



SMITHFIELD TOWN COUNCIL AGENDA

August 5, 2025 at 6:30 PM
220 North Church Street

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. INFORMATIONAL SECTION

1. Manager's Report
2. Committee Summary Reports

D. UPCOMING MEETINGS AND ACTIVITIES

August 5 - 6:30 p.m. - Town Council Meeting
August 12 - 6:30 p.m. - Planning Commission Meeting
August 19 - 6:30 p.m. - Board of Historic and Architectural Review
August 19 - 7:30 p.m. - Board of Zoning Appeals
August 25 - 3:00 p.m. - Town Council Committee Meetings

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

E. Comments

- A. Public Comments
- B. 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.

CONSENT AGENDA ITEMS

C 1. Resolution Appropriating The Sum Of \$18,750 From The Department Of Criminal Justice Services To The 2025-26 General Fund Operating Budget

Finance Committee Chair, Mr. Jeff Brooks

C 2. Ordinance to Amend Town Code as it relates to Outdoor Dining on Public Sidewalk Public Buildings and Welfare Committee Chair, Ms. Valerie Butler

C 3. Invoices Over \$20,000 Requiring Council Authorization

a.	The Blair Brothers, Inc. - Crosswalks in Historic District	\$ 79,800.00
b.	The Blair Brothers, Inc. - Sykes Court	\$ 84,450.00
c.	Xylem - Cypress Creek Pump Station	\$ 51,651.00
d.	Santander Bank - Vac Truck	\$ 99,349.81
e.	Tactical Electronics	\$ 25,089.50

ACTION SECTION

1. Public Hearing: Special Use Permit - 107 Saint Pauls Avenue
Tammie Clary, Director of Planning and Community Development
2. Public Hearing: Special Use Permit - 139 Sykes Court
Tammie Clary, Director of Planning and Community Development
3. Public Hearing: Special Use Permit - Eastwood Sales Trailer
Tammie Clary, Director of Planning and Community Development
4. Public Hearing: Special Use Permit - Mallory Pointe - Sales Trailer
Tammie Clary, Director of Planning and Community Development
5. Public Hearing: Special Use Permit - 13404 Benns Church Boulevard
Tammie Clary, Director of Planning and Community Development
6. Public Hearing: Conditional Rezoning & Special Use Permits - Sheetz
Tammie Clary, Director of Planning and Community Development
7. Public Hearing: Text Amendment - Group Homes
Tammie Clary, Director of Planning and Community Development
8. Public Hearing: Text Amendment - Side Yard Setbacks for Cluster Lots
Tammie Clary, Director of Planning and Community Development
9. Public Hearing: Text Amendment - Multi Family Residential
Tammie Clary, Director of Planning and Community Development
10. Public Hearing: Text Amendment - Requirements and Definition of Duplex
Tammie Clary, Director of Planning and Community Development
11. Public Hearing: Text Amendment - Home Occupation
Tammie Clary, Director of Planning and Community Development
12. Motion to Accept the Nominating Committee's Recommendation to Fill the Unexpired Term of Bill Davidson on Planning Commission
Councilman Brooks / Councilwoman Butler
13. Approval of the Summary Minutes from July 1st, 2025
14. **New Business**
15. **Old Business**
 - a. Update on Blighted Property - 1502 Magruder Road
16. **Adjournment**

TOWN COUNCIL REPORT

ATTACHMENTS:

Description	Type	Upload Date
Town Manager's Report - July 2025	Activity Report	8/1/2025
Parks and Recreation Activity Report - July 2025	Activity Report	8/1/2025
Tourism Activity Report - July 2025	Activity Report	8/1/2025
Zoning Permit Index - July 2025	Activity Report	8/1/2025

August 1, 2025

TO: **SMITHFIELD TOWN COUNCIL**
FROM: **MICHAEL R. STALLINGS, JR. ICMA-CM**
TOWN MANAGER
SUBJECT: **MONTHLY ACTIVITY REPORT – JULY 2025**

TOWN MANAGER:

- Attended Chief Administrative Official Meeting – 7/2/25
- Met with Charter Communications Re: Grace Street – 7/3/25
- Met with Town Attorney and Treasurer Re: Munis – 7/7/25
- Attended Emergency Communications Board Meeting – 7/8/25
- Met with John Edwards Re: Grace Street – 7/9/25
- Attended IOW Board Meeting – 7/10/25
- Attended VML Finance Policy Committee Meeting – 7/16/25
- Attended Public Works Safety Training – 7/16/25
- Met with staff and Bay Disposal – 7/17/25
- Met with staff and engineer Re: LSC Maintenance Building – 7/18/25
- Met with citizen Re: Stormwater Concerns – 7/18/25
- Attended Chief Administrative Official Meeting – 7/21/25
- Attended staff meeting – 7/22/25
- Met with staff and consultant Re: Utility Master Plan – 7/23/25
- Attended Stamp Unveiling – 7/23/25
- Met with Tourism Re: Video – 7/23/25
- Met with Treasurer's Office Re: RDA conversion 7/23/25
- Attended Committee Meetings – 7/28/25
- Met with Assistant Tourism Director – 7/29/25
- Attended Hurrevac Training – 7/29/25
- Attended Edenton Visit – 7/30/25

- Met with staff and contractor Re: Grace Street – 7/31/25
- Attended Hurrevac Training – 7/31/25

DIRECTOR OF HUMAN RESOURCES:

- Processed property/liability claims with VRSA as appropriate.
- Processed Workers Compensation claims as appropriate.
- Conduct recruiting efforts for the following positions:
 - Patrol Officer (Certified) (2) – Police Department – **1 FILLED**
 - Transportation & Storm Water Manager - (Public Works & Utilities) -
 - Utilities & Grounds Helper (Public Works & Utilities - 2)
 - Utilities Mechanic – (Public Works & Utilities)
 - Utilities Maintenance Technician (Public Works & Utilities)
 - Museum Registrar, Part-Time (Internal Only Posting) - **FILLED**
- Participated in a webinar on Public Sector Recruiting Trends on July 30th.
- Facilitated Safety Committee meeting on July 16th
- Began implementation of NeoGov Insight for Applicant Tracking
- Began implementation of RDA for HR Payroll
- Began facilitation of Initial Process for Council Appointee Performance Evaluations
- Managed any personnel-related & benefits questions/issues as appropriate.
- Participated in all scheduled staff and Council meetings.

TOWN CLERK:

- Transcribed and proofed the monthly minutes from Town Council, Planning Commission, board of Historic and Architectural Review, and the Board of Zoning Appeals.
- Attended Town Council meeting on July 1st.
- Prepared July Town Council Committee Agenda and August Town Council Agenda.
- Prepared summary reports from Town Council Committee meetings on July 28th.
- Participated in the Implementation of new Agenda Management Software through Civic Plus, July 1st, July 8th, July 15th, and July 21st.
- Continue to work on organizing Town records and disposing of documents according to General Schedules of the Library of Virginia.

TREASURERS DEPARTMENT:

- Went through the financial statements and isolated budget line overages for departments, and did budget transfers for ones that were over
- Town Council Public Meeting on Tuesday at 6:30p

- RDA a/p overview meeting
- Discussed BL with Barbara and started our list of non compliant businesses to visit
- Met with Hair Stop on Thursday and met with the manager, gave her BL paperwork for the salon and for their stylists. We gave her until next Friday to complete them all.
- Met with Footnotes School of dance to discuss BL, gave her paperwork and picked up her tax returns.
- Dropped by Red Point Taphouse on Monday and left information and will drop by again on Thursday the 3rd.
- Worked on sheets for Volunteer Fire Department funds
- Offices closed on Friday the 4th
- Again, this week I went through the financial statements and isolated budget line overages for departments.
- Worked on Debt Setoff setup with COVA (what a mess it is)
- Reviewed payables folders, added these to the budget sheets to do budget transfers
- Met with Attorney Riddick and Michael to discuss Munis
 - Did write up for Munis
- Finished and submitted the Volunteer Fire Department funds request.
- Analyzed businesses that have not paid their business licenses, and will plan next steps in the following week.
- Started reviewing web pages for other localities to see what they include in information for business licenses.
- Updated the Asset policies/procedures and sent to Michael for review.
- Updated five of the procedures needed for Public Works:
 - Cash and Check Disbursements
 - Budget Procedures
 - 2025 Financial Reporting and Close
 - Asset Policies
- Financial statements analysis and did budget transfers for most departments.
- Did more analysis on businesses that did not file their business licenses
- RDA Kickoff Meeting, started looking through their documents
- Met with VA Auction to discuss Red Point
- Wrote up Red Point document
- Continued reviewing web pages for other localities to see what they include in information for business licenses.
- Analyzed the FS for the TC Committee Meeting
- Wrote up Footnotes for the TC Committee Meeting
 - Added Graphs
 - Completed the Benchmark Report

- Completed the Debt Report
- Worked on the Collection Letter file
- Worked on the forecast
- RDA Meeting on Monday, made assignments
- Met with VA Auction on Friday to go over their portal
- Internal RDA meeting to discuss the change document and business rules
- Met with RDA to discuss payroll
- TM Staff meeting on Tuesday the 22nd

COMMUNITY DEVELOPMENT AND PLANNING:

Planning Commission – JULY 8TH, 2025

Conditional Rezoning, 2 SUPs & PC Waiver – The Promontory – Greenwood Homes C/O Kent Henry, applicant. FAVORABLE RECOMMENDATION & APPROVAL

Public Hearing Conditional Rezoning, 3 SUPs, Special Sign Exception, & Entrance Corridor Overlay Review – Sheetz – Interstate Realty C/O J. Michael Nidiffer, applicant. FAVORABLE RECOMMENDATION & TABLED

Public Hearing Text Amendment (Home Occupations) – Smithfield Zoning Ordinance Article 2.U – Town Staff, applicant. FAVORABLE RECOMMENDATION

Public Hearing Text Amendment (Multi-Family Residential) – Smithfield Zoning Ordinance Articles 3.F – Town Staff, applicant. FAVORABLE RECOMMENDATION

Public Hearing Text Amendment (Cluster Setbacks) – Smithfield Zoning Ordinance Articles 3.C – Town Staff, applicant. FAVORABLE RECOMMENDATION

Text Amendment (Duplex Definition and Bulk Regulations) – Smithfield Zoning Ordinance Articles, 3.D, 3.E and 13. FAVORABLE RECOMMENDATION

Special Use Permit Applications under review

- A. 13458 Benns Church Blvd – Miller Oil Co., Inc., applicant
- B. 1810 S Church St – Natale & Josephine Carollo, applicants
- C. 895 W Main St – Brown's Enterprises, LLC, applicant
- D. TPIN: 32-01-005 – L & L Land Development, LLC, applicant (The Promontory)
- E. TPIN: 22-01-006C5 - Smithfield Retail Management LLC, applicant
- F. TPIN: 22J-01-013 – Feeman and Associates c/o Steven Gaskins
- G. TPIN: 32-01- 096A2 – Randy Royal, applicant

Subdivision and Site Plans under review

- A. TPIN:22-01-006C5 – Steven Barrett, applicant (restaurant w/drive-in)
- B. Phase B, Mallory Pointe
- C. Phase C, Mallory Pointe
- D. Phase D, Mallory Pointe
- E. TPIN:22-01-020 – Brad Martin, applicant (Battery Park Storage)
- F. Cypress Crossing Infrastructure – Cameron Morgan, applicant

G. TPIN: 21A-01-511 – Development Logistics and Consulting (DLAC, LLC) (The Cottages at Battery)

Rezonings under review

- 32-01-005 The Promontory – Kent Henry, applicant
- 32-01-096A2 Randy Royal, applicant

Subdivision and Commercial Sites Under Construction and Inspection

- A. Church Square, Phase II
- B. Washington & James – James & Washington Square
- C. 16" Water Main – Ken Turner (Mallory Point)
- D. 1305 S. Church St. TPIN: 21A-01-511C – KLS Battery Park Development Group, LLC (Retail & Restaurant)
- E. 201 Battery Park Road – Trey Gwaltney (Self Storage)
- F. Phase A Erosion & Sediment Controls – Mallory Point
- G. Phase A1, Mallory Pointe
- H. Phase A2, Mallory Pointe
- I. 204 Wimbledon Lane – Jack Bloom, applicant (Liberty Live Church)
- J. 18403 Cypress Crossing – John Lombardo, applicant (Mod Wash)

Board of Historic & Architectural Review – JULY 15TH, 2025

Handrail Installation - 517 Main Street – Contributing – Main Street Baptist Church c/o Miles Blount, applicant. APPROVED.

Fence Installation – 325 South Church Street – Non-Contributing – Mike and Kristin Wilda, applicants. APPROVED AS AMENDED.

Fence Installation - 378 South Church Street – Contributing – Mel and Wendy Bass, applicants. APPROVED.

Single-Family Dwelling Demolition – 151 Riverview Avenue – Non-Contributing – Nina Howard, applicant. APPROVED.

Board of Zoning Appeals – JULY 15TH, 2025 (Organizational Meeting)

Board of Zoning Appeals Bylaw Amendment. APPROVED.

Erosion & Sediment Control Program

Erosion and sediment control inspections were performed at 23 active residential construction sites throughout the Town and the required reports were submitted to Isle of Wight County for submission to the Department of Environmental Quality.

Certificate of Occupancies issued in JULY 2025

4 Issued

Code Enforcement Updates Across Town JULY 2025

- A. Notices were sent/issued for the following violations:
 - a. Inoperable Vehicle, 3 locations
 - b. Nuisance, 3 locations

- c. Grass Height Violation, 5 locations
- d. No Permit, 1 location
- e. 13 Door hangers issued (4 Inoperable Vehicle, 4 Nuisance, 4 Grass Height Violations. 1 Other: Basketball Goal in right of way)

PUBLIC WORKS & UTILITES:

1. Directors Report

Utility Staff performs the following duties monthly

- A. Miss Utility marking
- B. Read meters for billing and to transfer property owners.
- C. Water cut-offs and cut-on
- D. Check sewer pump stations daily.
- E. Install and repair street signs.
- F. Replace and repair broken water meters.
- G. Perform maintenance on town-owned buildings such as Atlantic Contractors installing new hvac units at town hall.

2. Sewer Line Repairs and Maintenance

- A. The PW&U crew cleaned lines as scheduled PM to prevent back up or spills.
- B. Cleaned pump stations as scheduled.

3. Sewer Pump Station Repairs and Maintenance

- A. Weekly and daily checks on all 27 pump stations.
Performed the following scheduled maintenance at all pump stations.
 1. Cleaning of wet-well
 2. Alarm testing
 3. Sump pump cleaning
 4. Check Valve cleaning and repair.
 5. Generator check / Godwin pump check
 6. Control Panel / Flow monitor check
 7. Fence and Grounds inspection
 8. Inspected Structure
 9. Inspect and clean pumps.
 10. Level system check
 11. Test limit switches
 12. Bar screen cleaning
 13. Rain gauge cleaning
 14. Head pressure reading at 7 pump stations.

B. Virginia Control and Electrical Systems is working on installing a Godwin bypass pump at Cypress pump station. They also continue to work on alarm systems for pump stations. Some stations had storm damage.

4. Water Line Repairs and Maintenance.

- A. Town maintenance crew assisted Lewis Construction on a few water repairs. 105 Smithfield Blvd found water leak on service line. 928 S. Church St. install new water meter and service.
- B. Lewis relocated water service at 110 Thomas St. to remove water service line from driveway before it is paved over.
- C. Town maintenance repaired a few minor water leaks at 12 Riverside Dr and at 204 Barcroft Dr.

5. 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, sampled, and inspected once a month.

6. Water Treatment Plant

- A. Operate RO Plant and monitor distribution system.
- B. Daily lab analysis, monthly sampling, and reports for VDH, HRSD, DEQ and RO contractors.
- C. Performed monthly routine tasks including but not limited to:
 - 1. Daily Inspection of RO Plant and grounds.
 - 2. Monthly Tank inspections.
 - 3. Inspect and exercise plant generator monthly.
 - 4. Fill antiscalant day tank.
 - 5. Truck Inspections.
 - 6. Routine service of lime system.
 - 7. Service online fluoride and chlorine analyzers.
 - 8. Calibrate online turbidimeter and pH meter.
 - 9. Check and replace air filters.
 - 10. Test Alarms.
- Installed new Fluoride Probe.
- Refueled Generators
- Received Hypo/Lime
- Changed Cartridge Filters

- Carbon changed in Well Prelube Carbon filters.
- Pressure washed lime lines and descaled propellor.
- Virginia controls replaced damaged bearings on Lime feeder slurry mixer.

7. FOG/ Backflow/ Septic Pump Out Program

A. Implementing the FOG Program to ensure compliance by:

1. Scheduling and meeting with FSE's for routine inspections.
2. Checking FSE's for compliance in record keeping and HRFOG Certifications, trying to get more certifications for education outreach.
3. Inspections to include proper record keeping of pump outs.
4. Inspections include proper record keeping of rendered grease clean out and pick up/throw out.
5. Working with FSE's to get more employees, specifically dishwashers certified by HRFOG.
6. Working to schedule inspections around FSE's clean out/pump out schedule for pump station problem areas.
7. Sending emails/letters to schedule more inspections.
8. Working with select FSE's to schedule inspection during pump out to monitor clean out and pumping is done to compliance.
9. Attendance of the HRFOG meeting via Zoom.

B. Implementing the Cross Connection and Backflow Program to ensure compliance by:

1. Entering reports and filing reports.
2. Conducted backflow inspections for new irrigation installations.
3. Conducted backflow inspections for CO requests.
4. Following up with residents with disconnected systems and/or placed on irrigation well, making letter to inform well drillers of new ordinance change.
5. January mailers' final non-compliance notices sent.
6. Sending out failed device notices as received.
7. July mailers' non-compliance notices sent.
8. Studying to become backflow certified.
9. Providing education to residents installing frost free yard hydrants.
10. Starting 2024 January mailers.

C. Maintaining of the Septic Pump Out Program

1. Sending 2023 non-compliance notices out for the invoices that were not provided by the due date.
2. Sending pump out reminders for 2024 were sent.
3. Sending pump out letters for 2023.
4. Working with the water department to get a complete town sewer list from the water dept to fill in gaps on non-town sewer residents.

8. Miscellaneous or Construction

A.

ENGINEERING

- 1.) Blair Brother's Contracting: The contractor started and completed milling and asphalt overlay of Great Spring Road from the Town Limits to Fairway Drive. Contractor also installed centerline striping on same. Contractor recoated the crosswalks on North and South Church Streets from Thomas Street to the top of the hill at Smithfield Station. Contractor started and completed curb & gutter & sidewalk replacement on Sykes Court. Contractor is scheduled to mill and install an asphalt overlay on Sykes Court and a portion of South Mason Streets.
- 2.) Lewis Construction: Contractor repaired storm drain entrance pipe at back of drop inlet on Cypress Creek Parkway. Contractor also repaired storm pipe joint separation in roadway section on Muirfield in the Cypress Creek Subdivision.
- 3.) Smithfield Lake Dam: Field inspections continue to be held this month involving the Dam. No structural deficiencies were noted this month on the dam site. The Town's engineer and TRC Companies have recently completed a full structural inspection of the dam and have submitted a 2-year recertification application for the dam to DCR. The Town has now purchased a level sensor which is currently being scheduled for installation. It will be installed in the emergency outfall area.
- 4.) The following projects are currently under design and review:
 - a.) Battery Park Road storm pipe replacement near the Villas Subdivision. Plans have been developed to replace the existing 18" storm pipe with twin 48" x 68" elliptical pipes.
 - b.) Battery Park Road culvert outfall and ditch enhancements project which is located near Greenbriar Lane. The site plans are complete and approved.
 - c.) Cedar Street culvert outfall storm pipe extension and shoulder repair. Site plans are complete and approved. Additional drainage easement areas are being acquired.
 - d.) Lewis construction has now completed the replacement of the existing storm drainpipes in two areas of Great Spring Road one 12276 Great Spring Road the other near 13212 Great Spring Road.
- 5.) South Church Street to Nike Park Bike Trail Project:
Site plans are being completed and various sources of funding involving the construction of the project are now being examined.
- 6.) Meetings with VDOT representatives have been held to discuss the reconstruction of Grace Street. VDOT has now determined the corrective measures required involving the drainage concerns at the intersection of Grace & James Streets. Reconstruction of this intersection has now begun.
- 7.) The developer has requested an inspection of Cypress Creek Phase VI for the acceptance of the streets into the Towns Maintenance system. A second inspection of storm water

structures, curb & gutter sections and the installed roadway surface has been completed, and a punch list has been developed. The contractor has now completed making corrections to all items noted on this punch list. The developer has now requested a final inspection of the project site and has requested that the streets be brought into the VDOT and Town's maintenance system.

- 8.) A review of the proposed engineering site plans continues regarding the Mallory Farms subdivision Phases B, C & D.

With respect to Mallory Farms subdivision Phase A, Section 1 the contractor has now installed base asphalt as per approved site plans on Wharf Hill Drive, Wentworth Crossing, Purdie Lane & St. Luke's Lane.

Regarding Battery Park Road the contractor has installed the required base, intermediate and surface asphalt courses. All required line striping has also been installed and completed. Signage is currently being installed.

Phase A Section 2 the contractor has begun and now completed the installation of the storm water structures and storm pipe. The contractor is currently completing the installation of the sanitary sewer main, laterals and water main and laterals.

Parks and Recreation Activity Report for July 2025

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	3	4	5
		10:00 AM - 1:00 PM WC MHouse Spain-Bryce Elopement 10:00 AM 6:30 PM - 8:00 PM SC AB Town Council 6:30 PM	(Fireworks) 1:00 PM - 11:00 PM SCMH,CD Ruritan Fireworks Celebration 6:30 PM 5:00 PM - 9:00 PM OTS Smfd Station-Officer Request 5:00 PM		4th of July 4:00 PM - 6:30 PM LSC Parking Ruritan Cruise In 4:00 PM	
6	7	8	9	10	11	12
	9:00 AM - 5:00 PM SC D Smithfield (Foods) Display Set 9:00 AM 3:00 PM - 9:00 PM LSC Field 1 Poquoson Baseball 3:00 PM	9:00 AM - 5:00 PM SC D Smithfield (Foods) Display Room 9:00 AM 6:30 PM - 8:00 PM SC AB Planning Commission 6:30 PM	9:00 AM - 6:00 PM SC D Smithfield (Foods) Display Room 9:00 AM 9:00 AM - 7:00 PM LSC Field 2,LSC Field 3,LSC Field 4 SRA Pony Tournament 9:00 AM	9:00 AM - 7:00 PM LSC Field 2,LSC Field 3,LSC Field 4 SRA Pony Tournament 9:00 AM	9:00 AM - 7:00 PM LSC Field 2,LSC Field 3,LSC Field 4 SRA Pony Tournament 9:00 AM	9:00 AM - 7:00 PM LSC Field 2,LSC Field 3,LSC Field 4 SRA Pony Tournament 9:00 AM 3:00 PM - 7:00 PM WC MHouse/Grounds Parker-Griffin Set 3:00 PM 11:00 AM - 11:00 PM WC MHouse/Grounds Parker-Griffin Wedding and Reception 5:00 PM
13	14	15	16	17	18	19
9:00 AM - 7:00 PM LSC Field 2,LSC Field 3,LSC Field 4 SRA Pony Tournament 9:00 AM 11:00 AM - 3:00 PM LSC Field 1 ZT Mid Atlantic Baseball 11:00 AM		9:00 AM - 5:00 PM SCMH,CD National Hot Dog Set 9:00 AM 11:00 AM - 12:00 PM SC AB Crime Line Meeting 11:00 AM 3:00 PM - 9:00 PM LSC Field 1 Poquoson Baseball 3:00 PM 6:30 PM - 8:00 PM SC AB BHAR/BZA Meeting 6:30 PM	7:00 AM - 2:00 PM SC MHSu National Hot Dog Day 11:00 AM	Parks Staff Retreat		
20	21	22	23	24	25	26
		2:00 PM - 3:00 PM w/C MHouse Town Mgrs Mtg 2:00 PM		Event Staff Venue Tours		
27	28	29	30	31		
	3:00 PM - 6:00 PM SC AB Committee Meetings 3:00 PM 6:00 PM - 7:00 PM SC AB Schoolhouse Mtg 6:00 PM	8:00 AM - 5:00 PM SCMH,CD IOWCS Leadership Symposium 8:00 AM 3:00 PM - 5:00 PM WC MHouse St Luke's Strategic Planning Mtg 3:00 PM	8:00 AM - 5:00 PM SCMH,CD IOWCS Leadership Symposium 8:00 AM 11:00 AM - 1:00 PM WC MHouse Town Bid Opening 11:00 AM	8:00 AM - 5:00 PM SCMH,CD IOWCS Leadership Symposium 8:00 AM		

Parks and Recreation Activity Report for July 2025



SMITHFIELD CENTER EVENTS			
STATISTICS & REVENUES			
Number of Events for month	10	Complimentary / Discounted Events for Month (town meetings, events, civic clubs)	8
Sales Totals for Month	\$ 3,960	Total Event Attendance for month	850

WINDSOR CASTLE EVENTS			
STATISTICS & REVENUES			
Number of Events for Month	5	Complimentary/ Discounted Events for Month (town meetings, events, civic clubs)	3
Sales Totals for Month	\$ 4,900	Total Event Attendance for month	170



Parks and Recreation Activity Report for July 2025



WINDSOR CASTLE PARK		
Patron Counter		
July		
Total for Month	Daily Average	Peak Day- Sat Jul 5
3406	148	312



WINDSOR CASTLE PARK	
Kayak Kiosk Revenue Share	
2025 Total (through Jul)	\$ 3,500
2024 TOTAL (Mar-Nov)	\$ 8,666
2023 TOTAL (Jul-Nov)	\$ 3,088



LUTER SPORTS COMPLEX	
July	
Totals	
\$ 600	

Parks and Recreation Activity Report for July 2025

Special Events

July 2025

Wednesday, July 2, 2025	9:30 P start Town Streets Community 1000 p	Town Fireworks
Wednesday, July 2, 2025	6:30 P-10 P Smithfield Center	Ruritan Fireworks Celebration
Friday, July 4, 2025	5-8 P LSC Car Show 100 p	Ruritans Cruise In Car Show

UPCOMING in August 2025

Friday, August 1, 2025	5-8 P LSC Car Show 100 p	Ruritans Cruise In Car Show
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Smithfield/Isle of Wight Tourism Activity Report –JULY 2025

- Director attended Smithfield Town Council 7/1/25.
- Stephanie Kensicki, Marketing & PR Manager started full time with department 7/1/25. Stephanie was previously contracted for part-time marketing services. Budget has allowed full time employment starting July 1, 2025 as the Marketing & PR Coordinator as well as Assistant Director of the Department.
- Director attended VADMO Virginia Tourism Leadership Institute Meeting 7/2/25. Director is in the first co-hort as well as the Chairman of the VADMO VTLI Organizing Committee. The class of 20 plus speakers came to Smithfield June 16-18 for their 3rd class sessions. Final sessions will be held September 2025. Capstone project is due by January 2026. Graduation will be at the VADMO Spring Symposium in April 2026.
- Department participated in County DSS shelter training.
- Director helped to coordinate weekly artists for the Smithfield Summer Concert Series in conjunction with the IOW Arts League and Smithfield Times throughout the month.
- Smithfield Fireworks held 7/2/25.
- Meeting held with Town Manager and Mark Rose with ICMA-TV to have Smithfield featured at the 2025 ICMA Conference. Plans are proceeding for this important video project through fall.
- JULY 4th HOLIDAY
- Full time staff meeting held 7/7; 7/14; 7/21; 7/28.
- Worked with CGI to remove banners in front of the Smithfield Inn and the 1750 Courthouse. Those banners will be reinstalled on other poles upon CGI's request of their installation contractor. The banners in the 100 block on that side of the road (and specifically in front of the Courthouse and the Inn) are of a Colonial design and much shorter than the Victorian posts on most of the remainder of the street. This caused the banners to hang too low. The banners were hit by trucks and repositioned on the poles which caused several first aid accidents on the street.

