 8-1-2000; Ord. 10-3-2000; Ord. of 4-6-2004; Ord. of 12-6-2005)

ENACTMENT

Enacted and ordained this ____ day of _____, 20____. This ordinance, number ____ of The Town of Smithfield, Virginia, shall become effective upon passage.

Signature

Title

Attested