- Marketing meeting with Advance Travel & Tourism regarding marketing plans for FY26 and specifically SAIL250 and VA250 7/10/25.
- Director worked with Lauren Harper with BSV and the County Attorney to draft a new Farmers Market extension of the BSV lease. EXTENSION SECURED for the next Farmers Market season! FARMERS MARKETs held throughout month.
- Work continues on the Smithfield SAIL250 event. Smithfield will be hosting a SAIL250 Skipjack ship SIGSBY, and the Buyboat MILDRED BELLE, from the Living Classroom in June 2026, as part of the SAIL VA event ***Smithfield Maritime Rendezvous*** (June 12-14, 2026). Both tall ships that were under consideration have declined due to the water depth in the Pagan and turning radius issues. But the new boats will be less expensive to host (we completed a grant application to host these ships and expect it to be successful) and offer far more programming possibilities than the tall ships. We are listed as an official SAIL250 Affiliate Harbor and will enjoy all of the promotional benefits befitting that affiliation.
- Salty Southern Route (regional trail featuring pork and peanuts with participating localities: Smithfield/IOW; Surry; Suffolk; Franklin/Southampton; Sussex.) Group continues to work with Visit Widget to create a new website and online trail app. The group has hired Pat Bernshausen, formerly the Director of Tourism for Surry County as the SSR Coordinator.
- Director continues to be involved in updating the Sign Ordinances discussion with County E.D.; Planning & Zoning; Smithfield Parks & Recreation. Progress continues to be made! New simplified ordinances and forms going through planning review currently.
- Director met with 2 Council members and Town Manager as well as Joe Luter IV Team regarding the Grange throughout the month.
- Director and Marketing Director continue to meet with website redesign company, Louder, Inc. 7/11/25 and 7/21/25. Rollout expected by September 2025.
- Director attended County Staff Meeting 7/14/25.
- Director and Marketing Director met with Eileen Sperry with Vista Graphics to discuss multiple print and electronic campaigns 7/17/25.
- Director and Marketing Director attended Coastal Virginia Tourism Alliance meeting 7/17/25 and 7/24/25.
- Director attended VRLTA Chapter Board meeting 7/22/25.

- Director attended Town Staff Meeting 7/22/25.
- Staff attended USPS VA250 postage stamp unveiling 7/23/25.
- Staff attended GMODS meeting 7/28/25.
- Director attended Council Committees held 7/28/25.
- Director attended Farmers Market Board meeting 7/29/25.
- Director attended Historic Saint Luke's Church & Museum Board meeting 7/29/25.
- Director, Town Manager and Council visit to Edenton 7/30/25.
- VISITOR CENTER open throughout Month. Tourism, County and Town Facebook postings throughout month. Update website events and ***Where the Locals Go*** event promotion newsletter weekly.

ZONING PERMIT JULY 2025

PERMIT #	CONSTRUCTION TYPE	PROJECT	ADDRESS	CONTRACTOR/ OWNER
0868	FENCE		189 AYRSHIRE LOOP	MISTER FENCE INC. / JOSE TORRES
0869	COMMERCIAL REVOLUTION		1119 SOUTH CHURCH STREET	SUSSEX DEVELOPMENT CORPORATION / TOWNEBANK
0870	FENCE		888 SYCAMORE SPRINGS COURT	DENNIS BARROW
0874	PORCH ADDITION		204 WAINWRIGHT DRIVE	ATLANTIC CUSTOM SERVICES / JOSEPH CARRIER
0875	FENCE		111 ROYAL ABERDEEN	HERCULES FENCE / JUSTIN CHASE
0876	SINGLE FAMILY RESIDENCE		1402 WHARF HILL DRIVE	STANLEY MARTIN HOMES LLC
0877	SINGLE FAMILY RESIDENCE		1405 WHARF HILL DRIVE	STANLEY MARTIN HOMES LLC
0878	SINGLE FAMILY RESIDENCE		1406 WHARF HILL DRIVE	STANLEY MARTIN HOMES LLC
0879	SINGLE FAMILY RESIDENCE		1410 WHARF HILL DRIVE	STANLEY MARTIN HOMES LLC
0880	SINGLE FAMILY RESIDENCE		1214 WHARF HILL DRIVE	STANLEY MARTIN HOMES LLC
0881	SINGLE FAMILY RESIDENCE		1434 WHARF HILL DRIVE	STANLEY MARTIN HOMES LLC
0882	GATE		1012 SOUTH CHURCH STREET	BATTERY PARK PROPERTIES LLC
0883	POOL		221 LANE CRESCENT	CHESAPEAKE POOL BUILDERS / TONY JOHNSON
0886	DUPLEX		200 OXFORD AVENUE	CORNERSTONE HOMES / CHURCH SQUARE
0887	DUPLEX		202 OXFORD AVENUE	CORNERSTONE HOMES / CHURCH SQUARE
0889	FENCE		325 SOUTH CHURCH STREET	MICHEAL WILDA
0890	SINGLE FAMILY RESIDENCE		1414 WHARF HILL DRIVE	EASTWOOD HOMES OF RICHMOND LLC
0892	SINGLE FAMILY RESIDENCE		2113 WENTWORTH CROSSING	STANLEY MARTIN HOMES LLC
0893	POOL		660 WESTMINSTER REACH	CHESAPEAKE POOL BUILDERS / DEVIN THOMPSON
0901	FENCE		207 WINCHESTER PLACE	DOUGLAS BRADSHAW
0902	SHED		189 AYRSHIRE LOOP	SHEDS BY KEN / JOSE TORRES

0904	SINGLE FAMILY RESIDENCE		1631 COLONIAL AVENUE	PROSPER HOMES & INVESTMENTS LLC

TOWN COUNCIL REPORT

ATTACHMENTS:

Description	Type	Upload Date
Public Safety Committee	Committee Summary	8/1/2025
Water and Sewer Committee	Committee Summary	8/1/2025
Finance Committee	Committee Summary	8/1/2025
Parks and Recreation Committee	Committee Summary	8/1/2025
Public Works Committee	Committee Summary	8/1/2025
Public Buildings and Welfare Committee	Committee Summary	8/5/2025

August 1, 2025

TO: SMITHFIELD TOWN COUNCIL
FROM: LESLEY G. KING
TOWN CLERK
SUBJECT: INFORMATIONAL REPORT FOR THE PUBLIC SAFETY COMMITTEE
MEETING HELD ON MONDAY, JULY 28th, 2025

The Public Safety Committee met Monday, July 28th, 2025 at 3:57 p.m. at the Smithfield Center located at 220 North Church Street, Smithfield Virginia. Committee members attending were Mr. Steven G. Bowman, and Mr. Bill Harris. Other Council members present were Ms. Valeire Butler, Mr. Jeff Brooks, Mr. Darren Cutler, and Mr. Michael G. Smith, Mayor. Staff members present were Mr. Michael R. Stallings, Town Manager; Mrs. Lesley King, Town Clerk; Ms. Laura Ross, Town Treasurer; Ms. Ashley Rogers, Director of Human Resources; Mr. Alonzo Howell, Chief of Police; Mr. Chris Meier, Deputy Chief of Police; Mrs. Tammie Clary, Director of Planning and Community Development; Ms. Amy Novak, Director of Parks and Recreation; Mr. Ed Heide, Director of Public Works and Utilities; Ms. Judy Winslow, Director of Tourism; and Mr. Steve Clark, Parks and Recreation. There were 4 citizens present. There was no media present.

Public Safety Committee Chair, Mr. Steven G. Bowman, called the meeting to order.

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

1. Operational Update for the Smithfield Police Department – June Activity Report – Chief Howell reported that their June Activity Report was included in today's agenda packet, and he would be glad to answer any questions as they relate to this report. Chief Howell also mentioned that they just completed their very first youth summer camp. It was a huge success. Councilman Bowman stated that he has met with Sgt. McGough, and they are moving forward with making plans for the upcoming National Night Out in October.

The meeting was adjourned at 3:58 p.m.

August 1, 2025

TO: SMITHFIELD TOWN COUNCIL
FROM: LESLEY G. KING
TOWN CLERK
SUBJECT: WATER AND SEWER COMMITTEE MEETING - **CANCELLED**

The Water and Sewer Committee scheduled for Monday, July 28th, 2025 at the Smithfield Center located at 220 North Church Street was cancelled due to lack of agenda items.

August 1, 2025

TO: SMITHFIELD TOWN COUNCIL
FROM: LESLEY G. KING
TOWN CLERK
SUBJECT: INFORMATIONAL REPORT FOR THE FINANCE COMMITTEE MEETING
HELD ON MONDAY, JULY 28th, 2025.

The Finance Committee held a meeting on Monday, July 28th, 2025 at 3:58 p.m. at the Smithfield Center located at 220 North Church Street, Smithfield Virginia. Committee members attending were Mr. Jeff Brooks, Ms. Valerie Butler, and Mr. Bill Harris. Other Council members present were Mayor Michael Smith, Mr. Steve Bowman, and Mr. Darren Cutler. Staff members present were Mr. Michael R. Stallings, Town Manager; Mr. William Riddick, Town Attorney; Mrs. Lesley King, Town Clerk; Ms. Laura Ross, Town Treasurer; Ms. Ashley Rogers, Director of Human Resources; Mr. Alonzo Howell, Chief of Police; Mr. Chris Meier, Deputy Chief of Police; Mrs. Tammie Clary, Director of Planning and Community Development; Mr. Mark Kluck, Planning Technician II; Ms. Amy Novak, Director of Parks and Recreation; Mr. Ed Heide, Director of Public Works and Utilities; Ms. Judy Winslow, Director of Tourism; and Mr. Steve Clark, Parks and Recreation. There were four (4) citizens present. There was no media present.

Finance Committee Chair Mr. Jeff Brooks, called the meeting to order.

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

1. Resolution Appropriating the Sum of \$18,750 from the Department of Criminal Justice Services to the 2025-26 General Fund Operating Budget – The Town Manager explained that this is for a grant that our Police Department was able to secure through the Department of Criminal Justice Services. The total amount of the grant is \$25,000 and \$6,250 of that is the Town's local match. These funds will be utilized through the equipment line item of the police department. The Town needs to appropriate the federal portion of these funds, in the amount of \$18,750, into the Police Department's equipment line so that they can use this money to purchase equipment. This item will be moved to the Consent Agenda for consideration at the Town Council's August 5th, 2025 meeting.

2. Invoices Over \$20,000 Requiring Council Authorization:

a. The Blair Brothers, Inc. \$ 79,800.00
This invoice from Blair Brothers is for crosswalks throughout the historic district. Committee recommends sending this invoice to Town Council for consideration at their meeting on August 5th, 2025.

b. The Blair Brothers, Inc. \$ 84,450.00
This invoice from Blair Brothers is for work completed at Sykes Court. Committee recommends sending this invoice to Town Council for consideration at their meeting on August 5th, 2025.

c. Xylem \$ 51,651.00
This invoice from Xylem is for the installation of a pump at the Cypress Creek Pump Station. This work has been completed. Committee recommends sending this invoice to Town Council for consideration at their meeting on August 5th, 2025.

d. Santander Bank \$ 99,349.81
This invoice from Santander Bank is the final payment on the Vac Truck for the Public Works Department. Committee recommends sending these invoices to Town Council for consideration at their meeting on August 5th, 2025.

e. Tactical Electronics \$ 25,089.50
This invoice from Tactical Electronics is for tactical equipment for our Police Department. The bulk of this purchase will be paid for with grant funds received from the Virginia Department of Criminal Justice Services. Committee recommends sending this invoice to Town Council for consideration at their meeting on August 5th, 2025.

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

1. June Financial Statements – Ms. Ross reported that there were three graphs that were included in today's packet. The first one talks about General Fund Revenues. To date General Fund Revenues are \$14 million. You will also see this detailed on pages 3 through 5 of the financial statements. Real Estate taxes are the largest at \$2.4 million with Meals Tax following close behind at \$2.2 million. Personal Property is \$1.2 million. The overall revenue is just a little bit skewed because of ARPA funds. The second chart talks about how the General Funds operating expenses compares to the budget. The chart details how each department is doing as it relates to budget. The last chart will give you the General Fund Revenue compared to June of last year. Ms. Ross also mentioned

collection activities. The Deputy Treasurer and herself have been focused on collecting past due accounts. They have been looking at some of the registered and non-registered businesses in Town. They have had some success in collecting. Ms. Ross mentioned that they did visit Red Point Taphouse regarding their business license. The owners of Red Point Taphouse did come in and pay February through March in the amount of \$5,419. They were supposed to come in on May 21st and pay what was due from April, May and June but they have not come in to pay these fees yet. Ms. Ross explained that on the Personal Property side for individuals, staff sent out letters on June 5th telling everyone that they needed to pay. The total amount of delinquent taxes that was sent to The Virginia Auction Company was \$255,000 which does not include the 20% collection fee. So far, they have collected \$63,000 and \$8,000 of that amount is owed to Virginia Auction for assistance in collecting these past due accounts. The next letter to taxpayers, that are past due on their personal property taxes, will be more aggressive. Expenses as of the end of June were \$10 million and that is 61 percent of budget. Most departments are tracking to budget. As of the end of June the Town's total debt is \$3,644,593. The payments for the series 2020A, A-2 and A-1 will be paid in October. The Town will be making our last payment on the Vac Truck in August.

2. June Cash Balances/VIP Investment Update – Ms. Ross reported the Town has \$25,704,000 that is liquid cash should we need that. The benchmark report that was included in the packet today details our investments through the month of June. The Town remains in compliance with all our investment guidelines. As of the end of the fiscal year the Town has earned \$1,015,581.40 in our investments.

3. Performance Evaluation Process for Council Appointments – Mrs. Rogers stated that she has been asked to facilitate a performance evaluation process for the four positions that report to the Town Council. The process is outlined in the memo that was included in the packet. She stated that she would be happy to answer any questions. Councilman Bowman stated that he thinks the timeline looks very workable. Councilman Cutler stated that he thinks the plan looks great. Committee thanked Mrs. Rogers for the update.

Meeting adjourned @ 4:09 p.m.

August 1, 2025

TO: SMITHFIELD TOWN COUNCIL
FROM: LESLEY G. KING
TOWN CLERK
SUBJECT: PARKS AND RECREATION COMMITTEE MEETING - **CANCELLED**

The Parks and Recreation Committee scheduled for Monday, July 28th, 2025 at the Smithfield Center located at 220 North Church Street was cancelled due to lack of agenda items.

August 1, 2025

TO: SMITHFIELD TOWN COUNCIL
FROM: LESLEY G. KING
TOWN CLERK
SUBJECT: PUBLIC WORKS COMMITTEE MEETING - **CANCELLED**

The Public Works Committee scheduled for Monday, July 28th, 2025 at the Smithfield Center located at 220 North Church Street was cancelled due to lack of agenda items.

August 1, 2025

TO: SMITHFIELD TOWN COUNCIL

FROM: LESLEY G. KING
TOWN CLERK

SUBJECT: INFORMATIONAL REPORT FOR THE PUBLIC BUILDINGS & WELFARE COMMITTEE MEETING HELD ON MONDAY, JULY 28TH, 2025.

The Public Buildings and Welfare Committee held a meeting on Monday, July 28th, 2025 at 4:09 p.m. at the Smithfield Center located at 220 North Church Street, Smithfield Virginia. Committee members attending were Ms. Valerie Butler, Mr. Bill Harris, and Mr. Darren Cutler. Other Council members present were Mayor Michael Smith, Mr. Jeff Brooks, and Mr. Steve Bowman. Staff members present were Mr. Michael R. Stallings, Town Manager; Mr. William H. Riddick, III, Town Attorney; Ms. Lesley King, Town Clerk; Ms. Laura Ross, Town Treasurer; Mrs. Ashley Rogers, Director of Human Resources; Mrs. Tammie Clary, Director of Planning and Community Development; Mr. Mark Kluck, Planning Technician II; Mr. Alonzo Howell, Chief of Police; Mr. Chris Meier, Deputy Chief of Police; Mr. Ed Heide, Director of Public Works and Utilities; Mrs. Amy Novak, Director of Parks and Recreation; Mr. Steve Clark, Parks and Recreation; and Ms. Judy Winslow, Director of Tourism. There were four (4) citizens present. There was no media present.

Public Buildings and Welfare Committee Chair, Mrs. Valerie Butler, called the meeting to order.

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

1. Pre-Public Hearing Discussion: Special Use Permit (SUP) – 107 Saint Pauls Avenue – Ms. Clary reported that the applicant is seeking a special use permit in accordance with Article 3.F.C.18 to utilize a portion of their home as a home occupation, for use as a book author. The applicant has stated that there will be no customers and no employees coming to the residence. The positive for this application is that it allows the applicant to continue her profession of authorship. This application is not a by-right use and does require a special use permit. This application was favorably recommended at the June Planning Commission meeting. Councilman Cutler mentioned that item 14 on today's agenda is a change to the zoning ordinance to allow this use as a home occupation without the need for a special use permit. In this change author as well as a few other home occupations have been removed after it was reviewed by Planning Commission. It does not make sense for people to spend \$400 on a special use permit to write a book. He mentioned that it did not come up at Planning Commission but because they are both appearing on the

same agenda is it possible to approve item 14 and then there would be no need for the SUP that is being requested. Mrs. Clary explained that the Town has already advertised and the \$400 covers the cost of two ads for Planning Commission and Town Council. This item will move forward as a public hearing at the Town Council's August 5th meeting.

2. Pre-Public Hearing Discussion: Special Use Permit – 139 Sykes Court – Mrs. Clary reported that the applicant is seeking approval to rent 139 Sykes Court, which is an existing single-family residential dwelling, as a short-term rental property. According to the Smithfield Zoning Ordinance short-term rentals as principal uses are permissible by Special Use Permit (SUP) only. No changes to the property are proposed in order to accommodate this short-term rental. The positive of this application is that it provides additional accommodations in the heart of the Historic District. It is not a by-right use and does require a SUP. Approval should be conditioned on the applicant following the conditions outlined in Article 2.Z.1.a through Article 2.Z.1.i., except for Article 2.Z.1.b.. These conditions do require a signed and notarized short-term rental affidavit ensuring compliance. This application was favorably recommended by the Planning Commission at the June meeting with the condition that the applicant would come back for review at one year. Vice Mayor Harris asked if this short-term rental is approved, how many short-term rentals would we have in the historic district. Mrs. Clary reported that with the approval of this short-term rental it would be our fifth in the historic district. Vice Mayor Harris asked if staff had received any comments from anyone in the neighborhood. Mrs. Clary replied that she has not received any comments. Councilwoman Butler asked if we have any concerns about the number of short-term rentals in the historic district. Mrs. Clary stated that we have not yet had that discussion. Councilman Butler asked Council how they feel about having a cap on the number of short-term rentals allowed in the historic district or other areas in Smithfield. There was a consensus from the Council that we should look at regulating the number of short-term rentals. We could get feedback from other localities that may have positive and/or negative situations with short-term rentals. The Town Attorney stated that some of this concern has been addressed by the Planning Commission's recommendation that short-term rentals should be reviewed after one year to make sure that everything is going like its supposed to. Councilman Brooks stated that he has seen short-term rentals become a hot topic in a lot of communities, not just historic communities. He explained that his protection of the historic district is why he has voted against short-term rentals in the past. The historic district has character and the residents there as well as other parts of the Town are accustomed to a way of life and that changes when you have property next to you, that is a short-term rental. Councilman Brooks stated that he would like to see Council have more discussion on this topic. He supports short-term rentals when they are located in commercial areas of the historic district but not residential. Councilman Cutler asked if we need to have Mayor Smith establish a committee to create regulations for short-term rentals. Staff could also gather information from other localities that are similar in size. The Town Manager stated that staff can certainly look for some data from other historic localities and bring back what we find from other places. Staff will specifically look to see if any have caps in place to limit the number of short-term rentals allowed. The Town Manager stated that the regulation side seems to be working pretty well, but he thinks the question now is where we cap the number allowed. Councilman Cutler stated that would be a great starting

point. Councilman Bowman would like to see us start from the beginning and determine what the purpose of the short-term rental is. Is it a scenario where a house comes up for sale, you buy it, then you immediately apply for a short-term rental. In this scenario you have people that have lived there and are established there and every three or four months they have got a different dynamic to deal with. He does not think that is fair to the neighbors. There will be circumstances where it may be necessary to have a short-term rental, but he does not think it should be a mechanism to have a profit-making deal that disrupts the neighborhood. There needs to be discussion on where the breaking point is from a capitalistic perspective versus a neighborhood perspective. This item will move forward as a public hearing at the Town Council's August 5th meeting.

3. Pre-Public Hearing Discussion: Special Use Permit – Eastwood Sales Trailer – Mrs. Clary reported the applicant is seeking a special use permit in accordance with Article 3.C.C.24 for temporary real estate marketing office for a new subdivision. The proposed 28' by 8' temporary white vinyl trailer will be used to meet with potential customers while the model is under construction and is expected to be on site for no longer than 4-6 months. The positive of this application is that it allows the applicant a temporary marketing office. It is not a by-right use and does require a SUP. Planning Commission favorably recommended this application at the June meeting. There was no discussion by Town Council. This item will move forward as a public hearing at the Town Council's August 5th meeting.

4. Pre-Public Hearing Discussion: Special Use Permit – Mallory Pointe – Sales Trailer – Mrs. Clary reported the applicant is seeking a special use permit in accordance with Article 3.C.C.23 for 2 temporary real estate marketing offices for a new subdivision. These two model homes will share a temporary parking lot. The garages will function as offices and will be converted back to garages when no longer needed. The offices will be open daily from 10am to 7pm, and by appointment. The positive of this application is that it provides the applicants with a temporary marketing office for the sale of homes. It is not a by-right use and does require a SUP. This application was favorably recommended at the June Planning Commission meeting. There was no discussion by Town Council. This item will move forward as a public hearing at the Town Council's August 5th meeting.

5. Pre-Public Hearing Discussion: Special Use Permit – 13404 Benns Church Boulevard – Mrs. Clary reported that the applicant is seeking a special use permit in accordance with Article 3.I.C.33 in order to operate a Recreational Substance Establishment. The applicant would primarily be selling cigars, cigarettes, cigarillos, e-liquid, and e-cigarettes. The positive of this application is that it would bring a business into an otherwise vacant location. It is not a by-right use and does require an SUP. Due to previous illegal activity this owner/ business was shut down. Staff suggest the removal of all window signs/ tinting and should only be allowed to operate Monday through Sunday from 8am until 8pm in accordance with the Town's newly adopted recreational substance establishments. This application was unfavorably recommended to Town Council at the June Planning Commission meeting. There was no discussion by Town Council. This item will move forward as a public hearing at the Town Council's August 5th meeting.

6. Pre-Public Hearing Discussion: Conditional Rezoning & Special Use Permits – Sheetz – Mrs. Clary reported that the applicant is seeking a conditional rezoning to Highway Retail Commercial (HRC) to facilitate the construction of a convenience store with fueling station islands, with 2 additional retail users. These uses are also in line with the Future Land Use Map, as the current designation is Corridor Mixed Use, which provides for primary commercial uses. The 6,139 square foot convenience store will feature a 4,170 square foot fueling station canopy, with 6 double sided self-serve fueling stations. In addition to traditional convenience store offerings, there will be a made-to-order food menu, Coffee bar, and smoothies. There will be indoor and outdoor seating. The store will operate 24 hours a day, 7 days per week. The site has existing access servicing Sherwin Williams and will also include a right-in/ right-out entrance shared amongst the subdivided parcels. There will be a pedestrian path along Route 10 for connectivity. The 1st Special Use Permit is for Article 3.J2.C.7: Drive-thru facility. The applicant is requesting to utilize a drive-thru facility at the convenience store for made to order food or other items from the store. The 2nd Special Use Permit is for C.20: Waiver of parking and loading. The applicant would like to exceed the maximum number of parking spaces allowed by 7 spaces, providing up to 44 spaces instead of the maximum of 37 spaces. The 3rd Special Use Permit is for C. 15: Service Station. The applicant would like to utilize one parcel as a 5,500 square foot oil express facility. This application package was favorably recommended to Town Council at the July Planning Commission meeting provided the applicants determine a way to review/ limit the third parcel and they address VDOTs comments prior to the Council meeting. Councilman Bowman would like for staff to verify that no alcoholic beverages will be sold through the drive-thru of the convenience store. The Town Attorney stated that staff would verify that the sale of alcoholic beverages is not permitted at the drive-thru. This item will move forward as a public hearing at the Town Council's August 5th meeting.

7. Pre-Public Hearing Discussion: Text Amendment – Group Homes – Mrs. Clary stated that this is a proposed text amendment to Articles 3.A, 3.B, 3.C, 3.D, 3.E, 3.G 3.H, & 3.J2 of the Zoning Ordinance to incorporate group homes as a by-right use. It would no longer be required to have a special use permit in residential zoning districts. This is to bring our Zoning Ordinance into compliance with state code. There was no discussion from Town Council. This item will move forward as a public hearing at the Town Council's August 5th meeting.

8. Pre-Public Hearing Discussion: Text Amendment – Article 3C for Side Yard Setbacks for Cluster Lots – Mrs. Clary stated that this is a text amendment to Article 3.C.F.2.B.2. of the Zoning Ordinance to increase the side yard required setback for cluster lots from 6 feet to 10 feet. There was no additional discussion from Town Council. This item will move forward as a public hearing at the Town Council's August 5th meeting.

9. Pre-Public Hearing Discussion: Text Amendment – Multi Family Residential (MFR) – Mrs. Clary stated that this is a proposed Text Amendment to Article 3.F. of the Zoning Ordinance to remove regulations that address attached, townhouse, and duplex units, as they are subject to AR regulations and would follow those regulations. These

are just duplicated in the MFR section. This amendment is to provide clarity in our Zoning Ordinance since we are directing MFR regulations to AR regulations. There was no additional discussion from Town Council. This item will move forward as a public hearing at the Town Council's August 5th meeting.

10. Pre-Public Hearing Discussion: Text Amendment – Requirements and Definition of Duplex – Mrs. Clary stated that this is a proposed text amendment to Articles 3.D, 3.E, and 13 of the Zoning Ordinance to clarify that duplex units are permitted on one parcel of land or one duplex per subdivided lots. The text amendment also clarifies the definition of duplex dwelling. Councilman Cutler stated that at Planning Commission level they went through this, and it basically says that you can have two duplex units on a single rectangular lot or you can split it and have two parcels of land split along the shared wall on the duplex. It gives you two ownership options, but it does not shrink the yard size of the duplex. Councilman Cutler stated that he could not think of any kind of negative outcome from this change. This amendment does not in any way change the lot size. He continued to explain that each of the Town's zoning districts have density maximums based on the number of dwellings, not based on the number of lots. Mrs. Clary stated that this text amendment is to provide clarification and keeps the minimum lot areas at 4000 for the interior, 5,000 for corner lots, and then if you are putting one structure on one lot, it would be 8,000 for interior and 10,000 for corner lots. There was no additional discussion. This item will move forward as a public hearing at the Town Council's August 5th meeting.

11. Pre-Public Hearing Discussion: Text Amendment – Home Occupation – Mrs. Clary stated that this is a proposed text amendment to Article 2.U.15 of the Zoning Ordinance was to remove author, composer, computer programmer, salesperson, and telephone answering service as home occupation uses. These uses would no longer require a special use permit. There was no further discussion from Town Council. This item will move forward as a public hearing at the Town Council's August 5th meeting.

12. Town Code Text Amendment – Minimum Width of Sidewalk – Mrs. Clary stated that this proposed text amendment to Articles 3 "Dining on Public Sidewalks" Section 26-294. This amendment would reduce the minimum width of the sidewalk from the edge of the curb to the edge of any improvement from seven feet to four feet. She explained that this amendment ensures that our downtown businesses are in compliance with our Town Code. A majority of them have approximately four feet of sidewalk width before you get to their tables. The Town Manager explained that this ordinance allows our downtown businesses to have outside seating as long as it does not impede the sidewalk in any way. Four foot is generally the minimum for ADA compliance so that is where the four foot comes from. This item will move forward as a public hearing at the Town Council's August 5th meeting.

13. Update on Blighted Property – 1502 Magruder Road – the Town Manager reported that the Town has received communication from the attorney for the property owner at 1502 Magruder Road. Staff are working through some things with the attorney and the owners. The Town is also still moving forward with receiving bids for the demolition of the structure in case their plan is not deemed acceptable by Town Council. This will be on Town Council's August agenda for review of the plan and determine

whether or not you find it to be acceptable. This item will move forward to the Town Council's August 5th meeting for review and consideration.

14. Appoint a Nominating Committee to fill the Unexpired Term (01/31/2027) of Bill Davidson on the Planning Commission – Mayor Smith appointed Councilwoman Butler and Councilman Brooks to serve as the nominating committee for the unexpired term of Mr. Davidson on Planning Commission.

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

1. Scope and Proposal for Growth Scenario Fiscal Impact Analysis by TischlerBise – The Town Manager stated that if you recall last month, we briefly discussed this proposal from TischlerBise to do a financial impact study for the Town. Councilman Cutler had asked that he add this back to the agenda for discussion. Councilman Cutler thanked the Town Manager for sending him the draft Isle of Wight report. The Town Manager stated that Isle of Wight has not yet finalized their report so he did not send that out to everyone but will send out to the rest of Council if they would like to see the draft report. You will just need to keep in mind that some things may change once they finalize the report. Councilman Cutler stated that he thinks it would be beneficial to push out that draft report from Isle of Wight County so everyone can read what the outcome was for the County. It is his hope that Council can review Isle of Wight County's report and make a decision on the proposal that the Town has to perform our own impact analysis on growth. In his opinion, if the Town is going to trust the County's data, then the County's report is good but if we are going to question it then it may be beneficial to do our own study. The County surveyed approximately one thousand people, and they had a good amount of input in a survey bar graph as well as a lot of individual comments from citizens throughout the County including the Town. The Town Manager stated that the only thing that he would add is that there may be some numbers we can extrapolate because the County has cost and programs that they fund, and the Town does not have to. The County's expense side may vary significantly. The Town Manager asked for Council to keep this in mind when they are reviewing the report from Isle of Wight County. Councilman Cutler mentioned that he had asked the Town Manager to work with staff to look at both our approved and proposed projects. He would like to see the Town look at worst case scenario for all the projects that have been approved/started when it comes to growth rate. Knowing the Town's worst case growth rate and the Town's actual growth rate going into a decision whether to fund this study would be helpful in his opinion. The Town Manager stated they would go through the County's report and specifically pull out the expenses that only the County funds. There will be some that the County and Town both fund but the dollar amounts are going to be different. As far as the work that Councilman Cutler has asked them to do they have looked at the approved housing numbers and continue to look at the financial impact studies that were submitted for each of these and extrapolate some data out of those. That is what we can do in house. Councilwoman Butler asked Councilman Cutler thoughts on the discussion from the school and what they have decided to do moving forward with their capital improvement

projects. Councilman Cutler stated he had a discussion with Mr. Jason Marsh, Chairman of the Isle of Wight School Board, about the school proffers and what is going on at the county level. Mr. Marsh is working with a member of the Board of Supervisors to get this across the finish line. Their draft timeline is that they expect to have the final impact analysis report on July 31st. They have already drafted a new regulation for school growth mechanisms that will feed into the proffer scenarios. Their plan is to present in August everything to the Superintendent Board and then the Board of Supervisors. Councilman Cutler stated that he had asked if someone from the school system would be available personnel in possibly September, after everything has been finalized, where they could come give a briefing to the Town Council on all the proffer work they are doing.

2. Pre-Public Hearing Discussion: Conditional Rezoning & Special Use Permit – The Promontory - The applicant is seeking a conditional rezoning to Planned Mix Use Development (PMUD) to facilitate the construction of 5 Commercial lots, a future commercial area, 120 single family detached units, 118 single family-attached units for a maximum of 238 units in total, and 27.51 acres of open space. The project will be phased, starting with the commercial sites. The road beside Tractor Supply will be extended, with a network of public roads, connecting to Cypress Run Drive and Turner Drive. In order to facilitate this project, the applicants have applied for a conditional rezoning. The uses the applicant is proposing (attached and detached units, fast food restaurant, car wash, restaurant, drive in bank) are permissible in the Planned Mixed Use Development District (PMUD). These uses are also in line with the Future Land Use Map, as the current designations are Residential Mixed Use and Corridor Mixed Use. The applicant has also applied for two special use permits. The 1st Special Use Permit is under Article 3.J2.C.7: Drive-thru facilities. The applicant is requesting flexibility to utilize drive-thru facilities on all 5 commercial parcels, with the current plan of a drive-in bank and fast-food restaurant with a drive-thru window. The 2nd Special Use Permit (C.20) is the waiver of yard requirements for reduced setbacks as follows:

Townhouse:	Villa:	SFD:	Required:
Front 18'	Front 18'	Front: 20'	Front 35'
Side 10'	Side 10'	Side: 10'	Side 15'
Rear 20'	Rear 20'	Rear: 20'	Rear 35'

Planning Commission did grant the waiver of the 50' buffer requirement, reduced to 30' buffer with landscaped screening, in accordance with Article 3J.2.I.11. This allows the Planning Commission to reduce the minimum setback on a case-by-case basis. The 30' buffer would only be applicable to 13 villa units and 4 SFDs towards the front of the property. The amenities will include the item depicted on L11- L15: signage, multi-purpose lawns, grill area, waterfront deck, fishing outpost, native plantings, seating nook, tot lot, seating with open views to the lake, bike racks, pedestrian paths, picnic tables, fire feature with seating, woods, bench, connection to trail, picnic pergola with table & benches, Adirondack chairs, and sand beach. The applicants will have a property owners

association that will be responsible for the maintenance and upkeep of the following: (i) all open space, common areas, and other amenities noted in Conceptual Plan; (ii) all stormwater management infrastructure, including “wet” stormwater management infrastructure, and (iii) landscaped buffer areas, as shown in the Conceptual Plan. The applicant is proffering the following road improvements: 1) Southbound right-turn lane (100-foot storage plus 200-foot taper) into right in/right out proposed Project entrance off of US 258/Rt. 10 (Benns Church Boulevard) designated as Public Road A on the Conceptual Plan and currently serving as an entrance to the existing Tractor Supply; (2) Southbound right-turn lane (100-foot storage plus 200-foot taper) into right in/right out proposed Project entrance off of US 258/Rt. 10 (Benns Church Boulevard) designated as Public Road J on the Conceptual Plan (in between Turner Dr & Tractor Supply); and (3) A conditional payment of \$1,000,000.00 toward the construction of the roundabout at Turner Drive. Additionally, they are proffering a conditional cash proffer to Isle of Wight County Schools if they are over enrollment capacity at Smithfield Middle School at the time the Certificate of Occupancy is issued. Finally, no more than 60 zoning permits will be issued in a 12 consecutive month period for the residential units. This application was favorably recommended to the Town Council at the July Planning Commission. Since committees the applicant has asked that their public hearing be deferred to the September 2nd Town Council meeting.

3. Pre-Public Hearing Discussion: Special Use Permits & Proffer Amendment – The Grange @ 10Main - The applicant is proposing to construct not more than 119 total units which is a reduction of at least 148 units. There will be 33 Single-Family Dwellings, 35 Cottages Dwellings, 10 Estates, and 37 Townhomes. The applicant would like the flexibility to replace cottage units with townhomes during final site plan provided the total number of lots does not exceed 119 units. This project also includes the Smithfield Market, which will host a restaurant/ retail space, and 30 stalls, a three-story hotel that is not to exceed 42', and a 6,000 square feet building featuring office / retail space. Overall, there will be 270 parking spaces provided. The proposed development can be accessed via five entrances, The 1st Special Use Permit is a request from the applicant for a waiver of yard setback requirements. Article 3.J2.F.2.B requires the following yard setbacks for residential:

- Front Yard: 35 ft
- Side Yard: 15 ft
- Rear Yard: 35 ft
- Accessory Structure: 5 ft

The applicants are proposing the following residential yard setbacks:

- Front Yard: 10 ft
- Side Yard: 5 ft
- Rear Yard: 10 ft
- Accessory Structure: 2.5 ft

The 2nd Special Use Permit is for the waiver of maximum building height. The applicants are seeking a waiver of building height in accordance with SZO Article 3.J2.C.24., for the townhomes, not to exceed 40 ft. These Special use Permit applications were favorably recommended at the June Planning Commission meeting. There was no further discussion from Town Council. Since Committees the applicant has asked to have their application for a public hearing withdrawn to revise their request to the Town.

4. Farmer's Market - The Town Manager mentioned that the Director of Tourism, Judy Winslow has been working the Bank of Southside Virginia to try to secure their facility for an additional year for the Farmer's Market. She has been successful in doing so and they have agreed to extend the Town's lease agreement by at least one more year. At this time, we will have a home for the market at its current location for another year.

5. Red Point Taphouse Update – The Town Manager stated that the Town had just received the cost analysis on the right of way portion. Staff are reviewing that information now and he hopes to have something by the August Committees to be able to act upon.

Meeting Adjourned at 4:51 p.m.

TOWN COUNCIL REPORT

SUBJECT:

August 5 - 6:30 p.m. - Town Council Meeting

August 12 - 6:30 p.m. - Planning Commission Meeting

August 19 - 6:30 p.m. - Board of Historic and Architectural Review

August 19 - 7:30 p.m. - Board of Zoning Appeals

August 25 - 3:00 p.m. - Town Council Committee Meetings

TOWN COUNCIL REPORT

TOWN COUNCIL REPORT

TOWN COUNCIL REPORT

ITEM: Resolution Appropriating The Sum Of \$18,750 From The Department Of Criminal Justice Services To The 2025-26 General Fund Operating Budget

FROM: Finance Committee Chair, Mr. Jeff Brooks

ATTACHMENTS:

Description	Type	Upload Date
Resolution Appropriating The Sum Of \$18,750 From The Department Of Criminal Justice Services To The 2025-26 General Fund Operating Budget	Cover Memo	7/25/2025
Grant Award	Cover Memo	7/25/2025

Resolution

A Resolution Appropriating The Sum Of \$18,750 From The Department Of Criminal Justice Services To The 2025-26 General Fund Operating Budget

WHEREAS, the Town has recently been awarded a grant from the Department of Criminal Justice Services in the amount of \$18,750 that will be matched with \$6,250 of Town funds, and;

WHEREAS, these funds are to be used by the Town's Police Department to purchase equipment;

WHEREAS, these funds must be appropriated into the General Fund Operating Budget to be used for this purpose.

NOW, THEREFORE BE IT RESOLVED by the Council of the Town of Smithfield, Virginia as follows:

Section 1. That the sum of \$18,750 is appropriated from the Department of Criminal Justice Services into to the General Fund 2025-26 Operating Budget: Police Department Equipment Line item 04-100-431100-0000-46006

Section 2. This resolution shall be effective on and after its adoption.

Adopted:

TESTE:

Town Clerk



COMMONWEALTH of VIRGINIA

Department of Criminal Justice Services

The Honorable Jackson H. Miller
Director

Tracy Louise Winn Banks, Esq.
Chief Deputy Director

Washington Building
1100 Bank Street
Richmond, Virginia 23219
(804) 786-4000
www.dcjs.virginia.gov

June 27, 2025

Mr. Michael Stallings
Town Manager
911 South Church Street
Smithfield, Virginia 23430

RE: 548871-FY 2026 Byrne/JAG Program- LE Equipment

Dear Mr. Michael Stallings:

Congratulations on being a recipient of the above referenced grant program! Your DCJS grant award number is **551883** and was approved for a total award of **\$25,000**, funded through Award Number **2019-MU-BX-0026, 2020-MU-BX-0035, 15PBJA-21-GG-00258-MUMU, 15PBJA-22-GG-00616-MUMU, 15PBJA-23-GG-03038-MUMU and/or 15PBJA-24-GG-04294-MUMU**. The project period is **7/1/2025** through **12/31/2025**.

Included with this letter is your Statement of Grant Award/Acceptance (SOGA), Special Conditions, Reporting Requirements, and Projected Due Dates. In addition, there may be "Action Item" Special Conditions related to your grant award called *Encumbrances* that require your immediate attention. If there are any, please submit those documents via the On-line Grants Management System (OGMS) at <https://ogms.dcjs.virginia.gov>. Additionally, if you cannot access your grant in OGMS, your application may be under negotiation. Please check your email and/or spam for OGMS correspondence and follow up with your DCJS Grant Monitor.

If you have not previously done so, you must register to use this web-based system. The instructions on *Registering for a New Account* and *Submitting Action Item Encumbrances* are posted here www.dcjs.virginia.gov/grants/ogms-training-resources along with other resources and training videos. All registrants will be approved within 3–5 business days.

We will be happy to assist you in any way we can to assure your project's success. To indicate your acceptance of the award and conditions, please sign the included SOGA and return it electronically within the next 60 days to grantsmgmt@dcjs.virginia.gov. If you have questions, contact your DCJS Grant Monitor **Nicole Phelps** at **804-786-1577** or via email at **Nicole.Phelps@dcjs.virginia.gov**.

Sincerely,

A handwritten signature in black ink, appearing to read "Jackson H. Miller".

Jackson H. Miller
Director

STATEMENT OF GRANT AWARD (SOGA)

Virginia Department of Criminal Justice Services
1100 Bank Street, 12th Floor
Richmond, VA 23219

548871-FY 2026 Byrne/JAG Program- LE Equipment

Subgrantee: Smithfield, Town UEI Number: XUNLT7LUTU83
DCJS Grant Number: 551883 Grant End Date: 12/31/2025
Grant Start Date: 7/1/2025 Indirect Cost Rate: _____ % *If applicable
Federal Grant Number: 2019-MU-BX-0026, 2020-MU-BX-0035, 15PBJA-21-GG-00258-MUMU, 15PBJA-22-GG-00616-MUMU, 15PBJA-23-GG-03038-MUMU and/or 15PBJA-24-GG-04294-MUMU
Federal Awardee: BJAG
Federal Catalog Number: 16.738
Federal Start Date: 10/01/2018, 10/01/2019, 10/01/2020, 10/01/2021, 10/01/2022, 10/01/2023
Project Description: To strengthen Crime Control.

Federal Funds: **\$18,750**
State General Funds: **\$ 0**
State Special Funds: **\$ 0**
Local Match: **\$6,250**
Total Budget: **\$25,000**

Project Director	Project Administrator	Finance Officer
Lt. James Phillips Lieutenant 913 South Church Street Smithfield, Virginia 23430 757-357-3247 jphillips@smithfieldva.gov	Mr. Michael Stallings Town Manager 911 South Church Street Smithfield, Virginia 23430 757-365-4200 mstallings@smithfieldva.gov	Mrs. Laura Ross Treasurer 310 Institute Street Smithfield, Virginia 23430 757-365-4200 lross@smithfieldva.gov

***Please indicate your ICR in the space provided, if applicable.** As the duly authorized representative, the undersigned, having received the Statement of Grant Awards (SOGA) and reviewing the Special Conditions, hereby accepts this grant and agree to the conditions and provisions of all other Federal and State laws and rules and regulations that apply to this award.

Signature: _____
Authorized Official (Project Administrator)

Title: _____

Date: _____

TOWN COUNCIL REPORT

ITEM: Ordinance to Amend Town Code as it relates to Outdoor Dining on Public Sidewalk

FROM: Public Buildings and Welfare Committee Chair, Ms. Valerie Butler

ATTACHMENTS:

Description	Type	Upload Date
Staff Report - Width of Sidewalks	Cover Memo	7/22/2025
Ordinance - Outdoor Dining on Public Sidewalks	Ordinance	8/1/2025

TOWN COUNCIL STAFF REPORT: TOWN CODE ARTICLE 3 TEXT AMENDMENT

TUESDAY, AUGUST 5th, 2025, 6:30 PM

This is a proposed text amendment to Articles 3 “Dining on Public Sidewalks” Section 26-294 Minimum width of sidewalk to reduce the minimum width from seven feet to four feet.

Sec. 26-294.- Minimum width of sidewalk.

A licensee shall keep the minimum width of sidewalk from the edge of the curb to the edge of any improvement, fixture or other such element limiting or defining public use area to ~~seven~~ four feet.

Please direct inquiries to Tammie Clary at 1-(757)-365-4200 or tclary@smithfieldva.gov.

AN ORDINANCE AMENDING ARTICLE III, SECTION 26-294 OF CHAPTER 26 OF THE CODE OF THE TOWN OF SMITHFIELD, VIRGINIA, AS AMENDED, IN ORDER TO REVISE AND AMEND PROVISIONS RELATING TO OUTDOOR DINING ON PUBLIC SIDEWALKS.

WHEREAS, the Town Council's public buildings and welfare committee have reviewed the provisions of the Town Code which provide for outdoor dining on public sidewalks; and,

WHEREAS, the Town Council of the Town of Smithfield deems it to be in the best interest of the citizens of the Town of Smithfield to amend the minimum sidewalk width requirement for outdoor dining on public sidewalks..

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SMITHFIELD, VIRGINIA:

1. That Article III Section 26-294 of the Code of the Town of Smithfield, Virginia is repealed and reenacted as follows:

Sec. 29-294. Minimum width of sidewalk.

A licensee shall keep the minimum width of sidewalk from the edge of the curb to the edge of any improvement, fixture or other such element limiting or defining public use area to four feet.

2. This ordinance shall become effective immediately upon adoption.

ADOPTED this 5th day of August, 2025.

TOWN OF SMITHFIELD, VIRGINIA

By _____
Michael G. Smith, Mayor

Attest:

Lesley G. King, Clerk

TOWN COUNCIL REPORT

SUBJECT:

\$ 79,800.00

ATTACHMENTS:

Description	Type	Upload Date
Blair Brothers - Crosswalk at Church and Cedar	Invoice	7/22/2025
Blair Brothers - Crosswalk at Church and Luter	Invoice	7/22/2025
Blair Brothers - Crosswalks at Church and Main	Invoice	7/22/2025
Blair Brothers - Crosswalk at Smithfield Station	Invoice	7/22/2025



The Blair Bros., Inc.

P.O. Box 5413
 Suffolk, VA 23435
 (757) 538-1696 Fax: (757) 538-0714
www.blairbros.com

Invoice

Terms	P.O. No.	Date	Invoice #
NET 30 DAYS	HWY-25-26	6/26/2025	20177

Bill To:

Town of Smithfield
 P O Box 246
 Smithfield VA 23431

Project:

Crosswalks
 Church at Cedar

Description	Amount
Provide equipment, labor, and materials to accomplish the following:	
Street Print re-coat: recoat crosswalks at N. Church Street and Cedar St. - Setup and maintain traffic control at intersection. - Clean crosswalks and prep for re-coat. - Recoat 2 crosswalks using Street Bond150 with Brick Red colorant. - Then install sealer to help with wear. - Outline crosswalks with 6" painted whit line.	
Total Contract Price:	20,200.00

THANK YOU FOR YOUR BUSINESS

Invoice Total:

\$20,200.00

All charges during the month are due and payable by the 10th of the following month or as per stated terms. A SERVICE CHARGE OF 2% PER MONTH will be added to account from invoice date on past due accounts. This is an annual percentage rate of 24%. The customer agrees to pay service charges and the cost of collection, including attorney's fees.

If prices and terms on invoice are not as agreed, or if any claim or damage or deficiency is to be made, please notify us at once, as no claim made at maturity will be allowed.

We Accept



Convenience fee added



The Blair Bros., Inc.

P.O. Box 5413
 Suffolk, VA 23435
 (757) 538-1696 Fax: (757) 538-0714
 www.blairbros.com

Invoice

Terms	P.O. No.	Date	Invoice #
NET 30 DAYS	HWY-25-26	6/26/2025	20178

Bill To:

Town of Smithfield
 P O Box 246
 Smithfield VA 23431

Project:

Crosswalks
 Church and Luter

Description	Amount
Provide equipment, labor, and materials to accomplish the following:	
Street Print re-coat: recoat crosswalks at N. Church Street and Luter Dr. - Setup and maintain traffic control at intersection. - Clean crosswalks and prep for re-coat. - Recoat both crosswalks using Street Bond150 with Brick Red colorant. - Then install sealer to help with wear. - Outline crosswalks with 6" painted whit line.	
Total Contract Price:	19,200.00

THANK YOU FOR YOUR BUSINESS

Invoice Total:

\$19,200.00

All charges during the month are due and payable by the 10th of the following month or as per stated terms. A SERVICE CHARGE OF 2% PER MONTH will be added to account from invoice date on past due accounts. This is an annual percentage rate of 24%. The customer agrees to pay service charges and the cost of collection, including attorney's fees.

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We Accept



Convenience fee added



The Blair Bros., Inc.

P.O. Box 5413
 Suffolk, VA 23435
 (757) 538-1696 Fax: (757) 538-0714
 www.blairbros.com

Invoice

Terms	P.O. No.	Date	Invoice #
NET 30 DAYS	HWY-25-26	6/26/2025	20179

Bill To:

Town of Smithfield
 P O Box 246
 Smithfield VA 23431

Project:

Crosswalks
 Church and Main

Description	Amount
Provide equipment, labor, and materials to accomplish the following:	
Street Print re-coat: recoat crosswalks at N. Church Street and Main St. <ul style="list-style-type: none"> - Setup and maintain traffic control at intersection. - Clean crosswalks and prep for re-coat. - Recoat 3 crosswalks using Street Bond150 with Brick Red colorant. - Then install sealer to help with wear. - Outline crosswalks with 6" painted whit line. 	
Total Contract Price:	29,800.00

THANK YOU FOR YOUR BUSINESS

All charges during the month are due and payable by the 10th of the following month or as per stated terms. A SERVICE CHARGE OF 2% PER MONTH will be added to account from invoice date on past due accounts. This is an annual percentage rate of 24%. The customer agrees to pay service charges and the cost of collection, including attorney's fees.

If prices and terms on invoice are not as agreed, or if any claim or damage or deficiency is to be made, please notify us at once, as no claim made at maturity will be allowed.

Invoice Total:

\$29,800.00

We Accept



Convenience fee added



The Blair Bros., Inc.

P.O. Box 5413
 Suffolk, VA 23435
 (757) 538-1696 Fax: (757) 538-0714
www.blairbros.com

Invoice

Terms	P.O. No.	Date	Invoice #
NET 30 DAYS	HWY-25-26	6/26/2025	20180

Bill To:

Town of Smithfield
 P O Box 246
 Smithfield VA 23431

Project:

Crosswalks
 Smithfield Station

Description	Amount
Provide equipment, labor, and materials to accomplish the following:	
Street Print re-coat: recoat crosswalks on N. Church Street at Smithfield Station. <ul style="list-style-type: none"> - Setup and maintain traffic control at intersection. - Clean crosswalks and prep for re-coat. - Recoat 1 crosswalk using Street Bond150 with Brick Red colorant. - Then install sealer to help with wear. - Outline crosswalks with 6" painted whit line. 	
Total Contract Price:	10,600.00

THANK YOU FOR YOUR BUSINESS

All charges during the month are due and payable by the 10th of the following month or as per stated terms. A SERVICE CHARGE OF 2% PER MONTH will be added to account from invoice date on past due accounts. This is an annual percentage rate of 24%. The customer agrees to pay service charges and the cost of collection, including attorney's fees.

If prices and terms on invoice are not as agreed, or if any claim or damage or deficiency is to be made, please notify us at once, as no claim made at maturity will be allowed.

Invoice Total:

\$10,600.00

We Accept



Convenience fee added

TOWN COUNCIL REPORT

SUBJECT:

\$ 84,450.00

ATTACHMENTS:

Description	Type	Upload Date
Blair Brothers - Sykes Court	Invoice	7/24/2025



The Blair Bros., Inc.

P.O. Box 5413
Suffolk, VA 23435
(757) 538-1696 Fax: (757) 538-0714
www.blairbros.com

Invoice

Terms	P.O. No.	Date	Invoice #
NET 30 DAYS	ARPA-25-01	7/23/2025	20230

Bill To:

Town of Smithfield
P O Box 246
Smithfield VA 23431

Project:

Sykes Ct.

Description	Amount
Provide equipment, labor, and materials to accomplish the following work on Sykes Ct.:	
Concrete Replacement:	
1. Saw cut along edge of existing concrete gutter pan then demo existing concrete curb, driveway aprons and sidewalk. (Spoils to become property of the Blair Brothers Inc.)	
2. Prep area to receive new concrete. To include standard 4" sidewalk, concrete aprons being prepped to receive 7" and standard curb and gutter CG-6 (handwork) detail. (Survey by others)	
3. Furnish and install 345 LF of CG-6 (hand work), 134 SY of 4" std. sidewalk and four (4) concrete aprons at 7".	
4. Topsoil and seed as needed.	
Mill/ Pave:	
1. Mill approx. 981 SY at a depth of 2" on Sykes Ct. to include 20' of South Mason Street.	
2. Clean and haul millings off site. Millings shall become property of The Blair Bros. Inc.	
3. Tack surface prior to overlay to ensure proper bond with new asphalt.	
4. Overlay same area with 2" of SM12.5A asphalt and compact accordingly.	
5. Provide traffic control as needed.	
Total Contract Price: \$116,450.00	
Progress Billing: Concrete Replacement	84,450.00

THANK YOU FOR YOUR BUSINESS

All charges during the month are due and payable by the 10th of the following month or as per stated terms. A SERVICE CHARGE OF 2% PER MONTH will be added to account from invoice date on past due accounts. This is an annual percentage rate of 24%. The customer agrees to pay service charges and the cost of collection, including attorney's fees.

If prices and terms on invoice are not as agreed, or if any claim or damage or deficiency is to be made, please notify us at once, as no claim made at maturity will be allowed.

Invoice Total:

\$84,450.00

We Accept



Convenience fee added

TOWN COUNCIL REPORT

SUBJECT:

\$ 51,651.00

ATTACHMENTS:

Description	Type	Upload Date
Xylem - Cypress Creek Pump Station	Invoice	7/22/2025

xylem

Let's Solve Water

godwin Sold by:**Invoice**

Branch 009
1190 Harmony Road
Norfolk, VA 23502
Tel: 757-490-1300
Fax: 757-459-4856

RECEIVED
R JUN 30 2025
R

S O Town of Smithfield
L D PO Box 246
T O Smithfield, VA 23431-0246

Cust. No.	Invoice Date	Invoice No.
00013106	06-24-2025	401428465

NOTE: Valued customers, please note the NEW remit address change included on this invoice.

S H Town of Smithfield
P 293 CARY STREET
T O Smithfield, VA 23430-1114

Page 1 of 2

Customer PO	Ordered By	Contract Date	Date Shipped	Sale Contract #	Sales Representative	Order Taken By	Payment Terms
ITEM	DESCRIPTION		QTY ORDERED	QTY SHIPPED	QTY B/O'd	SELL PRICE	EXTENDED SELL
PMCD040DCN258	Dri-Prime CD100S Critically Silenced • Sound Attenuated Enclosure • 4" 150# Flange Suction and Discharge • Yanmar 3TNV88BDSASP Diesel Engine w/PG2 • Field Smart Technology, Skid mounted • Emergency Standby or Export ONLY • Engine/Motor Options • Battery Charger - 12 Volt Trickle • Block Heater - 110 Volt • Double Gang (2) GFCI Duplex Receptacles • Electrical - 1750 Watt AC/DC Inverter • Base Options • (2) 12/24V LED Work Lights w/Switch • mounted on each rear corner of critical enclosure • UL Double Wall Tank • Open Market Item • (1) 12/24V Light Mounted Over PG w/Switch • Mounted over PrimeGuard; mounted top center • Paint • Sherwin Williams SW6151 Quiver Tan		1	1	0		

ALL PAST DUE INVOICES ARE SUBJECT TO
1 1/2% PER MONTH SERVICE CHARGE

Important Information: Due to fraud attempts any communication for changes of bank account details have to be confirmed by a call-back with your respective Xylem contact person.

TOWN MANAGER
DEPT HEAD

Creek DS
Cypress
Vendor #
ACCOUNT # 04-006-442010-0000-46015



Invoice
Branch 009
1190 Harmony Rd
Norfolk, VA 235
Tel: 757-490-13
Fax: 757-459-48

Sold by:
xylem | Let's Solve Water | godwin | 

Branch 009
1190 Harmony Road
Norfolk, VA 23502
Tel: 757-490-1300
Fax: 757-459-4856

NOTE: Valued customers, please note the NEW remit address change included on this invoice.

Remit to: Xylem Dewatering Solutions, Inc.
26717 Network Place
Chicago, IL 60673-1267
Phone: 1.855.278.2248 (Opt 1)

NOTE: Valued customers, please note the NEW remit address change included on this invoice.

Cust. No.	Invoice Date	Invoice No.
00013106	06-24-2025	401428465

Page 2 of 2

Customer PO	Ordered By	Contract Date	Date Shipped	Sale Contract #	Sales Representative	Order Taken By	Payment Terms
ITEM	DESCRIPTION			QTY ORDERED	QTY SHIPPED	QTY B/O'd	SELL PRICE
	Pumpend S/N: 25099593-2	Engine S/N: 238715	Base S/N: F51680780				
	FST IMEI: 300234031634370	E-Code: 279954					
CAPGMA005	PrimeGuard Float Set • w/ 65' Mechanical Floats			1	1	0	
DZONE02ROLLBACK	Delivery Zone 2 - Rollback			1	1	0	
ALL PAST DUE INVOICES ARE SUBJECT TO 1 1/2% PER MONTH SERVICE CHARGE				Merchandise	Labor	Shipping	Misc. Charges
				\$ 50,901.00	\$ 0.00	\$ 750.00	\$ 0.00
							Taxes \$ 0.00
							\$ 51,651.00

Town of Smithfield

PURCHASE ORDER

310 Institute St., PO Box 246
Smithfield, VA 23430
Phone: (757) 365-4200
Fax: (757) 357-4253
Website: www.smithfieldva.gov

DATE	9/11/2024
PO #	SW-25-03



VENDOR

Xylem Dewatering Solutions, Inc.dba Godwin Pumps
Sam Bagnell
1190 Harmony Rd.
Norfolk, Va. 23502
Phone: (757) 490-1300
Fax: (757) 459-4856

SHIP TO

Town of Smithfield
Public Works Jessie Snead
293 Cary St.
Smithfield, Va.
757-634-2869

REQUESTED BY	PAYMENT TERMS	SHIP VIA	FISCAL YEAR	SHIPPING TERMS		
Jessie	NET 30		24	Included		
ITEM #	DESCRIPTION	QTY	UNIT PRICE	TOTAL		
	CD100S-DBS,Critical Silence sound attenuated 4"x 4" Yanmar 3TNV88BDSASP Emergency Standby Diesel Skid Pumpset Battery Charger-12 volt trickle Block heater-110 volt Double Gang (2) GFCI duplex receptacles 1750 watt AC/DC inverter 2 - 12/24v LED Lights UL Double Wall fuel tank 1 - 12/24 Light mounted center over PG with switch. Primeguard Float Set - 65' mechanical float Sale Quote 109045153	1		\$50,901.00		

Comments or Special Instructions

Cypress PS

SUBTOTAL	
TAX	-
SHIPPING	\$750.00
OTHER	-
TOTAL	\$51,651.00

Jessie D. Snead
Department Head
Laura C Ross
Town Treasurer
Michael Stallings
Town Manager

TOWN COUNCIL REPORT

SUBJECT:

\$ 99,349.81

ATTACHMENTS:

Description	Type	Upload Date
Santander Bank - Final Pymt for Vac Truck	Invoice	7/22/2025



RECEIVED
JUL 18 2025

Santander Bank, N.A.
P.O. Box 847386
Boston, MA 02284-7386
631-531-0600
cevfcs@santander.us



INVOICE

Town of Smithfield
Fran Hyde
PO Box 246
SMITHFIELD VA 23431

Invoice Number: 16915914
Invoice Date: 07/11/2025
Payment Due Date: 08/25/2025
Total Amount Due: \$99,349.81

CONTRACT	INVOICE DESCRIPTION	DUE DATE	AMOUNT
002-0026075-000	Vac-Con Vacuum Truck 1FVHG3FE6MHMH9826 Payment	08/25/2025	99,349.81
PAGE 1 OF 1			
Please note that any change in your payment amount may be due to a change in the sales tax for your city, county and/or state		TOTAL LATE CHARGES:	\$0.00
		TOTAL AMOUNT DUE:	\$99,349.81

To ensure proper credit, you must return this portion along with your check payable to:

Santander Bank, N.A.
P.O. Box 847386
Boston, MA 02284-7386

Invoice Number: 16915914
Invoice Date: 07/11/2025
Payment Due Date: 08/25/2025
Total Amount Due: \$99,349.81

Write Address Change Below:

Town of Smithfield
Fran Hyde
PO Box 246
SMITHFIELD VA 23431

TOWN COUNCIL REPORT

SUBJECT:

\$ 25,089.50

ATTACHMENTS:

Description	Type	Upload Date
Tactical Electronics	Invoice	7/23/2025

**TACTICAL ELECTRONICS**

Tactical Electronics
2200 N Hemlock Ave
Broken Arrow, OK 74012

Page 1

Invoice**Date**
07/09/25**No.**
QUOTE 2025-4574**Bill To**

SMITHFIELD VA POLICE DEPT
913 SOUTH CHURCH ST
SMITHFIELD, VA 23430

Prime Cont. No.	Contract Type	Funded Amount	Funded Fee	Fund. Rem.	Project No.	Due Date
QUOTE 2025-4574	FFP			0.00	2025-4574	TBD

Description	Quantity	Billing
CORE TACTICAL KIT - 17' 4-CAM UDC	1	24,995.00
SHIPPING	1	94.50
Invoice Subtotal		25,089.50
Sales Tax		0.00
Invoice Total		25,089.50

TOWN COUNCIL REPORT

ITEM: Public Hearing: Special Use Permit - 107 Saint Pauls Avenue

FROM: Tammie Clary, Director of Planning and Community Development

ATTACHMENTS:

Description	Type	Upload Date
Notice of Public Hearing - 107 Saint Pauls Avenue	Public Hearing	7/22/2025
Staff Report - 107 Saint Pauls Avenue	Public Hearing	7/22/2025
Attachments - 107 Saint Pauls Avenue	Public Hearing	7/22/2025

NOTICE OF PUBLIC HEARING
TOWN COUNCIL OF THE TOWN OF SMITHFIELD
SPECIAL USE PERMIT

Notice is hereby given that the Town Council of the Town of Smithfield, Virginia will hold a public hearing at the regular meeting of the Town Council in the council chambers in The Smithfield Center, 220 N. Church Street, meeting room A, Smithfield, Virginia, on Tuesday, August 5th, 2025 at 6:30 p.m. to consider the application of Nancy O'Berry, applicant/ owner and William O'Berry owner, for a special use permit under the provisions of Article 3.F.C.18 of the Zoning Ordinance of the Town of Smithfield, Virginia, adopted September 1, 1998, and as amended thereafter, in order to approve a home occupation.

The property which is the subject of this special use permit application is 107 Saint Paul's Ave (Tax Map Parcel no. 21G-01-025D), which is located on the north side of Saint Paul's Avenue, containing 0.14 +/- acres, and is zoned Multi-Family Residential (MFR).

Any person affected by or interested in the aforesaid application may appear at the hearing and be heard. Copies of the Zoning Ordinance of the Town of Smithfield and application for this special use permit are available for inspection at the Department of Community Development & Planning, 310 Institute Street, Smithfield, Virginia 23430.

TOWN OF SMITHFIELD, VIRGINIA

BY: Lesley G. King, Clerk

Publish: Wednesday, July 23rd, 2025, and Wednesday, July 30th, 2025.

TOWN COUNCIL STAFF REPORT: SPECIAL USE PERMIT (SUP)
PUBLIC HEARING

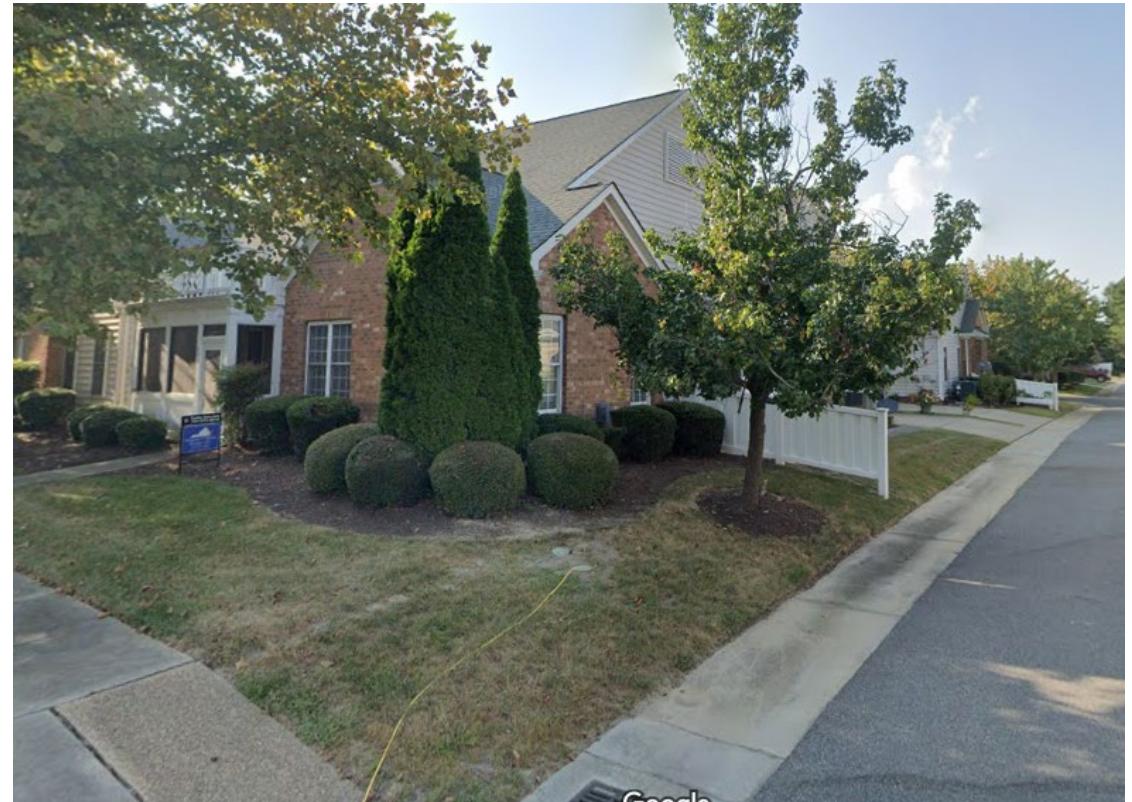
TUESDAY, AUGUST 5th, 2025, 6:30 PM

Applicant	Nancy O'Berry 107 Saint Pauls Avenue Smithfield, VA 23430
Owner	Ibid.
Property	107 Saint Pauls Avenue TPIN 21G-01-025D
Zoning	Multifamily Residential District (MF-R)
Adjacent Zoning	Multifamily Residential District (MF-R)
Project Description	The applicant is seeking a special use permit in accordance with Article 3.F.C.18 to utilize a portion of the home as a home occupation, for use as a book author. The applicant stated that there will be no customers and no employees coming to the residence.
Zoning Recommendation	Positives: This application allows the applicant to continue her profession of authorship. Negatives: This is not a by-right use and does require a SUP. This application was favorably recommended at the June Planning Commission meeting.

Please direct inquiries to Tammie Clary at 1-(757)-365-4200 or tclary@smithfieldva.gov.

Preliminary Find

Proposed Use/ Exception: I would like to use the room over my garage to write stories at my desk. I write when my husband goes to sleep. I wake up in the middle of the night with an idea. I get up and write it down. No employees. No patrons.
People walk by my house with their dogs. They don't come in to buy books. Not a brick and mortar store. No one will be using my bathrooms.
I don't know what else to tell you. I am sitting at home writing at my desk creating stories.



TOWN COUNCIL REPORT

ITEM: Public Hearing: Special Use Permit - 139 Sykes Court

FROM: Tammie Clary, Director of Planning and Community Development

ATTACHMENTS:

Description	Type	Upload Date
Notivce of Public Hearing	Public Hearing	7/22/2025
Staff Report - 139 Sykes Court	Public Hearing	7/22/2025
Attachments - 139 Sykes Court	Public Hearing	7/22/2025

NOTICE OF PUBLIC HEARING
TOWN COUNCIL OF THE TOWN OF SMITHFIELD
SPECIAL USE PERMIT

Notice is hereby given that the Town Council of the Town of Smithfield, Virginia will hold a public hearing at the regular meeting of the Town Council in the council chambers in The Smithfield Center, 220 N. Church Street, meeting room A, Smithfield, Virginia, on Tuesday, August 5th, 2025 at 6:30 p.m. to consider the application of Anna Boyer, owner and applicant, for a special use permit under the provisions of Article 2.Z. Section 1 of the Zoning Ordinance of the Town of Smithfield, Virginia, adopted September 1, 1998, and as amended thereafter, in order to approve a short-term rental as a principal use.

The property which is the subject of this special use permit application is 139 Sykes Court (Tax Map Parcel no. 21A-01-371), which is located on the south side of Sykes Court, containing 0.53 +/- acres, and is zoned Downtown Neighborhood Residential (DNR) Environmental Conservation (EC) & Historic Preservation Overlay (HPO).

Any person affected by or interested in the aforesaid application may appear at the hearing and be heard. Copies of the Zoning Ordinance of the Town of Smithfield and application for this special use permit are available for inspection at the Department of Community Development & Planning, 310 Institute Street, Smithfield, Virginia 23430.

TOWN OF SMITHFIELD, VIRGINIA

BY: Lesley G. King, Clerk

Publish: Wednesday, July 23rd, 2025, and Wednesday, July 30th, 2025.

TOWN COUNCIL STAFF REPORT: SPECIAL USE PERMIT (SUP)
PUBLIC HEARING

TUESDAY, AUGUST 5th, 2025, 6:30 PM

Applicant Anna Boyer
139 Sykes Court
Smithfield, VA 23430

Owner Anna Marie Boyer
11183 Burwells Bay Road
Smithfield, VA 23430

Property 139 Sykes Court
TPIN 21A-01-371

Zoning Downtown Neighborhood Residential (DNR), Environmental Conservation District (E-C), & Historic Preservation Overlay (HPO)

Adjacent Zoning Downtown Neighborhood Residential (DNR), Environmental Conservation District (E-C), Community Conservation District (C-C) & HPO

Project Description The applicant is seeking approval to rent 139 Sykes Court, which is an existing single-family residential dwelling, as a short-term rental property. According to the Smithfield Zoning Ordinance (SZO) Article 2.Z.1, short-term rentals as principal uses are permissible by Special Use Permit (SUP) only. No changes to the property are proposed in order to accommodate the short-term rental.

Zoning Recommendation Positives: This application provides additional accommodations in the Heart of the Historic District.

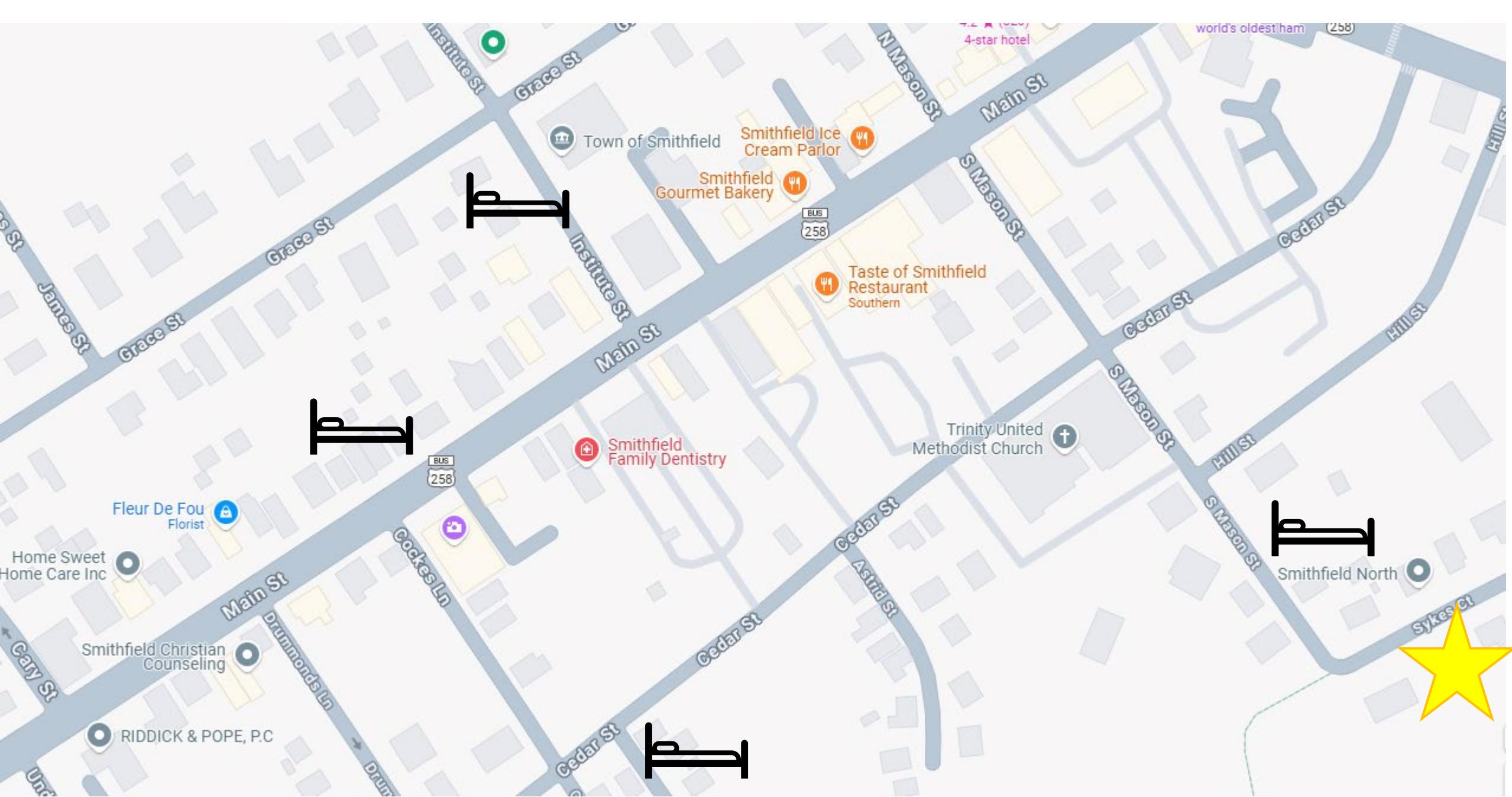
Negatives: This is not a by-right use and does require a SUP.

Approval should be conditioned on the applicant following the conditions outlined in Article 2.Z.1.a through Article 2.Z.1.i., except for Article 2.Z.1.b.. These conditions do require a signed and notarized short-term rental affidavit ensuring compliance.

This application was favorably recommended by the Planning Commission at the June meeting.

Please direct inquiries to Tammie Clary at 1-(757)-365-4200 or tclary@smithfieldva.gov.





TOWN COUNCIL REPORT

ITEM: Public Hearing: Special Use Permit - Eastwood Sales Trailer

FROM: Tammie Clary, Director of Planning and Community Development

ATTACHMENTS:

Description	Type	Upload Date
Notice of Public Hearing - Eastwood	Public Hearing	7/22/2025
Staff Report - Eastwood Sales Trailer	Public Hearing	7/22/2025
Attachments - Eastwood Sales Trailer	Public Hearing	7/22/2025

NOTICE OF PUBLIC HEARING
TOWN COUNCIL OF THE TOWN OF SMITHFIELD
SPECIAL USE PERMIT

Notice is hereby given that the Town Council of the Town of Smithfield, Virginia, will hold a public hearing at the regular meeting of the Town Council in the council chambers in The Smithfield Center, 220 N. Church Street, meeting room A, Smithfield, Virginia, on Tuesday, August 5th, 2025 at 6:30 p.m. to consider the application of Eastwood Homes, applicant and owner, for a special use permit under the provisions of Article 3.C.C.23 of the Zoning Ordinance of the Town of Smithfield, Virginia, adopted September 1, 1998, and as amended thereafter, for a temporary real estate marketing office for new subdivisions.

The property which is the subject of this special use permit application is 1102 Wharf Hill Drive (Tax Map Parcel no. 22T-01-085), which contains 0.258 +/- acres, and is zoned Suburban Residential Cluster (SR-C).

Any person affected by or interested in the aforesaid application may appear at the hearing and be heard. Copies of the Zoning Ordinance of the Town of Smithfield and application for this special use permit are available for inspection at the Department of Community Development & Planning, 310 Institute Street, Smithfield, Virginia 23430.

TOWN OF SMITHFIELD, VIRGINIA

BY: Lesley G. King, Clerk

Publish: Wednesday, July 23rd, 2025, and Wednesday, July 30th, 2025.

TOWN COUNCIL STAFF REPORT: SPECIAL USE PERMIT (SUP)
PUBLIC HEARING

TUESDAY, AUGUST 5th, 2025, 6:30 PM

Applicant	Eastwood Homes 10800 Midlothian Turnpike Suite 141 Richmond, VA 23235
Owner	Eastwood Homes of Richmond LLC 2857 Westport Road Charlotte, NC 28208
Property	1102 Wharf Hill Drive TPIN 22T-01-085
Zoning	Conditional Suburban Residential District (C-SR)
Adjacent Zoning	Conditional Suburban Residential District (C-SR)
Project Description	The applicant is seeking a special use permit in accordance with Article 3.C.C.24 for temporary real estate marketing office for new subdivisions. The proposed 28' by 8' temporary white vinyl trailer will be used to meet with potential customers while the model is under construction and is expected to be on site for no longer than 4-6 months.
Zoning Recommendation	Positives: This application allows the applicant a temporary marketing office. Negatives: This is not a by-right use and does require a SUP. Planning Commission favorably recommended this application at the June meeting.

Please direct inquiries to Tammie Clary at 1-(757)-365-4200 or tclary@smithfieldva.gov.



GENERAL NOTES:

- BUILDER: EASTWOOD HOMES, 10800 MIDLOTHIAN TURNPIKE, SUITE 141, RICHMOND, VA 23235. OFFICE NUMBER 1-804-486-7189.
- LOT ADDRESS: 1102 WHARF HILL DRIVE, SMITHFIELD VA. 23430. TPIN: #22T-01-085.
- THIS PLOT PLAN WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. THE PROPERTY SHOWN HEREON IS SUBJECT TO EASEMENTS, SERVITUDES, COVENANTS AND RESTRICTIONS OF RECORD.
- THIS PLOT PLAN WAS PREPARED FROM A RECORDED PLAT BY TIMMONS GROUP ENTITLED "MALLORY POINTE PHASE A1" DATED JUNE 19, 2024 AND RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT AS INSTRUMENT NUMBER 240004793.
- THE TOPOGRAPHY AND EXISTING FEATURES SHOWN HEREON WERE TAKEN FROM APPROVED SET OF CONSTRUCTION PLANS DATED NOVEMBER 8, 2023 FOR MALLORY POINTE PHASE A1 PREPARED BY TIMMONS GROUP.
- THE PROPERTY SHOWN HEREON LIES WITHIN ZONES X, AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN; AND AE, (BASE FLOOD ELEVATION: 8), SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY 1% ANNUAL CHANCE FLOOD, AS SHOWN ON THE FLOOD INSURANCE RATE MAP FOR THE TOWN OF SMITHFIELD, FEMA FLOOD HAZARD RATE MAP, COMMUNITY PANEL NO. 51093C-0151E. DATED REVISED DECEMBER 2, 2015.
- PROPERTY IS ZONED: SR - SUBURBAN RESIDENTIAL (CLUSTER DEVELOPMENT)

MINIMUM BUILDING SETBACKS

FRONT	25 FT.
SIDE	6 FT.
REAR	25 FT

- THE BUILDER/CONTRACTOR SHALL VERIFY GRADES AND SITE PRIOR TO CONSTRUCTION.
- THE BUILDER/CONTRACTOR SHALL PROVIDE FOR POSITIVE DRAINAGE WITHOUT IMPACTING ADJACENT PROPERTIES.
- THE BUILDER/CONTRACTOR SHALL EXECUTE AND AGREE IN LIEU OF EROSION AND SEDIMENT CONTROL PLAN IN CONJUNCTION WITH APPROVAL OF THIS PLAN.
- THE BUILDER/CONTRACTOR SHALL EXECUTE AND AGREE IN LIEU OF STORM MANAGEMENT PLAN IN CONJUNCTION WITH APPROVAL OF THIS PLAN.
- NO TREES AND SHRUBS SHALL BE PLANTED IN TOWN EASEMENTS. SHRUBS SHALL BE A MINIMUM OF 5 FEET, AND TREES A MINIMUM OF 10 FEET, FROM CENTER OF WATER AND SANITARY SEWER PIPE..
- TEMPORARY TRAILER TO BE REMOVED UPON COMPLETION OF MODEL UNIT.
- NO PROPOSED SEWER OR WATER CONNECTION TO TEMPORARY TRAILER.

AREA TABLE		
LOT AREA S.F.	IMPERVIOUS COVER S.F.	IMPERVIOUS COVER %
11,228	3,637	32%

SYMBOL LEGEND

- IRON ROD
- SANITARY SEWER MANHOLE
- SANITARY SEWER CLEANOUT
- STORM SEWER MANHOLE
- STORM SEWER MANHOLE GRATE INLET
- STORM SEWER GRATE INLET
- FIRE HYDRANT
- WATER METER
- WATER VALVE
- RIPRAP
- CONCRETE
- 22.5' SPOT GRADES

LINE LEGEND

- BUILDING LINE
- CENTERLINE SWALE-DITCH
- 100' CONTOURS
- EDGE OF PAVEMENT
- PROPERTY LINE
- SANITARY SEWER LINE
- SILT FENCE
- STORM SEWER PIPELINE
- WATER LINE

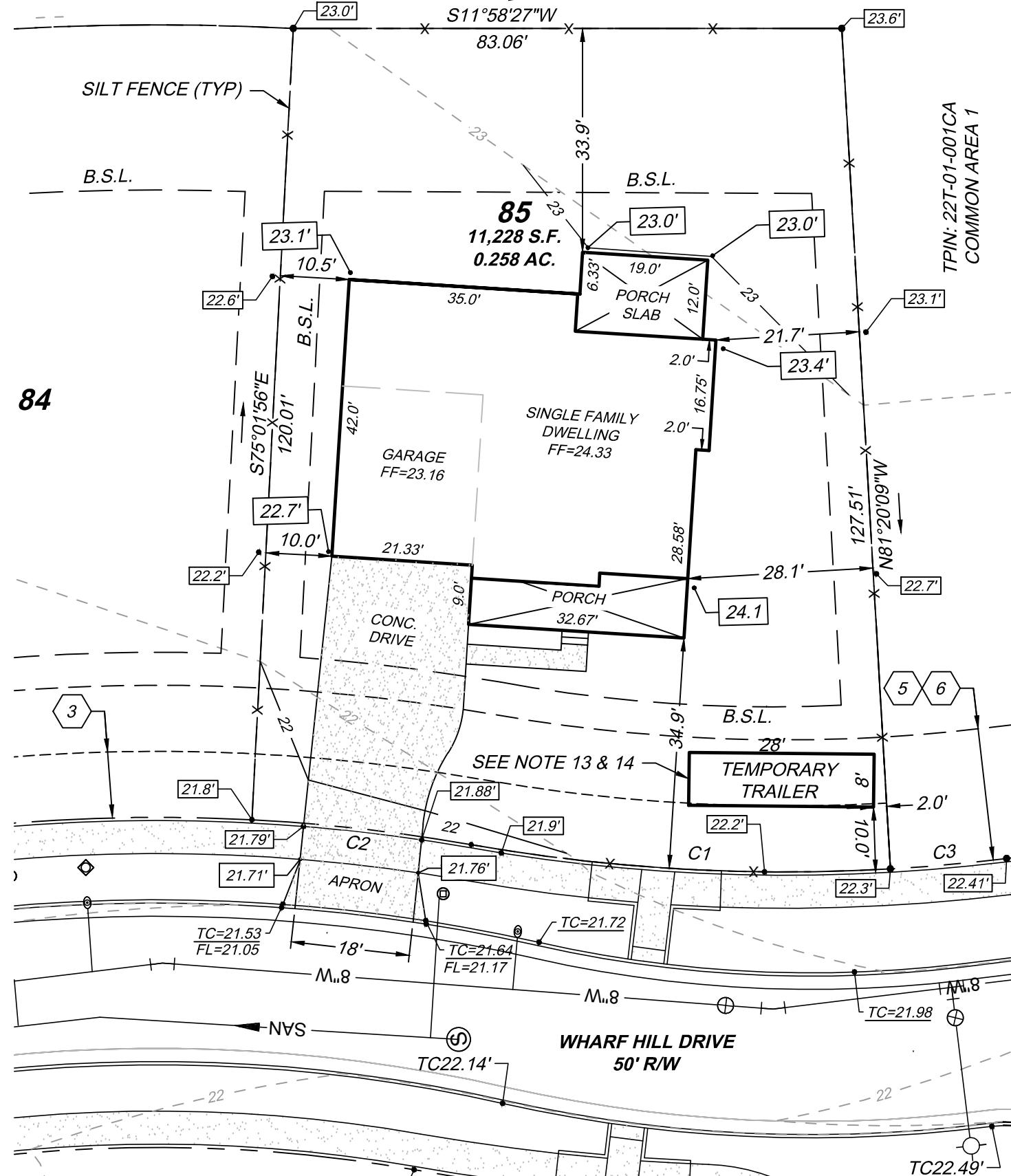
CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	DELTA	CHORD BEARING	CHORD
C1	275.60'	63.71'	32.00'	13°14'43"	N15°17'51"E	63.57'
C2	275.15'	33.46'	16.75'	6°58'00"	N18°25'51"E	33.44'
C3	275.60'	17.70'	8.85'	3°40'46"	S6°50'06"W	17.70'

SCALE 1"=20'
0 20' 40'

EASEMENT LEGEND:

- VARIABLE WIDTH PUBLIC DRAINAGE EASEMENT INSTR. #240004793.
- 20' PUBLIC WATER EASEMENT INSTR. #240004793.
- 10' PUBLIC UTILITY EASEMENT INSTR. #240004793.
- VARIABLE WIDTH PRIVATE DRAINAGE AND IMPOUNDMENT EASEMENT INSTR. #240004793.
- VARIABLE WIDTH VIRGINIA ELECTRIC AND POWER COMPANY INSTR. #240002850.
- 20' COLUMBIA GAS OF VIRGINIA EASEMENT INSTR. #240003081.

NAD 83

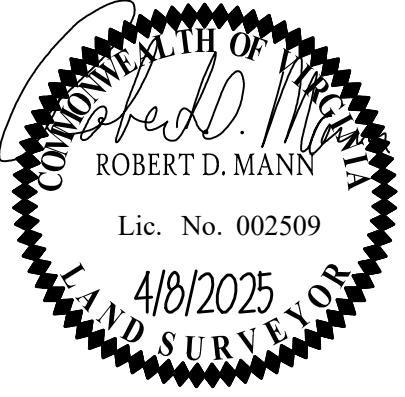


TIMMONS GROUP

PLOT PLAN LOT 85 PHASE A1 MALLORY POINTE
TOWN OF SMITHFIELD, ISLE OF WIGHT COUNTY, VA.

PREPARED FOR: EASTWOOD HOMES

THIS DRAWING PREPARED AT THE HAMPTON ROADS PENINSULA OFFICE 800 Tech Center Parkway, Suite 103 Newport News, VA 23606 TEL 757-782-3041 www.timmons.com	
REVISION DESCRIPTION	
DATE	1 1st Revision
DATE	2/27/2025
DRAWN BY	M. LITTLE
DESIGNED BY	N/A
CHECKED BY	R. MANN
SCALE	1" = 20'



TOWN COUNCIL REPORT

ITEM: Public Hearing: Special Use Permit - Mallory Pointe - Sales Trailer

FROM: Tammie Clary, Director of Planning and Community Development

ATTACHMENTS:

Description	Type	Upload Date
Notice of Public Hearing - Mallory Pointe	Public Hearing	7/22/2025
Staff Report - Mallory Point Sales Trailer	Public Hearing	7/22/2025
Attachments - Mallory Pointe Sales Trailer	Public Hearing	7/22/2025

NOTICE OF PUBLIC HEARING
TOWN COUNCIL OF THE TOWN OF SMITHFIELD
SPECIAL USE PERMIT

Notice is hereby given that the Town Council of the Town of Smithfield, Virginia, will hold a public hearing at the regular meeting of the Town Council in the council chambers in The Smithfield Center, 220 N. Church Street, meeting room A, Smithfield, Virginia, on Tuesday, August 5th, 2025 at 6:30 p.m. to consider the application of Stanley Martin Homes LLC and Eastwood Homes of Richmond LLC, applicants and owners, for a special use permit under the provisions of Article 3.C.C.23 of the Zoning Ordinance of the Town of Smithfield, Virginia, adopted September 1, 1998, and as amended thereafter, for two (2) temporary real estate marketing offices for new subdivisions.

The properties which are the subject of this special use permit application are 1102, 1106, and 1110 Wharf Hill Drive (Tax Map Parcel no. 22T-01-085, 22T-01-084, 22T-01-083, respectively), which contains 0.65 +/- acres, and is zoned Suburban Residential Cluster (SR-C).

Any person affected by or interested in the aforesaid application may appear at the hearing and be heard. Copies of the Zoning Ordinance of the Town of Smithfield and application for this special use permit are available for inspection at the Department of Community Development & Planning, 310 Institute Street, Smithfield, Virginia 23430.

TOWN OF SMITHFIELD, VIRGINIA

BY: Lesley G. King, Clerk

Publish: Wednesday, July 23rd, 2025, and Wednesday, July 30th, 2025.

TOWN COUNCIL STAFF REPORT: SPECIAL USE PERMIT (SUP)
PUBLIC HEARING

TUESDAY, AUGUST 5th, 2025, 6:30 PM

Applicants	Stanley Martin Homes LLC 4701 Cox Road Suite 104 Glen Allen, VA 23060
	Eastwood Homes of Richmond LLC 2857 Westport Road Charlotte, NC 28208
Owner	Ibid.
Property	1102 Wharf Hill Drive TPIN 22T-01-085
	1106 Wharf Hill Drive TPIN 22T-01-084
	1110 Wharf Hill Drive TPIN 22T-01-083
Zoning	Conditional Suburban Residential District (C-SR)
Adjacent Zoning	Conditional Suburban Residential District (C-SR)
Project Description	The applicant is seeking a special use permit in accordance with Article 3.C.C.23 for 2 temporary real estate marketing offices for a new subdivision. These two model homes will share a temporary parking lot. The garages will function as offices and will be converted back to garages when no longer needed. The offices will be open daily from 10am to 7pm, and by appointment.
Zoning	
Recommendation	Positives: This application provides the applicants with a temporary marketing office for the sale of homes. Negatives: This is not a by-right use and does require a SUP. This application was favorably recommended at the June Planning Commission meeting.

Please direct inquiries to Tammie Clary at 1-(757)-365-4200 or tclary@smithfieldva.gov

Special Use Permit Application
Temporary real estate marketing offices for new subdivision
Mallory Pointe
Applicants Stanley Martin Homes and Eastwood Homes

Location:
1102 Wharf Hill (22T-01-085)
1106 Wharf Hill (22T-01-084)
1110 Wharf Hill (22T-01-83)

A – Preliminary Site Plan – see attached prepared by Timmons Group dated 4/14/2025

B – Description of Proposed Use – Two single-family homes containing the real estate marketing offices for each builder are proposed on Lots 83 and 85. A shared temporary parking lot will be constructed between the sales offices. The garages of the model homes will be finished as temporary offices and will be converted to garages when the builder no longer occupies the building. The buildings will be occupied by the sales and construction personnel and open to the public from 10:00 AM to 7:00 PM daily, with additional hours by appointment only.

C – Statement of Compatibility

1. The proposed temporary real estate marketing offices are for an approved residential subdivision. The subdivision and proposed marketing offices are in conformance with the Comprehensive Plan for the Area.
2. The property is zoned Suburban Residential
3. Property immediately adjacent to the proposed use are common open space areas within the approved subdivision and single-family lots. Properties within a 500' radius of the site include additional single-family homes and vacant agriculturally zoned land.
4. This is the first phase of a larger master planned community and approval of this use is consistent with the orderly development of the properties.
5. A shared parking area is provided with 8 spaces per sales office. Each office will have a designated handicap space with an accessible path to the sales office. Approved sidewalks will provide interconnectivity between the offices. The parking area will be constructed with a 2" Asphalt surface over and compacted stone base, with no curb and gutter. Traffic rated casings will be installed to protect the water and sewer connections. It will be installed during model construction and removed upon completion of sellout of Phases A1-3. That is expected to be 24-30 months.
6. Public water and sewer are available to serve the properties.



GENERAL NOTES:

1. BUILDER: EASTWOOD HOMES, 10800 MIDLOTHIAN TURNPIKE, SUITE 141, RICHMOND, VA 23235. OFFICE NUMBER 1-804-486-7189.
2. LOT ADDRESS: 1106 WHARF HILL DRIVE, SMITHFIELD VA. 23430. TPIN: #22T-01-084
3. THIS PLOT PLAN WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. THE PROPERTY SHOWN HEREON IS SUBJECT TO EASEMENTS, SERVITUDES, COVENANTS AND RESTRICTIONS OF RECORD.
4. THIS PLOT PLAN WAS PREPARED FROM A RECORDED PLAT BY TIMMONS GROUP ENTITLED "MALLORY POINTE PHASE A1" DATED JUNE 19, 2024 AND RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT AS INSTRUMENT NUMBER 240004793.
5. THE TOPOGRAPHY AND EXISTING FEATURES SHOWN HEREON WERE TAKEN FROM APPROVED SET OF CONSTRUCTION PLANS DATED NOVEMBER 8, 2023 FOR MALLORY POINTE PHASE A1 PREPARED BY TIMMONS GROUP.
6. THE PROPERTY SHOWN HEREON LIES WITHIN ZONES X, AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN AS SHOWN ON THE FLOOD INSURANCE RATE MAP FOR THE TOWN OF SMITHFIELD, FEMA FLOOD HAZARD RATE MAP, COMMUNITY PANEL NO. 51093C-0151E. DATED REVISED DECEMBER 2, 2015.
7. PROPERTY IS ZONED: SR - SUBURBAN RESIDENTIAL (CLUSTER DEVELOPMENT)

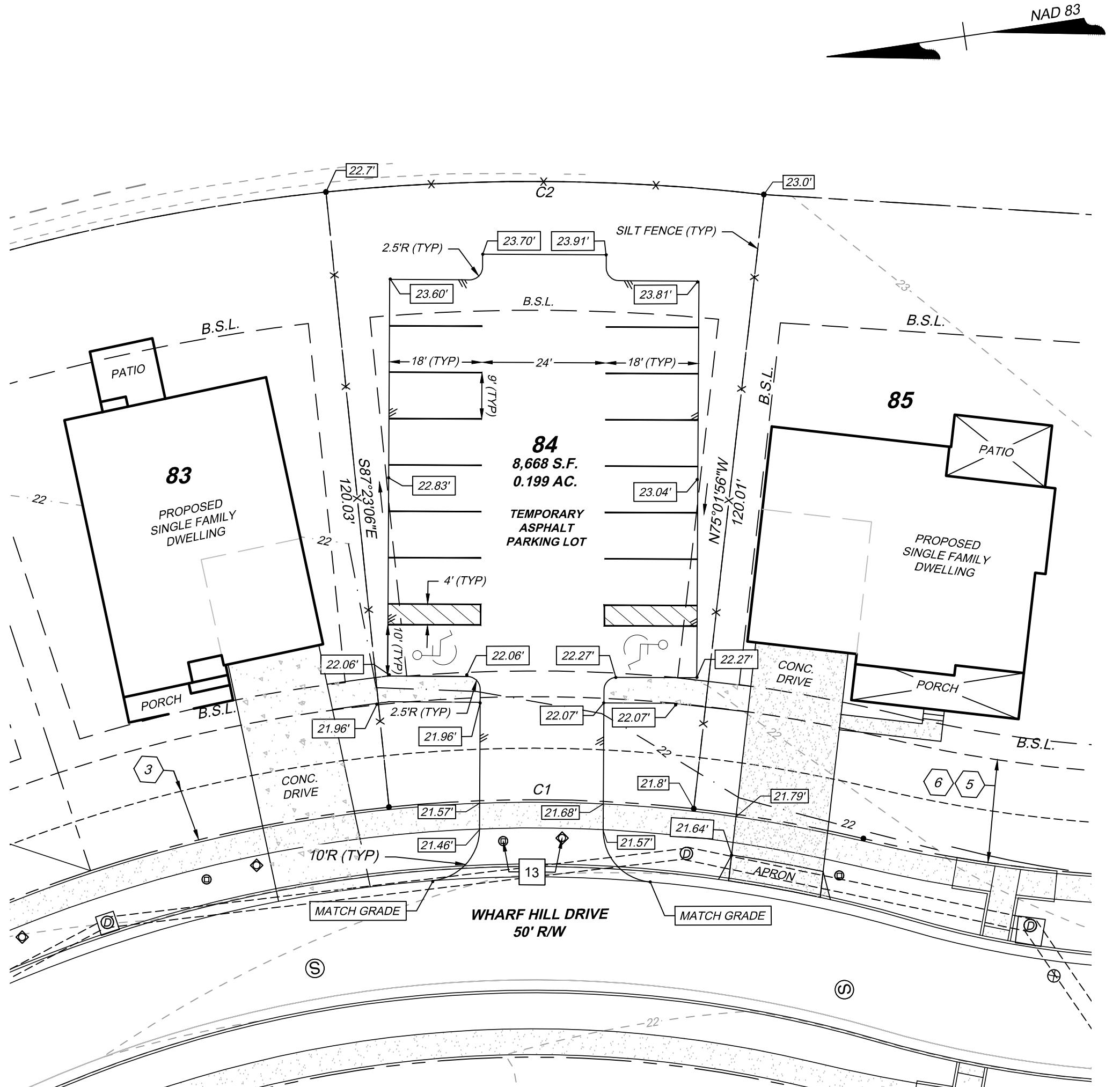
MINIMUM BUILDING SETBACKS

FRONT	25 FT.
SIDE	6 FT.
REAR	25 FT

8. THE BUILDER/CONTRACTOR SHALL VERIFY GRADES AND SITE PRIOR TO CONSTRUCTION.
9. THE BUILDER/CONTRACTOR SHALL PROVIDE FOR POSITIVE DRAINAGE WITHOUT IMPACTING ADJACENT PROPERTIES.
10. THE BUILDER/CONTRACTOR SHALL EXECUTE AND AGREE IN LIEU OF EROSION AND SEDIMENT CONTROL PLAN IN CONJUNCTION WITH APPROVAL OF THIS PLAN.
11. THE BUILDER/CONTRACTOR SHALL EXECUTE AND AGREE IN LIEU OF STORM MANAGEMENT PLAN IN CONJUNCTION WITH APPROVAL OF THIS PLAN.
12. NO TREES AND SHRUBS SHALL BE PLANTED IN TOWN EASEMENTS. SHRUBS SHALL BE A MINIMUM OF 5 FEET, AND TREES A MINIMUM OF 10 FEET, FROM CENTER OF WATER AND SANITARY SEWER PIPE.
13. REMOVE UTILITY BOX, CUT AND CAP LINE 6" BELOW GRADE. PLACE #57 STONE 6" DEEP AND 18" IN WIDTH ON ALL SIDES.

EASEMENT LEGEND:

1. VARIABLE WIDTH PUBLIC DRAINAGE EASEMENT INSTR. #240004793.
2. 20' PUBLIC WATER EASEMENT INSTR. #240004793.
3. 10' PUBLIC UTILITY EASEMENT INSTR. #240004793.
4. VARIABLE WIDTH PRIVATE DRAINAGE AND IMPOUNDMENT EASEMENT INSTR. #240004793.
5. VARIABLE WIDTH VIRGINIA ELECTRIC AND POWER COMPANY INSTR. #240002850.
6. 20' COLUMBIA GAS OF VIRGINIA EASEMENT INSTR. #240003081.

SYMBOL LEGEND

- IRON ROD
- ◎ SANITARY SEWER MANHOLE
- ◎ SANITARY SEWER CLEANOUT
- ◎ STORM SEWER MANHOLE
- ◎ STORM SEWER MANHOLE GRATE INLET
- STORM SEWER GRATE INLET
- FIRE HYDRANT
- ◎ WATER METER
- WATER VALVE
- RIPRAP
- CONCRETE
- 22.5' SPOT GRADES

LINE LEGEND

- ||||| BUILDING LINE
- CENTERLINE SWALE-DITCH
- 100' — CONTOURS
- EDGE OF PAVEMENT
- PROPERTY LINE
- SAN — SANITARY SEWER LINE
- X — SILT FENCE
- STORM SEWER PIPELINE
- W — WATER LINE

CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	DELTA	CHORD BEARING	CHORD
C1	275.15'	59.28'	29.76'	12°20'42"	S8°46'30"W	59.17'
C2	395.00'	85.16'	42.75'	12°21'10"	N8°47'29"E	85.00'

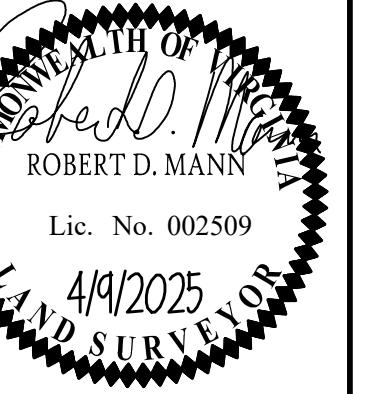
SCALE 1"=20'
0 20' 40'

TIMMONS GROUP

LOT 84 PHASE A1 MALLORY POINTE
TOWN OF SMITHFIELD, ISLE OF WIGHT COUNTY, VA.

PLAN SHOWING TEMPORARY ASPHALT PARKING LOT

THIS DRAWING PREPARED AT THE HAMPTON ROADS PENINSULA OFFICE 800 Tech Center Parkway, Suite 103 Newport News, VA 23606 TEL 757-782-3041 www.timmons.com	
REVISION DESCRIPTION	
DATE	1 1st Revision
DATE	4/14/2025
DRAWN BY	M. LITTLE
DESIGNED BY	N/A
CHECKED BY	R. MANN
SCALE	1" = 20'
YOUR VISION ACHIEVED THROUGH OURS.	



D7 Sales Office Awning



SIZES: Sales to coordinate measurements with their preferred sign vendor

LOGO: Horizontal or Stacked - White

COLORS:



Sunbrella - #83/ "Navy"

MATERIALS:

#83/NAVY Sunbrella Fabric with White Text

REQUIRED COMPONENTS:

- Stanley Martin logo

ADDITIONAL DETAILS:

Design layout will depend on the structural/architectural space where the awning is to be installed. We defer to the vendor installing to recommend the best for each individual model.

E1 Neighborhood Parking

Required



SIZE: 12" x 16"

ORIENTATION: Vertical

LOGO: Stacked - Inverted Blue

COLORS:

PMS: 547 C
CMYK: 52/3/0/76

MATERIALS:

(1) ½" MDO panel
(1) 4x4 wood post painted black with flat caps
Posts to be set in concrete 18" below grade

REQUIRED COMPONENTS:

- Stanley Martin logo
- EHO logo

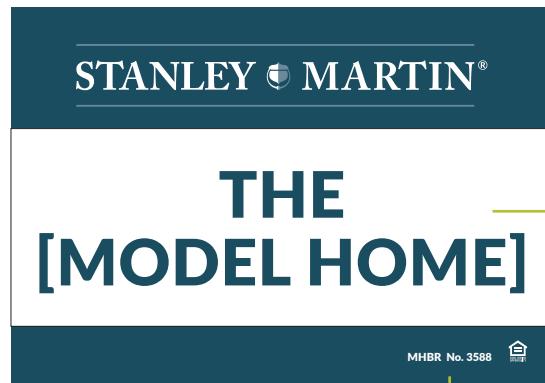
COPY OPTIONS:

- MODEL PARKING
- PRIVATE PARKING
- FUTURE RESIDENT PARKING

INSTALLATION DETAILS:

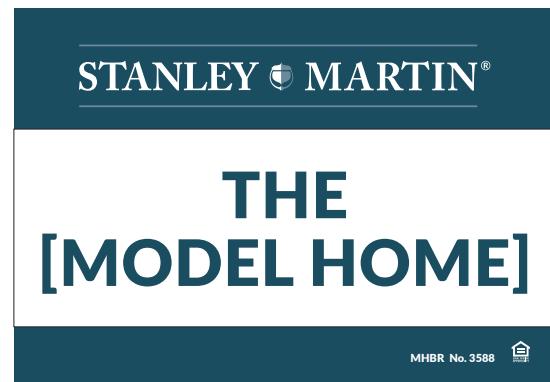
- Post depth and footing condition to be determined by vendor to be sufficient enough to safely secure completed sign into ground.

E4 Secondary Model(s) ID



LATO
Style: Black

Maryland only
Equal Housing Opportunity



18"



SIZE: 18" x 12"

ORIENTATION: Horizontal

LOGO: Horizontal - Inverted Blue

COLORS:

PMS: 547 C
CMYK: 52/3/0/76



MATERIALS:

1/4" Sintra
(1) 4x4 wood post painted black

REQUIRED COMPONENTS:

- Stanley Martin logo
- EHO logo
- Model home name
- "THE" needs to be included before all model names

INSTALLATION DETAILS:

- Sales or construction team to install on front door of model home with double sided tape or staked in the ground.
- Post depth and footing condition to be determined by vendor to be sufficient enough to safely secure completed sign into ground.

D1 Model Home/Sales Office Hours

Required

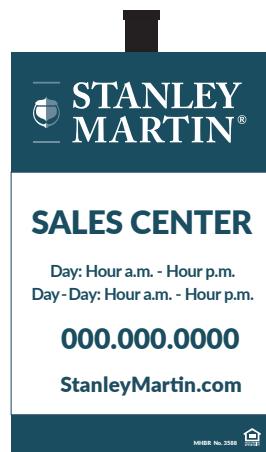
D1a

Primary/Preferred



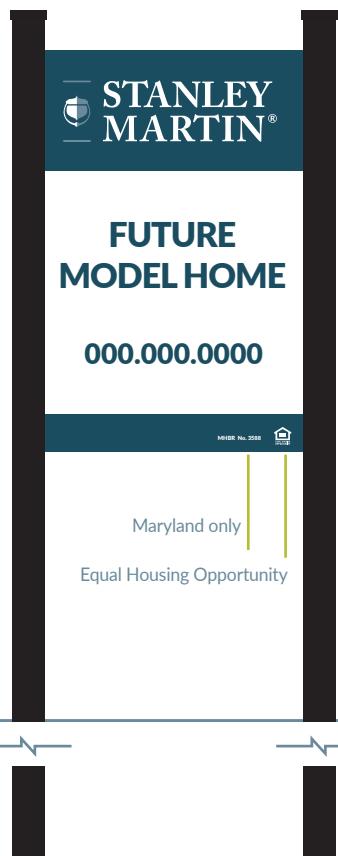
D1b

Cul-de-sac use only



D1c

Prior to model opening



SIZE: 24"x36"

ORIENTATION: Vertical

LOGO: Stacked - Inverted Blue

COLORS:



MATERIALS:

- (1) ½" MDO panel
- Option of using (1) or (2) 4x4 wood posts painted black with flat caps
- (2) 1"x2"x48" cross arms and cross arm holder

REQUIRED COMPONENTS:

- Stanley Martin logo
- Future Model Home or Sales Center
- EHO logo
- Stanley Martin URL
- Tracking phone number - *provided by Marketing*
- "THE" needs to be included before all model names

INSTALLATION DETAILS:

- This sign is to be installed perpendicular to the road so it can be seen by those driving by.
- The only exception is when the model home is at the end of a cul-de-sac, it should be installed in front of the home (in the flower bed or near the sidewalk).
- Post depth and footing condition to be determined by vendor to be sufficient enough to safely secure completed sign into ground.

ADDITIONAL DETAILS:

Hours:

- Day: Hour a.m. - Hour p.m.
- Closed Day use only if applicable for neighborhood

TOWN COUNCIL REPORT

ITEM: Public Hearing: Special Use Permit - 13404 Benns Church Boulevard

FROM: Tammie Clary, Director of Planning and Community Development

ATTACHMENTS:

Description	Type	Upload Date
Notice of Public Hearing - 13404 Benns Church Boulevard	Public Hearing	7/22/2025
Staff REport - 13404 Benns Church Boulevard	Public Hearing	7/22/2025
Attachments - 13404 Benns Church Boulevard	Public Hearing	7/22/2025

NOTICE OF PUBLIC HEARING
TOWN COUNCIL OF THE TOWN OF SMITHFIELD
SPECIAL USE PERMIT

Notice is hereby given that the Town Council of the Town of Smithfield, Virginia will hold a public hearing at the regular meeting of the Town Council in the council chambers in The Smithfield Center, 220 N. Church Street, meeting room A, Smithfield, Virginia, on Tuesday, August 5th, 2025 at 6:30 p.m. to consider the application of Amin Alzandani, applicant and MIP LLC owner, for a special use permit under the provisions of Article 3.I.C.33 of the Zoning Ordinance of the Town of Smithfield, Virginia, adopted September 1, 1998, and as amended thereafter, in order to approve a recreational substance establishment.

The property which is the subject of this special use permit application is 13404 Benns Church Blvd. (Tax Map Parcel no. 32-10-002), which is located on the west side of Benns Church Blvd., containing 5.09 +/- acres, and is zoned Highway Retail Commercial (HRC) and Entrance Corridor Overlay (ECO).

Any person affected by or interested in the aforesaid application may appear at the hearing and be heard. Copies of the Zoning Ordinance of the Town of Smithfield and application for this special use permit are available for inspection at the Department of Community Development & Planning, 310 Institute Street, Smithfield, Virginia 23430.

TOWN OF SMITHFIELD, VIRGINIA

BY: Lesley G. King, Clerk

Publish: Wednesday, July 23rd, 2025, and Wednesday, July 30th, 2025.

TOWN COUNCIL STAFF REPORT: SPECIAL USE PERMIT (SUP)
PUBLIC HEARING

TUESDAY, AUGUST 5th, 2025, 6:30 PM

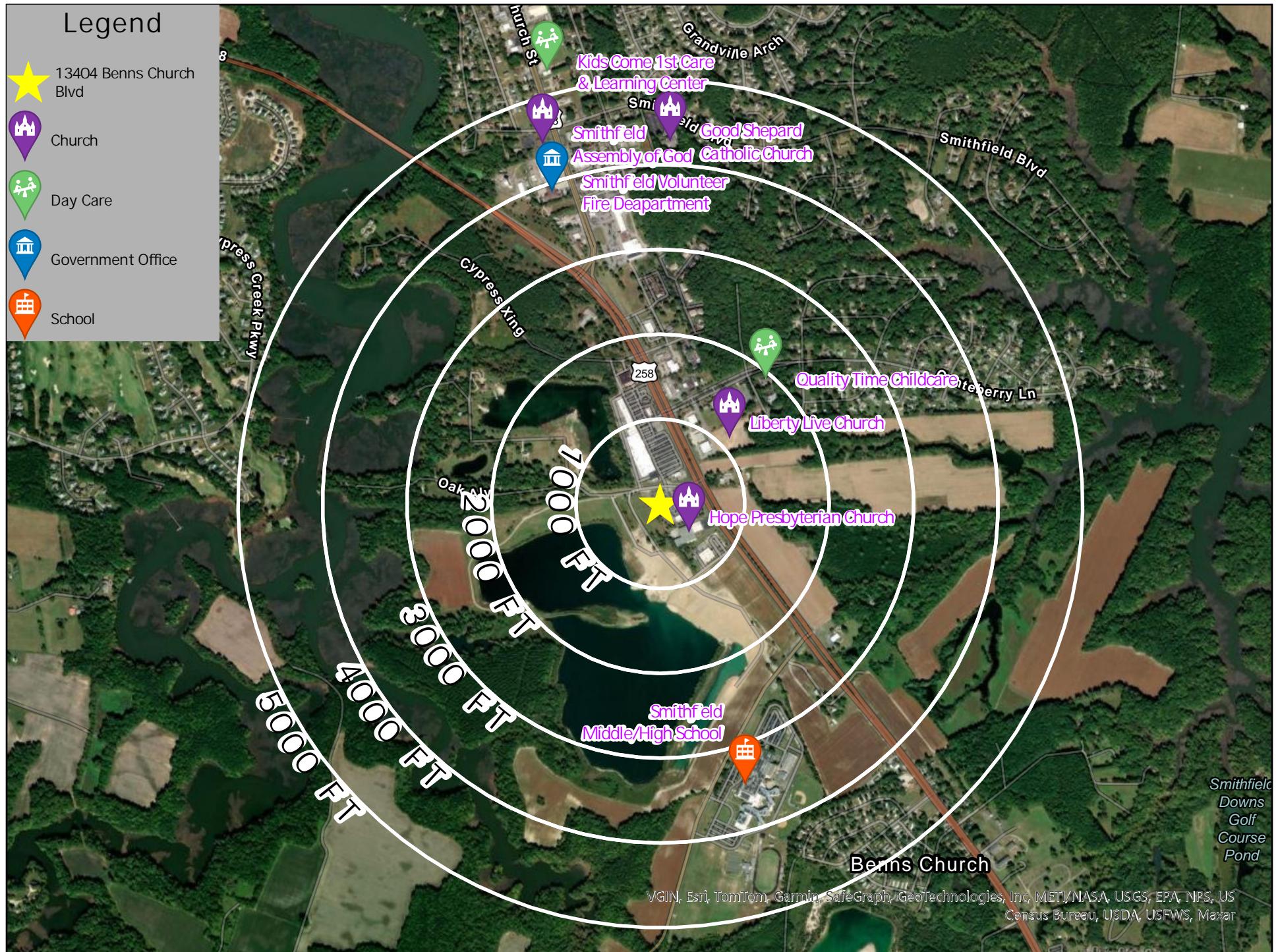
Applicant	Amin Alzandani 13404 Benns Church Blvd Smithfield, VA 23430
Owner	MIP LLC 4433 Corporation Lane Suite 250 Virginia Beach, VA 23462
Property	13404 Benns Church Blvd TPIN 32-10-002
Zoning	Highway Retail Commercial District (HR-C) & Entrance Corridor Overlay (ECO)
Adjacent Zoning	Planned Shopping Center District (PS-C), Community Conservation District (C-C), Environmental Conservation District (E-C), ECO & HR-C
Project Description	The applicant is seeking a special use permit in accordance with Article 3.I.C.33 in order to operate a Recreational Substance Establishment. The applicant would primarily be selling cigars, cigarettes, cigarillos, e-liquid, and e-cigarettes.
Zoning Recommendation	<p>Positives: This would bring a business into an otherwise vacant location.</p> <p>Negatives: This is not a by-right use and does require an SUP. Due to previous illegal activity this owner/ business was shut down.</p> <p>Staff suggest the removal of all window signs/ tinting and should only be allowed to operate Monday through Sunday from 8am until 8pm.</p> <p>This application was unfavorably recommended at the June Planning Commission meeting.</p>

Please direct inquiries to Tammie Clary at 1-(757)-365-4200 or tclary@smithfieldva.gov.



Legend

- 13404 Benns Church Blvd
- Church
- Day Care
- Government Office
- School



TOWN COUNCIL REPORT

ITEM: Public Hearing: Conditional Rezoning & Special Use Permits - Sheetz

FROM: Tammie Clary, Director of Planning and Community Development

ATTACHMENTS:

Description	Type	Upload Date
Notice of Public Hearing - Conditional Rezoning - Sheetz	Public Hearing	7/22/2025
Notice of Public Hearing - Special Use Permits - Sheetz	Public Hearing	7/22/2025
Staff Report - Sheetz	Public Hearing	7/22/2025

NOTICE OF PUBLIC HEARING

TOWN COUNCIL OF THE TOWN OF SMITHFIELD

AMENDMENT & REVISION OF OFFICIAL ZONING MAP (CONDITIONAL REZONING)

Notice is hereby given that the Town Council of the Town of Smithfield, Virginia will hold a public hearing at the regular meeting of the Town Council at the Smithfield Center, 220 N Church St, Smithfield, VA 23430, on Tuesday, August 5th, 2025 at 6:30 PM to consider the application of J. Michael Nidiffer, applicant on behalf of SFD Properties LLC C/O Stephen Adams, owner, for an official zoning map amendment (conditional rezoning) application.

The property which is the subject of this conditional rezoning application is located at TPIN 32-01-096A2 and is requesting to rezone the “Community Conservation” zoned portion of this property to “Highway Retail Commercial.” The intent of this application is to accommodate the applicant’s desired use listed in Smithfield Zoning Ordinance Section 3.I.B.11, to facilitate the construction of a convenience store.

Copies of the current Zoning Ordinance of the Town of Smithfield, Virginia, adopted Tuesday, September 1st, 1998, and all amendments thereto, along with copies of the current official zoning map and the applicant’s conditional rezoning application, are on file and may be examined in the Community Development & Planning Department, 310 Institute St, Smithfield, VA 23430.

Any person desiring to be heard in favor of, in opposition to, or to express his or her views with respect to the aforesaid revisions and amendments may appear and be heard.

TOWN OF SMITHFIELD, VIRGINIA

Lesley G. King, Clerk

Publish: Wednesday, July 23rd, 2025, and Wednesday, July 30th, 2025.

NOTICE OF PUBLIC HEARING
TOWN COUNCIL OF THE TOWN OF SMITHFIELD
SPECIAL USE PERMITS

Notice is hereby given that the Town Council of the Town of Smithfield, Virginia will hold a public hearing at the regular meeting of the Town Council at the Smithfield Center, 220 N Church St, Smithfield, VA 23430, on Tuesday, August 5th, 2025 at 6:30 PM to consider the application of J. Michael Nidiffer, applicant on behalf of SFD Properties LLC C/O Stephen Adams, owner, for Special Use Permit (SUP) applications under the provisions of Article 3.I.C.24, C.15 and C.30, of the Zoning Ordinance of the Town of Smithfield, Virginia, adopted Tuesday, September 1st, 1998, and as amended thereafter, to allow drive-thru facilities, service stations and a waiver of parking and loading requirements to exceed the maximum number of spaces.

The property which is the subject of this SUP application is located at TPIN 32-01-096A2, which is zoned Community Conservation (CC) & Entrance Corridor Overlay (ECO).

Copies of the current Zoning Ordinance of the Town of Smithfield, Virginia, adopted Tuesday, September 1st, 1998, and all amendments thereto, along with copies of the SUP application, are on file and may be examined in the Community Development & Planning Department, 310 Institute St, Smithfield, VA 23430.

TOWN OF SMITHFIELD, VIRGINIA

Lesley G. King, Clerk

Publish: Wednesday, July 23rd, 2025, and Wednesday, July 30th, 2025.

TOWN COUNCIL STAFF REPORT
CONDITIONAL REZONING & 3 SPECIAL USE PERMITS
PUBLIC HEARING
TUESDAY, AUGUST 5th, 2025, 6:30 PM

Applicant	Interstate Realty C/O J. Michael Nidiffer 2151 Volunteer Pkwy Bristol, TN 37620
Owner	SFD Properties LLC C/O Stephen Adams 20 S. King St. Hampton, VA 23669
Property	TPIN 32-01-096A2 7.35 ac E side Benns Church Blvd Corner of Benns Church & Town Limits
Zoning	Community Conservation (CC) & Entrance Corridor Overlay (ECO)
Adjacent Zoning	CC & ECO
Proposed Zoning	Highway Retail Commercial (HRC) & ECO
Future Land Use (FLU)	Corridor Mixed Use
Adjacent FLU	Residential Mixed Use & Corridor Mixed Use
Project Description	The applicant is seeking a conditional rezoning to Highway Retail Commercial (HRC) to facilitate the construction of a convenience store with fueling station islands, with 2 additional retail users. These uses are also in line with the Future Land Use Map, as the current designation is Corridor Mixed Use, which provides for primary commercial uses. The 6,139 square foot convenience store will feature a 4,170 square foot fueling station canopy, with 6 double sided self-serve fueling stations. In addition to traditional convenience store offerings, there will be a made-to-order food menu, Coffee bar, and smoothies. There will be indoor and outdoor seating. The store will operate 24 hours a day, 7 days per week. The site has existing access servicing Sherwin Williams and will also include a right-in/ right-out entrance shared amongst the subdivided parcels. There will be a pedestrian path along Route 10 for connectivity.

1st Special Use Permit- Article 3.J2.C.7: Drive-thru facility.

The applicant is requesting to utilize a drive-thru facility at the convenience store for made to order food or other items from the store.

2nd Special Use Permit- C.20: Waiver of parking and loading:

The applicant would like to exceed the maximum number of parking spaces allowed by 7 spaces, providing up to 44 spaces instead of the maximum of 37 spaces.

3rd Special Use Permit – C. 15: Service Station:

The applicant would like to utilize one parcel as a 5,500 square foot oil express facility.

This application package was favorably recommended to Town Council at the July Planning Commission meeting provided the applicants determine a way to review/ limit the third parcel and they address VDOTs comments prior to the Council meeting.

Enclosures

Please direct inquiries to Tammie Clary at 1-(757)-365-4200 or tclary@smithfieldva.gov.

TOWN COUNCIL REPORT

ITEM: Public Hearing: Text Amendment - Group Homes

FROM: Tammie Clary, Director of Planning and Community Development

ATTACHMENTS:

Description	Type	Upload Date
Ordinance - Group Homes	Ordinance	8/5/2025
Notice of Public Hearing - Group Home	Public Hearing	7/22/2025
Staff Report - Text Amendment - Group Home	Public Hearing	7/22/2025
Attachments - Text Amendment - Group Home	Public Hearing	7/22/2025

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 comply with State law with respect to group homes;

WHEREAS, the Town's Planning Commission, after a public hearing, has unanimously recommended that the Town Council adopt the proposed amendment 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 Article 3.A, C-C, Community Conservation District, Section 3A.B is hereby amended to include Group Homes as a permitted use.
2. That Article 3.A, C-C, Community Conservation District, Section 3A.C.21 is repealed..
3. That Article 3.B, N-R, Neighborhood Residential, Section 3B.B is hereby amended to include Group Homes as a permitted use.
4. That Article 3.C, S-R, Suburban Residential District, Section 3C.B. is hereby amended to include Group Homes as a permitted use.
5. That Article 3.D, DN-R, Downtown Neighborhood Residential District, Section 3D.B. is hereby amended to include Group Homes as a permitted use.
6. That Article 3.E, A-R, Attached Residential District, Section 3E.B. is hereby amended to include Group Homes as a permitted use.
7. That Article 3.E, A-R, Attached Residential District, Section 3E.C.14 is hereby repealed.
8. That Article 3.G, R-O, Residential Office District, Section 3G.B. is hereby amended to include Group Homes as a permitted use.
9. That Article 3.G, R-O, Residential Office District, Section 3G.C.12 is hereby repealed and re-enacted as follows: 12. Foster home and family care residences.

10. That Article 3.H, D- Downtown Residential District, Section 3H.B. is hereby amended to include Group Homes as a permitted use.
11. That Article 3.J2, PMUD, Planned Mixed-Use Development District, Section 3J2.B. is hereby amended to include Group Homes (excluding multifamily dwellings) as a permitted use.
12. That the definition of Group Home found in Article 13, Definitions -, Section 13B.. is hereby amended as follows:

Group home: A residential facility in which no more than eight (8) individuals with mental illness, intellectual disability, or developmental disabilities reside, with one or more resident or nonresident staff persons, in residential occupancy by a single family, provided the Department of Behavioral Health and Developmental Services is the licensing authority. 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.
13. This ordinance shall be in effect immediately upon adoption.

Adopted: August 5, 2025

TOWN OF SMITHFIELD, VIRGINIA

By _____
Michael G. Smith, Mayor

Attest:

Lesley G. King, Clerk

**NOTICE OF PUBLIC HEARING
TOWN COUNCIL OF THE TOWN OF SMITHFIELD
AMENDMENT & REVISION OF ZONING ORDINANCE**

Notice is hereby given that the Town Council of the Town of Smithfield, Virginia will hold a public hearing at the regular meeting of the Town Council in the council chambers in The Smithfield Center, 220 N. Church Street, meeting room A, Smithfield, Virginia, on Tuesday, August 5th, 2025 at 6:30 p.m. to consider the application of the Town of Smithfield, applicant for a text amendment to the provisions of the following: **Articles 3.A, 3.B, 3.C, 3.D, 3.E, 3.G 3.H, & 3.J2 to add group homes as a permitted use; Articles 3.D, 3.E & 13 to clarify the requirements and definition of duplex; Article 3.C.F.2.B.2 to increase the side yard setback for cluster lots; Article 2.U to clarify home occupation uses; Article 3.F to remove regulations for attached, townhouse, and duplex units, of the Zoning Ordinance of the Town of Smithfield, Virginia, adopted September 1, 1998, and as amended thereafter,**

Any person affected by or interested in the aforesaid application may appear at the hearing and be heard. Copies of the current Zoning Ordinance of the Town of Smithfield, Virginia, adopted Tuesday, September 1st, 1998, and all amendments thereto, along with copies of the text amendment application, are on file and may be examined in the Community Development & Planning Department, 310 Institute St, Smithfield, VA 23430.

TOWN OF SMITHFIELD, VIRGINIA

BY: Lesley G. King, Clerk

Publish: Wednesday, July 23rd, 2025, and Wednesday, July 30th, 2025.

TOWN COUNCIL STAFF REPORT: ARTICLES 3.A, 3.B, 3.C, 3.D, 3.E, 3.G 3.H, & 3.J2
TEXT AMENDMENT
PUBLIC HEARING

TUESDAY, August 5th, 2025, 6:30 PM

This is a proposed text amendment to Articles 3.A, 3.B, 3.C, 3.D, 3.E, 3.G 3.H, & 3.J2 of the Zoning Ordinance to incorporate group homes as a by-right use (no longer SUP) in each residential zoning district:

Community Conservation
Neighborhood Residential
Suburban Residential
Downtown Neighborhood Residential
Attached Residential
Residential Office
Downtown
PMUD (excluding multifamily dwellings)

Please direct inquiries to Tammie Clary at 1-(757)-365-4200 or tclary@smithfieldva.gov.

Article 3.A:

C-C, Community Conservation District

Article 3.A:
C-C, Community Conservation
(Agriculture, Forestry and Conservation District)

A. Purpose and Intent:

The C-C Community Conservation District is created to provide a vehicle by which agricultural, forestry, open space and other lands of rural character within the Town may be maintained in their current use on an interim basis until such point in time when development consistent with the adopted Future Land Use Plan may be pursued through a zoning amendment. It is the intent of this district to preserve existing natural features and vegetation, promote interim agricultural and forestry activities and production and encourage the conservation and maintenance of sensitive environmental areas.

The C-C District represents the base district to be applied to the land formerly zoned RAC in Isle of Wight County which was incorporated into the Town subject to the Town of Smithfield/Isle of Wight County annexation agreement. The C-C, Community Conservation District shall be applied to the tracts currently located within the Town which were subject to the annexation as well as other qualifying land which may be comprehensively rezoned by the Town Council to the C-C District pursuant to the Comprehensive Plan.

New residential subdivisions shall not be permitted in the C-C District, except by special permit for subdivisions with not more than five lots. All proposed subdivisions for residential purposes must be individually rezoned to a residential zoning district compatible with the Comprehensive Plan and pursuant to the provisions of the Zoning Ordinance. As minimum improvements, the C-C District shall require public water and sewer for all uses. No lots shall be permitted with private domestic well and septic utilities except by special permit for temporary service.

B. Permitted Uses:

1. General farming, agriculture, dairying and forestry.
2. Conservation areas.
3. Single family detached dwellings (with public water and sewer facilities).
4. Accessory uses to residential structures, limited to detached carport and garages, tool sheds, children's playhouses and play structures and doghouses.
5. Yard sale and/or garage sale.
6. Public parks and playgrounds.

7. Public schools and colleges.
8. Private swimming pools and tennis courts.
9. Noncommercial outdoor recreational activities, including hiking, hunting, boating, horseback riding, swimming, skeet and trap shooting, shooting preserves and fishing subject to other provisions of the Town Code relating to these activities.
10. Private horse stables.
11. Home occupations.
12. Irrigation wells, wells for ground source HVAC systems, and wells for agricultural purposes.
13. **Group Homes**

(Ord. of 2020-09-01; [Ord. of 2025-08-05](#))

C. Uses Permitted by Special Use Permit:

1. Single family detached dwellings (with temporary, private water and sewer systems).
2. Residential subdivisions (not to exceed five residential lots).
3. Churches and places of worship.
4. Boating, country, and/or hunt clubs.
5. Public uses.
6. Libraries, museums, historic sites and shrines.
7. Plant nurseries, with no sale of products permitted on premises.
8. Child day care centers.
9. Adult day care centers.
10. Nursery schools.
11. Private schools and colleges.
12. Commercial swimming pools and tennis courts.
13. Bed and breakfast lodgings.
14. Public facilities, utilities and emergency services.
15. Temporary sawmills.
16. Dog kennels.
17. Guest houses.
18. Veterinary clinics and hospitals.
19. Cupolas, spires and steeples for public and semi-public uses.
20. Accessory apartments within a residential dwelling.
21. **Group homes and nursing homes.**
22. Commercial horse stables.
23. Antique shops.
24. Private boat docks serving a single residential dwelling.
25. Golf courses and golf driving ranges.

26. Public recreation and leisure establishments.
27. Drive-in movie and other open air theaters.
28. On-site commercial operations for agricultural and forestry product sales and services.
29. Borrow pits and resource extraction.
30. Sanitary and industrial landfills.
31. Transfer stations and recycling stations.
32. Livestock sales facilities.
33. Open air markets and stands for farm, horticulture, craft, and produce sales.
34. Cemeteries.
35. Temporary real estate marketing office for new subdivisions.
36. Waiver of Parking and Loading Requirements
37. Child Day Care as a Home Occupation (6-11 Children)
38. Event facilities (principal and accessory uses).
39. Civic, fraternal, and/or social organization halls.
40. Shipping Container (accessory use).

(Ord. of 10-3-2000, Ord. of 9-2-2008, Ord. of 11-4-2014, Ord. of 2019-09-03; Ord. of 2023-03-07;
[Ord. of 2025-08-05](#))

D. Maximum Density:

1. Conventional Subdivisions: One (1.0) unit per net developable acre
(by special permit only, for not more than five (5) residential lots.)
2. Cluster Subdivisions: Not permitted.

E. Lot Size Requirements:

1. Minimum district size: per Official Zoning Map,
otherwise 10 acres.
2. Minimum lot area: 40,000 square feet
3. Minimum lot width:
 - A. Interior lot: 150 feet
 - B. Corner lot: 200 feet
4. Minimum lot depth: 200 feet

F. Bulk Regulations:

1. Height

- A. Residential building height: 35 feet
- B. Public or semi-public building: 45 feet,
provided that required front, rear and side yards shall be increased by 1 foot for each foot of height over thirty-five feet.
- C. Cupolas, spires and steeples: 90 feet,
by special permit.
- D. Accessory buildings: 16 feet,
provided that accessory building heights may be increased to twenty-four feet in accordance with Article 2, Section P of the Zoning Ordinance.

2. Minimum yard requirements:

- A. Front yard: 60 feet
- B. Side yard: 25 feet
- C. Rear yard: 60 feet
15 feet (accessory structure and uses)
- D. In addition to the above regulations, the yard requirements for uses and structures other than residential dwellings and residential accessory uses shall be further regulated by floor area ratio and lot coverage ratios. A maximum floor area ratio equal to 0.25 shall apply to such uses and structures, with a maximum percentage of lot coverage equal to 20%. The location of all such uses shall be subject to site plan approval.
(Ord. of 5-4-2004)

G. Landscaping, Open Space and Recreation Areas:

1. All buffer areas, landscaping and open space in the C-C District shall be further regulated by Article 9.
2. In cases where common open space is to be provided within land zoned "C-C", such open space shall be preserved for its intended purpose as shown on the approved Plan of Development and shall be established by metes and bounds on the Final Subdivision Record Plat. Common open space and other common properties shall be owned, administered, and maintained by a not-for-profit, property owners association, provided, however, that a portion or all of such properties may be dedicated to the Town subject to and at the sole discretion of the Town for acceptance at time of plat recordation. The property owner's association by-laws, articles of incorporation and restrictive covenants shall be submitted with any application for subdivision plat approval. Prior to final approval of a subdivision plat which includes properties to be owned by a property owners' association, the Town Attorney shall review and approve the bylaws, articles of incorporation and restrictive covenants.
3. For common properties to be retained by the property owners' association, the developer/owner must establish the owners association as a bona fide legal entity prior to the recordation of the final plat. Membership in the association shall be mandatory for all subsequent owners. The property owners' association shall own all common open space and recreational facilities and shall provide for their maintenance, administration and operation.

H. Residential Subdivisions: Net Developable Area Calculation

1. Notwithstanding governing lot size and yard regulations, the maximum number of lots for any subdivision and the density for any other land use shall be calculated based on existing land conditions. The yield of a subdivision shall be based on its net developable area, with adjustment factors for physical land units as specified in the chart in the following section.
2. The subdivision plat and/or site plan for a project shall graphically depict the location and area for the physical land units as outlined herein below. A calculation of the net developable area shall be required for all subdivision and site plan submissions. (*Refer to illustrative example of net developable area calculation in the Appendix of the Zoning Ordinance.*)

<u>Physical Land Unit</u>	<u>Percent Credited Toward Net Acreage</u>
<i>Slopes less than 10%:</i>	100%
<i>Slopes from 10% but less than 20%:</i>	75%
<i>Slopes from 20% but less than 30%:</i>	50%
<i>Slopes 30% or more:</i>	10%
<i>Soils with high shrink/swell characteristics, as defined:</i>	75%
<i>Wetlands, existing water features and streams:</i>	0%
<i>Stormwater management basins and structures:</i>	0%
<i>Above-ground 69 KV or greater transmission lines:</i>	0%
<i>Public right-of-way</i>	0%
<i>Private streets, travelways and combined travelways and parking bays</i>	0%

3. No credit towards net developable area shall be given for existing or planned public rights of way, private streets, travelways and combined travelways and parking bays. Twenty percent (20%) shall be subtracted from the calculated net developable acreage to allow for street rights of way, unless it can be demonstrated to the satisfaction of the Planning Commission that proposed street rights of way, private streets, travelways and combined travelways and parking bays in a subdivision will be less than 20% percent of the calculated net acreage.

4. No C-C District residential lot shall be designed in which an area more than 25% of the prescribed minimum lot area is comprised of one or more of the following physical land units: (a) slopes 30% or greater, (b) wetlands, (c) 100-year floodplains and (d) water features.

(Ord. of 8-1-2001)

I. Additional Regulations:

1. Refer to Floodplain Overlay Zoning District, where applicable.

2. Refer to Chesapeake Bay Preservation Area Overlay District.

3. Refer to Landscaping and Screening, Article 9, for additional open space, screening and buffer yard provisions.

4. Refer to Parking and Loading Requirements, Article 8, for parking regulations.
5. Recreational vehicle parking shall not be permitted within front yard and the area of the side yard setbacks.
6. No private domestic well and septic systems shall be permitted. Irrigation wells, wells for ground source HVAC systems, and wells for agricultural purposes are permitted by right.
7. Refer to the Town's Design and Construction Manual for additional residential design standards and subdivision development criteria.
8. Any subdivision or lot which is proposed to be developed on shrink/swell soils shall require a geotechnical report to be submitted with the preliminary plat and plans. Such report shall be prepared by a registered professional engineer and shall address the feasibility of development on the subject soils. No subdivision plat or site plan shall be approved for final recordation until a foundation engineering report has been reviewed by the Town. All recorded plats for lots containing shrink/swell soils shall bear the following note: *"This lot contains shrink/swell soils which require special engineering design for foundations and structural elements. No structure will be approved for issuance of a building permit until a foundation engineering design prepared by a certified professional engineer has been approved for the proposed structure."*
9. Refer to Sign Regulations, Article 10, for signage provisions.
10. Private stables for the keeping of horses, ponies or other livestock for personal enjoyment and not as a business are allowed by right, provided that the lot shall be three (3) acres or greater. Any building used for the keeping of such animals shall be located in the rear yard of the lot and shall conform to the side and rear minimum lot requirements established for non-accessory structures and uses in the C-C District. No more than one such animal shall be kept per each acre of land on the lot.

(Ord. of 9-5-2000; Ord. of 9-01-2020)

Article 3.B:

N-R, Neighborhood Residential District

Article 3.B
N-R, Neighborhood Residential
(Neighborhood Single Family Residential District)

A. Purpose and Intent:

The N-R, Neighborhood Residential District is created to encourage the continuation and revitalization of existing single family detached housing at subdivision densities which are compatible with the Comprehensive Plan's goals for residential developments. The application of the N-R District is intended to recognize previously developed subdivisions, and it is intended to be employed for the rezoning of new low-density residential development.

The N-R District shall be applied to existing and new areas within the Town which are recognized by the Comprehensive Plan for continued, low-density residential neighborhoods. The intent of the district shall be to preserve existing subdivisions, to conserve natural features and vegetation, to encourage infill and redevelopment housing of a compatible scale and architectural character to that of the existing community, and to promote new low-density residential development. No more than one single family dwelling shall be permitted per subdivision lot.

In locations where infill development opportunities are of adequate size, minimum subdivision improvements shall include public water and sewer service, public streets, storm drainage, stormwater management and sidewalks.

(Ord. of 8-03-2004)

B. Permitted Uses:

1. Single family detached dwellings, with public water and sewer service.
2. Accessory buildings and uses, limited to detached carports and garages, toolsheds, children's playhouses and play structures, doghouses, swimming pools and accessory off-street parking and loading spaces.
3. Home occupations.
4. Public parks and playgrounds.
5. Yard sale and/or garage sales (temporary).
6. Private swimming pools and tennis courts.
7. Irrigation wells and wells for ground source HVAC systems.
8. **Group Homes**

(Ord. of 2020-09-01; [Ord. of 2025-08-05](#))

C. Uses Permitted by Special Use Permit:

1. Cemeteries.
2. Churches and places of worship.
3. Single family detached dwellings, with temporary private water and sewer service.
4. Community buildings, limited to use by residents of the subdivision.
5. Public uses.
6. Libraries.
7. Museums, historic sites and shrines.
8. Plant nurseries, with no sale of products permitted on premises.
9. Child day centers.
10. Adult day care centers.
11. Nursery schools.
12. Private schools and colleges.
13. Public schools and colleges.
14. Commercial swimming pools and tennis courts.
15. Bed and breakfast lodgings.
16. Public utilities.
17. Civic, fraternal, and/or social organization halls.
18. Golf course and golf driving ranges.
19. Cupolas, spires and steeples for public and semi-public uses.
20. Agriculture, forestry and horticultural uses (non-commercial).
21. Storage lots for recreational vehicles.
22. Guest houses.
23. Servants' and caretakers' quarters.
24. Accessory apartments.
25. Waiver of height limitation for accessory buildings.
26. Temporary real estate marketing offices for new subdivisions.
27. Waiver of Parking and Loading Requirements
28. Child Day Care as a Home Occupation (6-11 Children)
29. Event facilities (principal and accessory uses).
30. Boating, country, and/or hunt clubs.

(Ord. of 9-5-2000, Ord. of 9-2-2008, Ord. of 11-4-2014, Ord. of 2019-09-03)

D. Maximum Density:

1. Two (2.0) units per net developable acre.

E. Lot Size Requirements:

1. Minimum district size: Not regulated.
2. Minimum lot area:
 - A. Conventional lot: 15,000 square feet, with public water and sewer.
3. Minimum lot width:
 - A. Conventional lot:
 - (1) Interior lot: 100 feet
 - (2) Corner lot: 125 feet
4. Minimum lot depth:
 - A. Conventional lot: 125 feet

F. Bulk Regulations:

1. Height
 - A. Residential building height: 35 feet
 - B. Public or semi-public building: 45 feet, provided that required front, rear and side yards shall be increased by 1 foot for each foot of height over thirty-five feet.
 - C. Cupolas, spires and steeples: 90 feet, by special permit.
 - D. Accessory buildings: 16 feet,

provided that accessory building heights may be increased to twenty-four feet in accordance with Article 2, Section P of the Zoning Ordinance.

(Ord. of 5-4-2004)

2. Minimum yard requirements:

A. Conventional lot:

(1)	Front yard:	35 feet
(2)	Side yard:	15 feet
(3)	Rear yard:	35 feet
5 feet (accessory uses)		

B. In addition to the above regulations, the yard requirements for uses and structures other than residential dwellings and residential accessory uses shall be further regulated by floor area ratio and lot coverage ratios. A maximum floor area ratio equal to 0.25 shall apply to such non-residential uses and structures, with a maximum percentage of lot coverage equal to 20%. The location of all such uses shall be subject to site plan approval.

G. Landscaping, Open Space and Recreation Areas:

1. Open space and recreation area regulations for the N-R District, if and when required, shall be governed by those specified in the S-R District.

H. Conventional Subdivisions: Net Developable Area Calculation

1. Notwithstanding governing lot size and yard regulations, the maximum use intensity for any conventional subdivision or lot shall be calculated based on existing land conditions. The yield of a subdivision shall be based on its net developable area, with adjustment factors for physical land units as specified in the table in the following section.

2. The subdivision plat and/or site plan for a project shall graphically depict the location and area for the physical land units as outlined herein below. A calculation of the net developable area shall be required for all subdivision and site plan submissions.

Physical Land Unit	Percent Credited Toward Net Acreage
<i>Slopes less than 10%:</i>	100%
<i>Slopes from 10% but less than 20%:</i>	75%
<i>Slopes from 20% but less than 30%:</i>	50%
<i>Slopes 30% or more:</i>	10%
<i>Soils with high shrink/swell characteristics, as defined:</i>	75%
<i>Wetlands, existing water features and streams:</i>	0%
<i>Stormwater management basins and structures:</i>	0%
<i>Above-ground 69 KV or greater transmission lines:</i>	0%
<i>Public right-of-way</i>	0%
<i>Private streets, travelways and combined travelways and parking bays</i>	0%

3. No credit towards net developable area shall be given for existing or planned public rights of way, private streets, travelways and combined travelways and parking bays. Twenty percent (20%) shall be subtracted from the calculated net developable acreage to allow for street rights of way, unless it can be demonstrated to the satisfaction of the Planning Commission that proposed street rights of way, private streets, travelways and combined travelways and parking bays in a subdivision will be less than 20% percent of the calculated net acreage.
4. No N-R District residential lot shall be designed in which an area more than 25% of the prescribed minimum lot area is comprised of one or more of the following physical land units: (a) slopes 30% or more, (b) wetlands, (c) 100-year floodplains, and (d) water features.

(Ord. of 8-1-2001)

I. Additional Regulations:

1. Refer to the Floodplain Zoning Overlay District, where applicable.
2. Refer to the Chesapeake Bay Preservation Area Overlay District.
3. Refer to Landscaping and Screening, Article 9, for screening and buffer yard provisions.

4. Refer to Parking and Loading Requirements, Article 8, for parking regulations and specific requirements for common parking lots for recreation vehicle and boat storage.
5. Recreational vehicle parking shall not be permitted within front yard and the area of the side yard setbacks.
6. No private domestic well and septic systems shall be permitted. Irrigation wells and wells for ground source HVAC systems are permitted by right.
7. Any subdivision or lot which is proposed to be developed on shrink/swell soils shall require a geotechnical report to be submitted with the preliminary plat and plans. Such report shall be prepared by a registered professional engineer and shall address the feasibility of development on the subject soils. No subdivision plat or site plan shall be approved for final recordation until a foundation engineering report has been reviewed by the Town. All recorded plats for lots containing shrink/swell soils shall bear the following note: *"This lot contains shrink/swell soils which require special engineering design for foundations and structural elements. No structure will be approved for issuance of a building permit until a foundation engineering design prepared by a certified professional engineer has been approved for the proposed structure."*
8. Refer to Town's Design and Construction Manual for residential design standards and criteria.
9. All uses within the N-R District shall require a General Development Plan and/or site plan for zoning and/or special permit approval.
10. Refer to Sign Regulations, Article 10, for signage provisions.
(Ord. of 10-3-2000; Ord. of 2020-09-01)

Article 3.C:

S-R, Suburban Residential District

Article 3.C:
S-R, Suburban Residential
(Single Family Residential District)

A. Purpose and Intent:

The S-R, Suburban Residential District is created to provide for single family detached residences at subdivision densities which are compatible with the Comprehensive Plan's goals for low to medium density residential developments in Smithfield. The average density of three units per acre establishes the S-R District as the Town's low-to-medium density district for detached residences. The S-R district shall require public water and sewer service, public streets and sidewalks as minimum subdivision improvements. Recognizing prevailing storm drainage deficiencies in and around the Town, new subdivisions shall be constructed with curb and gutter or other storm drainage conveyance system equivalent in performance and function and shall include comprehensive Best Management Practices and stormwater management facilities.

Cluster residential development shall be encouraged in the S-R District (by special permit) in order to promulgate the Town's objectives for environmental preservation, architectural harmony and consistency, adequacy of open space and recreation areas, and enhanced quality neighborhood improvements in new residential subdivisions. Provisions are included herein to permit cluster subdivisions with densities up to fifty percent higher than conventional subdivisions.

The S-R District may be applied to both undeveloped tracts and existing stable neighborhoods in appropriate locations recognized by the Comprehensive Plan. The intent of the district shall be to preserve existing natural features and vegetation, promote excellence in site planning and landscape design, facilitate the efficient layout and orientation of public utilities and community infrastructure, and encourage housing with compatible scale and character of architecture. No more than one single family dwelling shall be permitted per subdivision lot. No lots shall be permitted with private domestic wells or septic systems.

The S-R District represents the residential district to be applied to the land formerly zoned NC-CR-2 and NC-CR-3 in Isle of Wight County which was incorporated into the Town via the Town of Smithfield/Isle of Wight County annexation agreement. In addition to those NC-CR-2 and NC-CR-3 zoned parcels which were subject to the annexation, this district may be applied to other qualifying land which may be comprehensively rezoned by the Town Council to the S-R District upon adoption of the 1998 Comprehensive Plan.

B. Permitted Uses:

1. Single family detached dwellings.
2. Accessory buildings and uses, limited to detached carport and garages, tool sheds, children's playhouses and play structures, doghouses, and accessory off-street parking and loading spaces.
3. Home occupations.
4. Public parks and playgrounds.
5. Yard sale and/or garage sale (temporary).
6. Private swimming pools and tennis courts.
7. Irrigation wells and wells for ground source HVAC systems.
8. **Group Homes.**

(Ord. of 2020-09-01; [Ord. of 2025-08-05](#))

C. Uses Permitted by Special Use Permit:

1. Cemeteries.
2. Churches and places of worship.
3. Cluster residential subdivisions.
4. Community buildings, limited to use by residents of the subdivision.
5. Accessory apartments.
6. Libraries.
7. Museums, historic sites and shrines.
8. Plant nurseries, with no sale of products permitted on premises.
9. Child day centers.
10. Adult day care centers.
11. Nursery schools.
12. Private schools and colleges.
13. Public schools and colleges.
14. Commercial swimming pools and tennis courts (except as may be approved on a general development plan.)
15. Bed and breakfast lodgings and guest houses.
16. Public uses and utilities.
17. Civic, fraternal, and/or social organization halls.
18. Golf course and golf driving ranges.
19. Cupolas, spires and steeples for public and semi-public uses.
20. Agriculture, forestry and horticultural uses (non-commercial).
21. Storage lots for recreational vehicles.
22. Guest houses
24. Temporary real estate marketing offices for new subdivisions.

24. Waiver of contiguous open space parcel requirement.
25. Waiver of district size for cluster subdivisions.
26. Waiver of parking and Loading Requirements
27. Child Day Care as a Home Occupation (6-11 Children)
28. Event facilities (principal and accessory uses).
29. Boating, country, and/or hunt clubs.

(Ord. of 9-2-2008, Ord. of 11-4-2014, Ord. of 2019-09-03)

D. Maximum Density:

1. Conventional Subdivisions: Three (3.0) units per net developable acre.
2. Cluster Subdivisions: Four and One-half (4.5) units per net developable acre.

E. Lot Size Requirements:

1. Minimum district size for cluster subdivisions: Five (5) acres
2. Minimum lot area:
 - A. Conventional lot: 12,000 square feet
 - B. Cluster lot: 8000 square feet
3. Minimum lot width:
 - A. Conventional lot:
 - (1) Interior lot: 80 feet
 - (2) Corner lot: 120 feet
 - B. Cluster lot:
 - (1) Interior lot: 60 feet
 - (2) Corner lot: 90 feet
4. Minimum lot depth:
 - A. Conventional lot: 125 feet

B. Cluster lot: 90 feet

F. Bulk Regulations:

1. Height

A. Residential building height: 35 feet

B. Public or semi-public building: 45 feet,
provided that required front, rear, and side yards shall be
increased by 1 foot for each foot of height over thirty-five feet.

C. Cupolas, spires and steeples: 90 feet,
by special permit.

D. Accessory buildings: 16 feet,
provided that accessory building heights may be increased to
twenty-four (24) feet in accordance with Article 2, Section P of
the Zoning Ordinance.

(Ord. of 5-4-2004)

2. Minimum yard requirements:

A. Conventional lot:

(1) Front yard: 35 feet
(2) Side yard: 15 feet
(3) Rear yard: 35 feet
5 feet (accessory uses)

B. Cluster lot:

(1) Front yard: 25 feet
(2) Side yard: 6 feet
(3) Rear yard: 25 feet
5 feet (accessory uses)

C. In addition to the above regulations, the yard requirements for uses and structures other than residential dwellings and residential accessory uses shall be further regulated by floor area ratio and lot coverage ratios. A maximum floor

area ratio equal to 0.25 shall apply to such non-residential uses and structures, with a maximum percentage of lot coverage equal to 20%. The location of all such uses shall be subject to site plan approval.

G. Landscaping, Open Space and Recreation Areas:

1. In subdivisions approved for cluster development, twenty percent (20%) of the gross site area shall be common open space dedicated to common usage and ownership. Twenty-five percent (25%) of the required open space area shall be developed as active recreational and active community open space, as defined.
2. In conventional subdivisions with 75 or more lots, ten percent (10%) of the gross site area shall be common open space dedicated to common usage and ownership. Fifty percent (50%) of the required common open space area shall be developed as active recreational and active community open space, as defined.
3. For cluster and conventional subdivisions, no more than 40% of the required common open space shall consist of land classified as 100 year floodplain, stream valleys, wetlands, water features, slopes greater than 30%, and/or drainage easements.
4. Required open space shall be contiguous and shall occupy a single parcel within the subdivision unless otherwise approved by the Planning Commission.
5. In no instance shall open space credit be given for lands which are included in or reserved for public rights of way or private travelways, loading areas, required sidewalks or parking areas.
6. Open space shall be accessible to all residential lots within the subdivision via dedicated pedestrian access easements. Where bike and pedestrian trails intended for public use have been designated by the Town's adopted Comprehensive Plan or the Capital Improvements Plan, access easements shall be provided, where appropriate, within the subdivision to link these trails to common open space areas.
7. All open space shall be further regulated by landscaping requirements.
8. All common open space, recreational areas and other common properties shall be preserved for their intended purpose as shown on the approved Plan of Development and shall be established by metes and bounds on the Final Subdivision Record Plat.

9. Common open space, recreational areas and other common properties shall be owned, administered and maintained by a not-for-profit, property owners' association, provided, however, that a portion or all of such properties may be dedicated to the Town subject to and at the sole discretion of the Town for acceptance at time of plat recordation. Property owners' association by-laws, articles of incorporation and restrictive covenants shall be submitted with any application for subdivision plat approval. Prior to final approval of a subdivision plat including properties to be owned by a property owners' association, the Town Attorney shall review and approve the bylaws, articles of incorporation and restrictive covenants.
10. For open space, recreational areas and other common properties to be retained by the property owners' association of a subdivision, the initial developer/owner of the subdivision must establish the owners' association as a legal entity prior to the recordation of the final plat. Membership in the association shall be mandatory for all lot owners within the subdivision. The owners' association shall own all common open space and recreational facilities and shall provide for their perpetual administration, maintenance and operation.
11. The open space and recreation area requirements for residential developments which incorporate a public or private golf course shall be subject to both Special Permit and General Development Plan approval, provided that any golf course under construction prior to the date of this ordinance is not subject to Special Permit regulations.

Notwithstanding the above provisions, open space credit shall be given to the area which circumscribes the golf course irrespective of the actual ownership of the real property which constitutes the golf course.

In addition to the golf course, community recreational amenities (such as swimming pools, tennis courts, pedestrian trails, etc.) shall be provided and made available to the residents of the subdivision pursuant to the approved General Development Plan.

H. Conventional and Cluster Subdivisions: Net Developable Area Calculation

1. Notwithstanding governing lot size and yard regulations, the maximum number of lots for any conventional or cluster subdivision shall be calculated based on existing land conditions. The yield of a subdivision shall be based on its net developable area, with adjustment factors for physical land units as specified in the chart in the following section.

2. The subdivision plat and/or site plan for a project shall graphically depict the location and area for the physical land units as outlined herein below. A calculation of the net developable area shall be required for all subdivision and site plan submissions. (Refer to *illustrative example of net developable area calculation in Appendix 1 of the Zoning Ordinance.*)

Physical Land Unit	Percent Credited Toward Net Acreage
<i>Slopes less than 10%:</i>	100%
<i>Slopes from 10% but less than 20%:</i>	75%
<i>Slopes from 20% but less than 30%:</i>	50%
<i>Slopes 30% or more:</i>	10%
<i>Soils with high shrink/swell characteristics, as defined:</i>	75%
<i>Wetlands, existing water features and streams:</i>	0%
<i>Stormwater management basins and structures:</i>	0%
<i>Above-ground 69 KV or greater transmission lines:</i>	0%
<i>Public right-of-way</i>	0%
<i>Private streets, travelways and combined travelways and parking bays</i>	0%

3. No credit towards net developable area shall be given for planned public rights-of-way, private streets, travelways and combined travelways and parking bays within a lot or property to be developed or subdivided. Twenty percent (20%) shall be subtracted from the calculated net developable acreage to allow for street rights of way, unless it can be demonstrated by survey calculations to the satisfaction of the Planning Commission that proposed street rights of way, private streets, travelways and combined travelways and parking bays in a subdivision will be less than 20% percent of the calculated net acreage.

4. No S-R District residential lot shall be designed in such a way that an area of more than 25% of the prescribed minimum lot area is comprised of one or more of the following physical land units: (a) slopes 30% or greater, (b) wetlands, (c) 100-year floodplains, and (d) water features.

(Ord. of 8-1-2001)

I. Additional Regulations:

1. Refer to the Floodplain Zoning Overlay District, where applicable.
2. Refer to the Chesapeake Bay Preservation Area Overlay District.

3. Refer to Landscaping and Screening, Article 9, for screening and buffer yard provisions.
4. Refer to Parking and Loading Requirements, Article 8, for parking regulations and specific requirements for common parking lots for recreation vehicle and boat storage.
5. Recreational vehicle parking shall not be permitted within front yard and the area of the side yard setbacks.
6. No private domestic well and septic systems shall be permitted. Irrigation wells and wells for ground source HVAC systems are permitted by right.
7. Any subdivision or lot which is proposed to be developed on shrink/swell soils shall require a geotechnical report to be submitted with the preliminary plat and plans. Such report shall be prepared by a registered professional engineer and shall address the feasibility of development on the subject soils. No subdivision plat or site plan shall be approved for final recordation until a foundation engineering report has been reviewed by the Town. All recorded plats for lots containing shrink/swell soils shall bear the following note: *"This lot contains shrink/swell soils which require special engineering design for foundations and structural elements. No structure will be approved for issuance of a building permit until a foundation engineering design prepared by a certified professional engineer has been approved for the proposed structure."*
8. All uses within the S-R District shall require a General Development Plan and/or site plan for zoning and/or special permit approval.
9. Refer to General Regulations, Article 2, for additional lot and yard requirements.
10. Refer to Sign Regulations, Article 10, for signage provisions.
(Ord. of 10-3-2000; Ord. of 2020-09-01)

Article 3.D:

DN-R, Downtown Neighborhood Residential District

Article 3.D:
DN-R Residential
(Downtown Neighborhood Residential District)

A. Purpose and Intent:

The DN-R, Downtown Neighborhood Residential District provides for single family detached residences at slightly higher densities than the S-R, Suburban Residential District. All development within the DN-R District shall be consistent with the Comprehensive Plan's goals for harmonious new development as well as the revitalization of existing stable residential neighborhoods in and around downtown Smithfield. The principal objective of this district is to recognize, maintain and reinforce the existing "sense of neighborhood" in and around the downtown historic areas and to promote residential development of compatible scale, historic character and architectural massing.

While the application of the DN-R District is primarily intended to overlay the existing, substantially developed, residential areas close to the downtown, it also can be applied to new rezonings of undeveloped tracts and infill lots situated within close proximity to the downtown residential areas and waterfront areas. It is the intent of this district to preserve existing historic and natural features, to protect existing landscapes and vegetation, to promote excellence in landscape design and to encourage housing with appropriate scale and architecture.

The average density of five units per acre establishes the DN-R District as one which accepts a higher density and relatively small lot size for single family detached residences. All new and redevelopment activities shall be served by public water and sewer, public streets with curb and gutter, sidewalks, drainage and stormwater management.

B. Permitted Uses:

1. Single family detached dwellings.
2. Accessory buildings and uses, limited to detached carport and garages, tool sheds, children's playhouses and play structures, off-street parking, and doghouses.
3. Home occupations.
4. Public parks and playgrounds.
5. Yard sale and/or garage sale (per ordinance definition).
6. Private swimming pools
7. Boat docks, boat storage and waterfront access facilities, as an accessory use to a private single family dwelling.
8. Irrigation wells and wells for ground source HVAC systems.

9. Group Homes.

(Ord. of 2020-09-01; Ord. of 2025-08-05)

C. Uses Permitted by Special Use Permit:

1. Cemeteries.
2. Churches and places of worship.
3. Duplex residential dwellings (~~1 dwelling per subdivided lot~~).
4. Community buildings, limited to use by residents of the subdivision.
5. Public uses.
6. Libraries.
7. Museums, historic sites and shrines.
8. Plant nurseries, with no sale of products permitted on premises.
9. Child day care centers.
10. Adult day care centers.
11. Nursery schools.
12. Private schools and colleges.
13. Public schools and colleges.
14. Commercial swimming pools and tennis courts.
15. Bed and breakfast lodgings.
16. Public utilities.
17. Civic, fraternal, and/or social organization halls.
18. Tennis courts, public and private.
19. Gymnasiums, public and private.
20. Boat docks, boat storage and waterfront access facilities, as an accessory use to uses other than private single family residential dwellings.
21. Cupolas, spires and steeples for public and semi-public uses.
22. Agriculture, forestry and horticultural uses (non-commercial).
23. Outdoor storage lots for recreational vehicles.
24. Zero lot line residential units (only permitted for new construction.)
25. Accessory apartments.
26. Temporary real estate marketing offices for new subdivisions.
27. Waiver of Parking and Loading Requirements.
28. Child Day Care as a Home Occupation (6-11 Children)
29. Event facilities (principal and accessory uses).
30. Boating, country, and/or hunt clubs.

(Ord. of 9-5-2000, Ord. of 9-2-2008, Ord. of 11-4-2014, Ord. of 2019-09-03; Ord. of 2025-08-05)

D. Maximum Density:

1. Five (5.0) dwelling units per net developable acre.

E. Lot Size Requirements:

1. Minimum district size: Not regulated

2. Minimum lot area:

- A. Conventional single family lot: 6000 square feet

- B. Duplex lot (1 attached unit/lot):

- (1) Interior lot: 4000 square feet
 - (2) Corner lot: 5000 square feet

- C. Duplex lot (1 duplex per lot):

- (1) Interior lot: 6000 square feet
 - (2) Corner lot: 7000 square feet

3. Minimum lot width:

- A. Conventional single family lot:

- (1) Interior lot: 50 feet
 - (2) Corner lot: 75 feet

- B. Duplex ~~attached residential~~ lot (1 attached unit per lot):

- (1) Interior lot: 40 feet
 - (2) Corner lot: 60 feet

- C. Duplex lot (1 duplex per lot):

- (1) Interior lot: 60 feet
 - (2) Corner lot: 70 feet

(Ord. of 2025-xx-xx)

F. Bulk Regulations:

1. Height

A. Residential building height: 35 feet
(principal and accessory uses)

B. Public or semi-public building: 45 feet,
provided that required front, rear, and side yards shall be
increased by 1 foot for each foot of height over thirty-five feet.

C. Cupolas, spires and steeples: 50 feet

2. Minimum yard requirements:

A. Conventional single family lot:

(1) Front yard: 25 feet,
Except where forty percent (40%) or more of the
frontage on one side of the street within the same block
is improved with buildings, no building on that side of the
street within the same block shall be required to have a
front yard greater than the average front yard of the
existing buildings. However, when there are buildings
on the adjacent lots on both sides, the front yard shall
not be required to be greater than the average of the
front yards of the buildings on the adjacent lots. The
side line of a building on a corner lot shall not be a factor
in these calculations.

(2) Side yard (interior lot): 10 feet,
Except that the minimum side yard for any lot of record
prior to the date of the adoption of this ordinance shall
be 5 feet.

Side yard (corner lot): 20 feet,
Except that the minimum side yard for any corner lot of
record prior to the date of the adoption of this ordinance
shall be 10 feet.

(3) Rear yard: 25 feet (residences)

5 feet (accessory uses),

B. Duplex attached residential lot (~~1 attached unit per subdivision lot~~):

(1) Front yard: 25 feet,

Except where forty percent (40%) or more of the frontage on one side of the street within the same block is improved with buildings, no building on that side of the street within the same block shall be required to have a front yard greater than the average front yard of the existing buildings. However, when there are buildings on the adjacent lots on both sides, the front yard shall not be required to be greater than the average of the front yards of the buildings on the adjacent lots. The side line of a building on a corner lot shall not be a factor in these calculations.

(2) Side yard (interior lot): 10 feet

Side yard (corner lot): 15 feet

Except that the minimum side yard for accessory uses for any lot of record prior to the date of the adoption of this ordinance shall be 5 feet.

(3) Rear yard: 25 feet (residences)

5 feet (accessory uses),

D. A maximum floor area ratio equal to 0.25 shall apply to uses other than residential.

G. Open Space:

1. In conventional subdivisions with 50 or more lots, 10% of the gross site area shall be open space dedicated to common usage and ownership, 50% of such area shall be developed as recreational and active community open space, as defined.
2. No more than 40% of the dedicated open space shall consist of land classified as 100 year floodplain, stream valleys, wetlands, slopes greater than 30% and/or drainage easements.

3. All dedicated open space is regulated by landscaping requirements.
4. In no instance shall open space credit be given for lands which are included in or reserved for public rights of way, private travelways, loading areas, required sidewalks or parking areas.

H. Net Developable Area Calculation for DN-R District:

1. Notwithstanding governing lot size and yard regulations, the maximum number of units for attached residential development or subdivision shall be calculated based on existing land conditions. The yield of a subdivision shall be based on its net developable area, with adjustment factors for physical land units as specified in the chart in the following section.
2. The final plat and/or site plan for a project shall graphically depict the location and area for the physical land units as outlined herein below. A calculation of the net developable area shall be required for all subdivision and site plan submissions. (*Refer to illustrative example of net developable area calculation in the appendix of the Zoning Ordinance.*)

Physical Land Unit	Percent Credited Toward Net Acreage
<i>Slopes less than 10%:</i>	100%
<i>Slopes from 10% but less than 20%:</i>	75%
<i>Slopes from 20% but less than 30%:</i>	50%
<i>Slopes 30% or more:</i>	10%
<i>Soils with high shrink/swell characteristics, as defined:</i>	75%
<i>Wetlands, existing water features and streams:</i>	0%
<i>Stormwater management basins and structures:</i>	0%
<i>Above-ground 69 KV or greater transmission lines:</i>	0%
<i>Public right-of-way</i>	0%
<i>Private streets, travelways and combined travelways and parking bays</i>	0%

3. No credit towards net developable area shall be given for planned public rights-of-way, private streets, travelways and combined travelways and parking bays within a lot or property to be developed or subdivided. Twenty percent (20%) shall be subtracted from the calculated net developable acreage to allow for street rights of way, unless it can be demonstrated by survey calculations to the satisfaction of the Planning Commission that proposed street rights of way, private streets, travelways and combined travelways and parking bays in a subdivision will be less than 20% percent of the calculated net acreage.

4. No DN-R District residential lot shall be configured such that more than 10% of the prescribed minimum lot area is comprised of one or more of the following physical land units: (a) slopes 30% or more, (b) wetlands, (c) 100-year floodplains, and (d) water features.

(Ord. of 8-1-2001)

I. Additional Regulations:

1. Refer to the Floodplain Zoning Overlay District, where applicable.
2. Refer to the Chesapeake Bay Preservation Area Overlay District.
3. Refer to Landscaping and Screening, Article 9, for screening and buffer yard provisions.
4. Refer to Parking and Loading Requirements, Article 8, for parking regulations and specific requirements for common parking lots for recreation vehicle and boat storage.
5. Recreational vehicle parking shall not be permitted within front yard and the area of the side yard setbacks.
6. No private domestic well and septic systems shall be permitted. Irrigation wells and wells for ground source HVAC systems are permitted by right.
7. Any subdivision or lot which is proposed to be developed on shrink/swell soils shall require a geotechnical report to be submitted with the preliminary plat and plans. Such report shall be prepared by a registered professional engineer and shall address the feasibility of development on the subject soils. No subdivision plat or site plan shall be approved for final recordation until a foundation engineering report has been reviewed by the Town. All recorded plats for lots containing shrink/swell soils shall bear the following note: *"This lot contains shrink/swell soils which require special engineering design for foundations and structural elements. No structure will be approved for issuance of a building permit until a foundation engineering design prepared by a certified professional engineer has been approved for the proposed structure."*
8. Refer to the Smithfield Design and Construction Standards Manual for additional residential design standards and criteria, where applicable.

9. Refer to the Smithfield Historic District Design Guidelines and the HP-O District for additional residential design standards and criteria for properties located within the historic preservation areas.
10. All uses within the DN-R District shall require a General Development Plan and/or site plan for zoning and/or special permit approval.
11. Refer to General Regulations, Article 2, for additional lot and yard requirements.
12. Refer to Sign Regulations, Article 10, for signage provisions.
(Ord. of 10-3-2000; Ord. of 2020-09-01)

Article 3.E:
A-R, Attached Residential District

Article 3.E:
A-R, Attached Residential
(Townhouse and Attached Residential District)

A. Purpose and Intent:

The A-R, Attached Residential District is created to provide for attached residential dwellings such as conventional townhouses, row houses, multiplex dwellings, duplexes and other similar forms of attached residential units. Single family detached residential dwellings may be permitted under the special use provisions of the district. Garden apartments, "over and under" attached residences, housing for the elderly, and other forms of multi-family housing are not permitted in this district. The A-R District is intended for use in locations compatible with the Comprehensive Plan's goals for medium density, attached residential development in Smithfield. The average density of six (6) to eight (8) units per net developable acre establishes this district as one recognizing townhouse-styled units as the dominant land use.

The A-R District shall be applied to undeveloped tracts lying within Smithfield, as well as to infill parcels at selected locations with the intent of preserving existing natural features and vegetation, promoting excellence in site planning and landscape design, creating self-sustaining neighborhoods and recreational areas and encouraging attached housing with compatible scale, materials and character of architecture. Development in the A-R, Attached Residential District shall be sensitive to land physiography, provision of adequate public infrastructure and development of quality transportation improvements in achieving optimal siting of dwellings, recreation areas, community facilities and open space.

B. Permitted Uses:

1. Attached residential (townhouse) dwellings.
2. Duplex residential dwellings (~~one dwelling per subdivided lot~~).
3. Private community facilities, recreation areas and other common area improvements normally associated with attached residential developments (other than those requiring special use permits) shall be permitted subject to general development plan and final site plan approval.
4. Accessory uses, to include tool sheds, detached garages and carports, children's playhouses, doghouses and accessory off-street parking and loading spaces.
5. Irrigation wells and wells for ground source HVAC systems.
6. **Group Homes.**

(Ord. of 2020-09-01; Ord. of 2025-08-05)

C. Uses Permitted by Special Use Permit:

1. Single family detached residences, subject to S-R District regulations, provided that such residences do not comprise more than 25% of the total planned residential units depicted on the general development plan.
2. Parking lots for recreational vehicles and boats, except as part of a planned development.
3. Commercial swimming pools and tennis courts.
4. Churches and places of worship.
5. Public uses and facilities.
6. Recycling centers, for use by the A-R District residents only.
7. Child day centers.
8. Adult day care centers.
9. Nursery schools.
10. Private schools.
11. Public schools.
12. Cemeteries.
13. Home occupations.
14. **Group homes. Repealed 2025-08-05**
15. Institutional housing and general care for indigents and orphans.
16. Boating, country, and/or hunt clubs.
17. Public utilities.
18. Temporary real estate marketing offices for new subdivisions.
19. Multi-family housing for the elderly and assisted living residences requiring medical and/or food support structures, subject to MF-R regulations.
20. Waiver of Parking and Loading Requirements.

(Ord. of 9-2-2008, Ord. of 2019-09-03; [Ord. of 2025-08-05](#))

D. Maximum Density:

1. Eight (8.0) dwelling units per net developable acre.

E. Lot Size Requirements:

1. Minimum district size: Five (5) acres
2. Minimum lot area for attached (townhouse) dwellings:
 - A. Interior lot: 1600 square feet
 - B. Corner lot: 2400 square feet

C. Condominium: See Additional Regulations for A-R District

3. Minimum lot area for duplex dwellings:

A. Interior lot: ~~4000 square feet~~

B. Corner lot: ~~5000 square feet~~

A. Duplex lot (1 attached unit/lot):

(1) Interior lot: 4000 square feet
(2) Corner lot: 5000 square feet

B. Duplex lot (1 duplex per lot):

(1) Interior lot: 6000 square feet
(2) Corner lot: 7000 square feet

C. Condominium: See Additional Regulations for A-R District

4. Minimum lot width for attached (townhouse) dwellings:

A. Interior lot: 18 feet

B. Corner lot: 35 feet,
subject to additional side yard regulations.

C. Condominiums: See Additional Regulations for A-R District

5. Minimum lot width for duplex dwellings:

A. Interior lot: ~~35 feet,~~
~~subject to additional side yard regulations.~~

B. Corner lot: ~~50 feet,~~
~~subject to additional side yard regulations.~~

A. Duplex lot (1 attached unit per lot):

(1)	Interior lot:	40 feet
(2)	Corner lot:	60 feet

B. Duplex lot (1 duplex per lot):

(1)	Interior lot:	60 feet
(2)	Corner lot:	70 feet

C. Condominiums: See Additional Regulations for A-R District
(Ord. of 2025-xx-xx)

6. Other: Where a lot is to be subdivided into individual lots for the sale of single family attached dwelling units:

A. Lot lines shall conform with party wall centerlines, and

B. Each lot shall be required to include a rear privacy yard with a minimum area of 200 square feet. The design of the privacy yard shall be detailed on the final site plan and shall include provisions for screening, fencing, paving, exterior lighting and/or special landscaping treatment.

F. Bulk Regulations:

1. Height

A. Residential building height: 35 feet
by Commission waiver: 45 feet, but not to exceed 3 stories.

B. Public or semi-public building: 45 feet,
provided that required front, rear and side yards shall be increased by 1 foot for each foot of height over thirty-five feet.

C. Cupolas, spires and steeples: 90 feet,
by special use permit approved by the Planning Commission.

D. Accessory structures: 16 feet
provided that accessory building heights may be increased to twenty-four feet in accordance with Article 2, Section P of the Zoning Ordinance.

2. Minimum yard requirements for attached, duplex and two-family dwellings:

A. Front yard: 25 feet,
for any yard fronting a public right of way.

12 feet,
for any yard fronting a private travelway and/or parking bay,
provided that the minimum yard depth be measured from the
face of building to either (1) the back of vehicular pavement
curbing or (2) the back of sidewalk if located between building
and vehicular pavement curbing, whichever dimension is closer
to the building front.

20 feet,
for any yard fronting a private travelway and/or parking bay
serving a residential dwelling with a garage.

B. Side yard: 25 feet,
for any side yard fronting a public right of way.

16 feet,
for any side yard abutting a private travelway and/or parking bay.

12 feet,
for any side yard abutting an adjacent lot line.

C. Rear yard: 25 feet

3. In addition to the above regulations, the yard requirements for uses and structures other than residential dwellings and residential accessory uses shall be further regulated by floor area ratio and lot coverage ratios. A maximum floor area ratio equal to 0.30 shall apply to such non-residential uses and structures, with a maximum percentage of building coverage on the lot equal to 20%. The location of all such uses shall be subject to site plan approval.

(Ord. of 5-4-2004)

G. Open Space and Recreation Areas:

1. Twenty-five percent (25%) of the gross site area shall be common open space dedicated to common usage and ownership.
2. Fifty percent (50%) of the required common open space area shall be developed as active recreational areas and facilities.
3. Active recreational areas may include playgrounds with recreational structures, tot lots, tennis courts, swimming pools, wading pools, spas and saunas, clubhouse facilities, community meeting rooms and other similar facilities intended for the exclusive use and participation of residents within the development. The applicant shall establish that the type and quality of the planned improvements for the active recreation space shall satisfy the needs of the residents of the project. The location, mix, type, quality and phasing of active recreation facilities and open spaces shall be delineated on the General Development Plan and are subject to Planning Commission approval. A bond may be required for such improvements and facilities subject to the discretion of the Planning Commission.
4. No more than 40% of the required common open space shall consist of land classified as 100 year floodplain, stream valleys, wetlands, water features, stormwater management facilities, slopes greater than 30% and/or drainage easements.
5. Required common open space shall be contiguous and shall occupy a single parcel within the A-R development unless otherwise approved by the Planning Commission.
6. In no instance shall open space credit be given for lands which are included in or reserved for public rights of way or private travelways, loading areas, required sidewalks or parking areas.
7. Open space and active recreational areas shall be accessible to all attached residential lots within the development via dedicated pedestrian access easements. Walkways and other forms of pedestrian access shall form an interconnected system within the A-R District, serving as access to open space, recreational areas and other pedestrian destinations. Pedestrian systems shall be delineated on the General Development Plan.
8. Where community bike and pedestrian trails intended for public use have been designated by the Town's adopted Comprehensive Plan or the Capital Improvements Plan, the applicant shall connect interior pedestrian trails and sidewalks within the project, where appropriate, to these community trails.
9. All open space shall be further regulated by landscaping requirements.

10. All common open space, recreational areas and other common properties shall be preserved for their intended purpose as shown on the approved Plan of Development and shall be established by metes and bounds on the Final Subdivision Record Plat.
11. Common open space, recreational areas and other common properties shall be owned, administered and maintained by a not-for-profit, property owners' association, provided, however, that a portion or all of such properties may be dedicated to the Town subject to and at the sole discretion of the Town for acceptance at time of plat recordation. Property owners' association by-laws, articles of incorporation, restrictive covenants and a schedule of maintenance shall be submitted with any application for subdivision plat or site plan approval.
12. For open space, recreational areas and other common properties to be retained by the property owners' association of a subdivision, the initial developer/owner of the subdivision must establish the owners' association as a legal entity prior to the recordation of the final plat. Membership in the association shall be mandatory for all lot owners within the subdivision. The owners' association shall own all common open space and recreational facilities and shall provide for their perpetual administration, maintenance and operation.

(Ord. of 2021-07-06)

H. Net Developable Area Calculation for Attached Residential

1. Notwithstanding governing lot size and yard regulations, the maximum number of units for attached residential development or subdivision shall be calculated based on existing land conditions. The yield of a subdivision shall be based on its net developable area, with adjustment factors for physical land units as specified in the chart in the following section.
2. The final plat and/or site plan for a project shall graphically depict the location and area for the physical land units as outlined herein below. A calculation of the net developable area shall be required for all subdivision and site plan submissions. (*Refer to illustrative example of net developable area calculation in the Appendix of the Zoning Ordinance.*)

Physical Land Unit	Percent Credited Toward Net Acreage
<i>Slopes less than 10%:</i>	100%
<i>Slopes from 10% but less than 20%:</i>	75%
<i>Slopes from 20% but less than 30%:</i>	50%
<i>Slopes 30% or more:</i>	10%
<i>Soils with high shrink/swell characteristics, as defined:</i>	75%
<i>Wetlands, existing water features and streams:</i>	0%
<i>Stormwater management basins and structures:</i>	0%
<i>Above-ground 69 KV or greater transmission lines:</i>	0%
<i>Public right-of-way</i>	0%
<i>Private streets, travelways and combined travelways and parking bays</i>	0%

3. No credit towards net developable area shall be given for planned public rights-of-way, private streets, travelways and combined travelways and parking bays within a lot or property to be developed or subdivided. Twenty percent (20%) shall be subtracted from the calculated net developable acreage to allow for street rights of way, unless it can be demonstrated by survey calculations to the satisfaction of the Planning Commission that proposed street rights of way, private streets, travelways and combined travelways and parking bays in a subdivision will be less than 20% percent of the calculated net acreage.

4. No A-R District residential lot shall be configured such that more than 25% of the prescribed minimum lot area is comprised of one or more of the following physical land units: (a) slopes 30% or more, (b) wetlands, (c) 100-year floodplains and (d) water features. Stormwater management and BMP facilities shall not be constructed within the boundaries of a residential lot.

(Ord. of 8-1-2001)

I. Additional Regulations:

1. **Waiver of Minimum District Size:** The Planning Commission may approve a special permit waiving the five acre minimum district size requirement for the A-R, Attached Residential District provided that the owner shall successfully demonstrate that consolidation with contiguous parcels or lots necessary to meet minimum district size represents an undue economic hardship or physical impossibility. Further, the owner shall establish that such proposed A-R development will have no deleterious effect on contiguous properties while satisfying the purpose and intent of the district.
2. Refer to Parking and Loading Requirements, Article 8, for parking regulations.
 - A. Parking spaces for each dwelling unit shall be assigned and located within close proximity to the individual dwelling unit served.
 - B. Separate parking spaces shall be allocated and reserved within an A-R development for recreational vehicle parking on the basis of one (1) recreational vehicle parking space per four (4) dwelling units. No recreational vehicle parking space shall front on a public street.
 - C. ADA (American Disabilities Act) parking requirements and dimensions shall be incorporated as a required improvement into all plats and site plans.
 - D. Recreational vehicle parking shall not be permitted on residential lots within the A-R District. Refer to Parking and Loading Requirements for parking regulations and specific requirements for common parking lots for recreation vehicle and boat storage.
3. **Private Travelways, Combined Travelways with Parking Bays and General Access:**
 - A. All dwellings shall have access to a private travelway providing for two-way traffic on twelve (12) foot travel lanes with a combined minimum width of 24 feet (curb

to curb), within a minimum 30 foot private vehicular access easement to be recorded with the subdivision plat.

B. Travelways combined with single-loaded perpendicular parking bays shall be a minimum width of 42 feet (curb to curb), 18 feet of which shall be allocated to and striped for parking. Travelways combined with double loaded perpendicular parking bays shall maintain a minimum width of 60 feet (curb to curb), with 18 feet allocated to the depth of each parking bay space.

C. Private travelways and combined travelways with parking bays shall be constructed to geometric and pavement design standards as specified by the Town's Design and Construction Standards manual, as revised.

D. All travelways and parking bays shall be constructed with VDOT CG-6 or approved equivalent curb and gutter.

E. No attached dwelling unit may be accessed directly from a public street unless approved by special permit.

4. Refuse and Solid Waste Buffering and Screening

A. All refuse facilities shall be completely enclosed and screened.

5. Additional Setback and Lot Requirements

A. Where adjacent properties are zoned to a district other than the A-R District, all Attached Residential buildings shall be set back at least 25 feet from the common district property line(s) or as otherwise provided by screening and buffer requirements.

B. Front lot lines shall be common with private vehicular access easement lines, provided that where a perpendicular parking stall, recreational feature and/or a sidewalk intended for common usage are located outside of the private vehicular access easement, a minimum landscaped front yard of 12 feet shall be provided.

6. Separation and Grouping of Units

A. Building structures for single-family attached dwelling units shall be separated from one another by a minimum of 24 feet.

- B. No more than eight (8) and no fewer than three (3) single-family attached units (townhouses) shall be included in any one physically contiguous grouping.
- C. Townhouse grouping shall be designed to minimize "flat," row-house architectural facades. Architectural projections, off-sets, window bays, porches, mixed materials and colors and other design elements shall be provided to achieve this result.
- D. Architectural treatment of attached dwellings shall vary so that no more than two abutting units are substantially the same and so that no more than four units in any group are substantially the same.

7. Required Improvements and Maintenance of Improvements

- A. For any development in the A-R District, all common area improvements (including open space, recreational facilities, private travelways, walkways, parking areas and other community facilities) shall be maintained by and at the sole responsibility of the developer-owner of the A-R District development until such time as the developer-owner conveys such common area to a non-profit property owners' association entity consisting of the individual owners of the dwelling units in the development.
- B. On-site lighting, signing and mailboxes (as approved by the U.S. Postal Service) shall be provided by the owner-developer of the A-R, Attached Residential District development. These improvements shall be of compatible scale, materials and colors, the designs for which shall be provided with the final site plan.

8. Property Owners' Association and Covenants

- A. Prior to final approval of a subdivision plat or site plan which includes common properties or common property improvements to be owned by a property owners' association, the Town Attorney shall review and approve the applicant's property owners' association bylaws, articles of incorporation, restrictive covenants and a schedule of common property maintenance.
- B. Deed restrictions and covenants shall be included with the conveyance of common property and common property improvements to include, among other things, that assessments, charges and costs of maintenance of such common

areas shall constitute a pro-rata share lien upon the individual dwelling lots, such lien inferior only to taxes and recorded trusts.

C. Restrictive covenants shall specify the detailed means by which the non-profit entity shall govern and manage itself and maintain building exteriors, landscaping, lighting, recreation areas, walkways, pedestrian trails, parking areas, snow removal travelways and other common elements of the development.

9. Additional Land Development and Site Plan Requirements

A. All uses within the A-R District shall require a General Development Plan for zoning and/or special permit approval. The General Development Plan shall serve as the master land use plan for the specific development proposal.

B. The development of any and all sections within the A-R District shall require site plan approval in conformance with the General Development Plan.

C. A Traffic Impact Assessment may be required for any A-R District application by the Planning and Zoning Administrator. The study shall be prepared in accord with the guidelines and standards provided by the Town.

D. Refer to Landscaping Regulations for additional screening buffer yard and open space landscaping provisions.

E. Refer to the Town's Design and Construction Standards Manual for additional residential design standards and criteria.

10. Condominiums

A. Any proposed condominium development established under the Condominium Laws of Virginia shall be subject to the following provisions:

(1) All AR district provisions shall be met, as if lot lines existed, unless approved by special use permit.

(2) Repealed 2024-02-06

(3) A site plan shall be required and shall govern the location of all site structures and improvements on final plans.

11. No private domestic well and septic systems shall be permitted. Irrigation wells and wells for ground source HVAC systems are permitted by right.
12. Any subdivision or lot which is proposed to be developed on shrink/swell soils shall require a geotechnical report to be submitted with the preliminary plat and plans. Such report shall be prepared by a registered professional engineer and shall address the feasibility of development on the subject soils. No subdivision plat or site plan shall be approved for final recordation until a foundation engineering report has been reviewed by the Town. All recorded plats for lots containing shrink/swell soils shall bear the following note: *"This lot contains shrink/swell soils which require special engineering design for foundations and structural elements. No structure will be approved for issuance of a building permit until a foundation engineering design prepared by a certified professional engineer has been approved for the proposed structure."*
13. Refer to the Floodplain Zoning Overlay District, where applicable.
14. Refer to the Chesapeake Bay Preservation Area Overlay District.
15. Refer to the Smithfield Historic District Design Guidelines and the HP-O district for additional design standards and criteria, where applicable.
16. Refer to Sign Regulations, Article 10 for signage provisions.

(Ord. of 2022-02-06)

Article 3.G:
R-O, Residential Office District

Article 3.G:
R-O, Residential Office
(Transitional Residential/Office District)

A. Purpose and Intent:

The R-O, Residential Office District is established to provide for the location of office, studio, and conditional retail uses in low intensity development patterns. The district is intended to provide opportunities for commercial offices, studio, and limited retail within areas of the Town which are in transition from stable residential neighborhoods to more intensive, non-residential uses. The district is established for the purposes of selectively providing for well-planned non-residential land uses to be located between older residential neighborhoods and existing higher intensity non-residential areas, such as corridor commercial, shopping center commercial, downtown commercial and industrial areas.

The R-O District is to be applied where offices or financial institutions are the principal uses on a lot. This would include locations in both newly developing areas and redeveloping older areas of the Town which are subject to the pressures of adaptive reuse of existing structures but where lot sizes are questionable for non-residential uses with on-site parking. As specifically related to new development patterns in the Town, the district is to be used to implement planned professional and health care-related office parks and integrated development complexes.

Minimum site improvements shall include adequate on-site parking, public water and sewer service, public streets, storm drainage, stormwater management facilities and sidewalks.

(Ord. of 2-7-2017)

B. Permitted Uses:

1. Medical and dental offices, inclusive of outpatient facilities.
2. Banks and financial institutions without drive-thru facilities, excluding payday lending and check-cashing establishments.
3. General and professional offices.
4. (Repealed 2019)
5. Child day care and adult day care facilities.
6. Single family residential dwellings, provided that (a) said residential dwellings shall conform in all respects to the S-R District and (b) there shall be no more than one single-family dwelling per lot.
7. Studios for an artist, designer, writer, photographer, sculptor or musician.

8. Accessory uses, to include tool sheds, detached garages and carports, children's playhouses, doghouses and accessory off-street parking and loading spaces.
9. Irrigation wells and wells for ground source HVAC systems.
10. **Group Homes.**

(Ord. of 2019-09-03; Ord. of 2020-09-01; [Ord. of 205-08-05](#))

C. Uses Permitted by Special Use Permit:

1. Retail sales provided that there shall be no exterior or store-front displays (exclusive of Recreational Substance Establishments).
2. Drive-in banks.
3. Residential apartments, as an ancillary use within a commercial structure and limited to one dwelling unit per structure.
4. Bed and breakfast lodgings.
5. Medical care facilities, inclusive of inpatient facilities.
6. Funeral homes.
7. Parking lots (private or public, off-street as a principal use).
8. Public schools, colleges and universities.
9. Private schools, colleges and universities.
10. Any use incorporating a drive-thru facility.
11. Permitted and special permit uses on private water and sewer systems.
12. Foster homes [and family care residences, and group homes serving mentally retarded and developmentally disabled persons.](#)
13. Accessory apartments.
14. Personal service establishments.
15. Home occupations.
16. Repealed (2023-12-05)
17. Waiver of maximum building height.
18. Waiver of lot size requirements.
19. Temporary real estate marketing offices for new subdivisions.
20. Waiver of Parking and Loading Requirements

(Ord. of 2000-09-05; 2008-09-02; 2011-04-05; Ord. of 2017-02-07; Ord. of 2023-12-05; [Ord. of 2025-08-05](#))

D. Maximum Density:

1. Non-residential uses and accessory residential uses shall be regulated by floor area ratio. A maximum floor area ratio equal to 0.25 shall apply to non-residential uses and structures.

2. Residential dwellings: Subject to S-R District regulations.

E. Lot Size Requirements:

1. Minimum district size: Not regulated.

2. Minimum lot area:

A. Conventional lot: 15,000 square feet

3. Minimum lot width:

A. Conventional lot, with public water and sewer:

(1) Interior lot:	100 feet
(2) Corner lot:	125 feet

4. Minimum lot depth:

A. Conventional lot, with public water and sewer: 125 feet

F. Bulk Regulations:

1. Height:

A. Building height: 35 feet

B. Public or semi-public building: 45 feet,
provided that required front, rear and side yards shall be
increased by 1 foot for each foot of height over thirty-five feet.

C. Cupolas, spires and steeples: 90 feet,
by special permit.

D. Accessory buildings: 16 feet,
provided that accessory building heights may be increased to
twenty-four (24) feet in accordance with Article 2, Section P of
the Zoning Ordinance.

2. Minimum yard requirements:

A. Conventional lot, with public water and sewer:

(1) Front yard: 35 feet,

(2) Side yard: 15 feet
except where the lot adjoins an existing residential district,
and then the side yard must then be at least 20 feet(3) Rear yard: 35 feet
5 feet (accessory uses)

B. Maximum lot coverage for non-residential uses:

The maximum percentage of lot coverage for a non-residential use shall not exceed twenty (20) percent. The location of all such uses shall be subject to site plan approval.

(Ord. of 5-4-2004)

G. Landscaping, Open Space and Recreation Areas:

1. Twenty percent (20%) of the gross lot area shall be landscaped open space.
2. Open space and recreation area regulations for residential uses in the R-O District, if and when required, shall be governed by those specified in the S-R District.

H. Net Developable Area Calculation:

1. Notwithstanding governing lot size and yard regulations, the maximum use intensity for any subdivision lot or non-residential lot shall be calculated based on existing land conditions. The development yield (in terms of allowable lots or floor area) shall be based on its net developable area, with adjustment factors for physical land units as specified in the chart in the following section.
2. The subdivision plat and/or site plan for a project shall graphically depict the location and area for the physical land units as outlined herein below. A calculation of the net developable area shall be required for all subdivision and site plan submissions. *(Refer to illustrative example of net developable area calculation in the appendix of the Zoning Ordinance.)*

Physical Land Unit	Percent Credited Toward Net Acreage
<i>Slopes less than 10%:</i>	100%
<i>Slopes from 10% but less than 20%:</i>	75%
<i>Slopes from 20% but less than 30%:</i>	50%
<i>Slopes 30% or more:</i>	10%
<i>Soils with high shrink/swell characteristics, as defined:</i>	75%
<i>Wetlands, existing water features and streams:</i>	0%
<i>Stormwater management basins and structures:</i>	0%
<i>Above-ground 69 KV or greater transmission lines:</i>	0%
<i>Public right-of-way</i>	0%
<i>Private streets, travelways and combined travelways and parking bays</i>	0%

3. No credit towards net developable area shall be given for planned public rights-of-way, private streets, travelways and combined travelways and parking bays within a lot or property to be developed or subdivided. Twenty percent (20%) shall be subtracted from the calculated net developable acreage to allow for street rights of way, unless it can be demonstrated by survey calculations to the satisfaction of the Planning Commission that proposed street rights of way, private streets, travelways and combined travelways and parking bays in a subdivision will be less than 20% percent of the calculated net acreage.

4. No R-O District lot shall be designed or employed for use in which an area more than 25% of the prescribed minimum lot area is comprised of one or more of the following physical land units: (a) slopes 30% or more, (b) wetlands, (c) 100-year floodplains, and (d) water features.

(Ord. of 8-1-2001)

I. Additional Regulations:

1. Refer to the Floodplain Zoning Overlay District, where applicable.

2. Refer to the Chesapeake Bay Preservation Area Overlay District.

3. All business services and storage shall be conducted within the principal structure which is to be completely enclosed.

4. Refer to Landscaping and Screening, Article 9, for screening and buffer yard provisions.

5. Refer to Parking and Loading Requirements, Article 8, for parking regulations:
 - a. Parking for non-residential uses shall be governed by the parking and loading requirements for that use.
 - b. Parking for a non-residential use shall not be permitted within the front yards of any lot.
 - c. No parking shall be permitted within a yard setback line.
 - d. Recreational vehicle parking shall not be permitted within front yard and the area of the side yard setbacks.
6. Refer to Sign Regulations, Article 10, for signage provisions.
7. Any subdivision or lot which is proposed to be developed on shrink/swell soils shall require a geotechnical report to be submitted with the preliminary plat and plans. Such report shall be prepared by a registered professional engineer and shall address the feasibility of development on the subject soils. No subdivision plat or site plan shall be approved for final recordation until a foundation engineering report has been reviewed by the Town. All recorded plats for lots containing shrink/swell soils shall bear the following note: *"This lot contains shrink/swell soils which require special engineering design for foundations and structural elements. No structure will be approved for issuance of a building permit until a foundation engineering design prepared by a certified professional engineer has been approved for the proposed structure."*
8. Refer to the Town's Design and Construction Standards Manual for additional regulations.
9. All uses within the R-O District shall require a General Development Plan and/or site plan for zoning and/or special permit approval.
10. All refuse shall be contained in completely enclosed facilities. Refuse containers and refuse storage shall be located in a paved area and screened from public view by means of fences, wall or landscaping.
11. No private domestic well and septic systems shall be permitted. Irrigation wells and wells for ground source HVAC systems are permitted by right.

(Ord. of 10-3-2000; Ord. of 2020-09-01)

Article 3.H:
D, Downtown District

Article 3.H:
D, Downtown
(Downtown Mixed Use District)

A. Purpose and Intent:

The D, Downtown District is established to promote harmonious development, redevelopment and rehabilitation of uses in and around the historic downtown residential and commercial areas of Smithfield. The regulations of the D, Downtown District are intended to promulgate the goals of the Comprehensive Plan for thoughtful revitalization and historic preservation while emphasizing residential stability and encouraging a balanced mix of uses in the downtown business area.

Urban design priorities within the D District are to be placed on: (1) encouraging continued use and revitalization of single family residences within the district, (2) providing opportunities for selected businesses consistent with downtown market objectives, (3) enhancing pedestrian circulation patterns, (4) minimizing vehicular/pedestrian access conflicts among downtown land uses, (5) respecting the geometry of the downtown streetscape, (6) maintaining strong continuity with the architectural precedents of the Town's historic area, and (7) providing flexibility in the application of harmonious geometric standards for site development.

No off-street parking is required for downtown business uses within the D District which do not exceed 10,000 square feet in lot coverage or a floor area ratio (FAR) of 2.0. Centralized and coordinated public parking within the downtown area is encouraged to serve local business and tourism uses, while off-street parking is recommended on individual residential properties and large commercial properties. Higher density residential development and mixed-used development is permitted by special permit to encourage the location of residences convenient to places of shopping and work. Signage and outdoor storage are restricted to promote an attractive and stable urban environment.

B. Permitted Uses:

Permitted uses shall be those in the following categories which do not exceed 10,000 square feet in lot coverage or a floor area ratio (FAR) of 2.0.

1. Single family residential dwellings, as a principal use, subject to the residential district regulations governing the proposed residential dwelling type and other additional regulations subject to this district.

2. Retail sales establishments (exclusive of automobile dealerships and sales establishments, lumber and millwork retail sales and storage yards, other uses which require outdoor storage of retail goods, and Recreational Substance Establishments).
3. Offices, general and professional.
4. Personal service establishments.
5. Banks and financial institutions, excluding payday lending and check-cashing establishments.
6. Eating establishments (exclusive of fast food restaurants).
7. Business service and office supply establishments.
8. Repair service establishments, provided that any given repair service does not employ more than three (3) persons on the premises during a single shift and that all repair services are performed indoors. No outdoor use, storage or display is permitted.
9. Parking lots (private or public, as a principal use).
10. Home occupations (in detached residential dwellings).
11. Residential dwellings, as an ancillary use in mixed use commercial structures, subject to other additional regulations pertaining to this district.
12. Taxicab Service.
13. Event facilities (accessory uses).
14. Irrigation wells and wells for ground source HVAC systems.
15. **Group Homes**
(Ord. of 10-7-2003, 4-5-2011, Ord. of 2019-09-03; Ord. of 2020-09-01; Ord. of 2023-12-05; [Ord. of 2025-08-05](#))

C. Uses Permitted by Special Use Permit:

The conversion of any residential structure for a non-residential use as the principal use of the building shall be subject to special use permit approval, even if the converted use in question is one of the permitted uses listed above.

1. Any individual use otherwise permitted hereinabove by-right in the D District, but which exceed 10,000 square feet in lot coverage or a floor area ratio (FAR) of 2.0 (and thus, must provide off-street parking), or any of the following uses:
2. Multifamily and attached residential dwellings, as a principal use.
3. Bed and breakfast lodgings.
4. Private post office and delivery services.
5. Funeral homes.
6. Public uses and utilities.
7. Any by-right use for which business, storage or display is conducted outside of an enclosed building.

8. Any use incorporating drive-thru facilities.
9. Hotels and motels.
10. Convenience or quick-service food stores (with or without automotive services).
11. Theaters.
12. Parking garages and structures.
13. Public and private schools.
14. Laundromats.
15. Commercial recreation establishments (limited to indoor uses).
16. Civic, fraternal, and/or social organization halls.
17. Repair service establishments, for any given repair service which employs more than three (3) persons on the premises in a single shift and that all repair services are performed indoors.
18. Waterfront retail business activities associated with the uses in this article, including boat docks and piers, yacht clubs, marinas and boat service facilities, storage and shipment of waterborne commerce, fish and shellfish receiving, seafood packing and shipping and recreational activities. Waterfront retail business uses shall require on-site parking in accord with Article 8, Parking and Loading Regulations.
20. Child day care facilities.
21. Farmers' markets and temporary stands for sale of produce and seasonal merchandise.
22. Visitor centers and public restroom facilities.
23. Churches and places of worship.
24. Repealed (2023-12-05)
25. Waiver of landscape and open space requirements.
26. Waiver for increase in building height over 35 feet.
27. Waiver of floor area ratio regulation.
28. Waiver of yard requirements.
29. Waiver of density for elderly housing.
30. Waiver of Maximum density for residential uses.
31. Waiver of Parking and Loading Requirements
32. Event facilities (principal uses).
33. Boating, country, and/or hunt clubs.
34. Recreational Substance Establishments.

(Ord. of 9-2-2008, 4-5-2011, Ord. of 2019-09-03; Ord. of 2023-12-05)

D. Lot Size Requirements:

1. Minimum district size: The district shall conform with the official Zoning Map.
2. Minimum lot area: Not regulated

3. Minimum lot width: Not regulated

E. Bulk Regulations:

1. Maximum building height:

a. Residential and business uses: 35 feet

b. Public and semi-public buildings: 45 feet

c. Church spires: 90 feet

2. Minimum yard requirements

a. Front yard: Not regulated; provided

Front yard dimensions shall conform to within twenty percent (20%) of the setback of the average of the existing adjacent structures on the same side of the street as the primary structure.

b. Side yard: 5 feet; except

(1) Side yard shall be at least 10 feet or as otherwise required by buffer yard criteria where adjacent to any residential district, and

(2) Side yard shall be at least 10 feet where adjacent to a public right-of-way, an alley and which is recorded as an ingress/egress easement.

c. Rear yard: Not regulated; except rear yard shall be at least 10 feet where adjacent to any residential district.

3. Maximum floor area ratio: 2.0

4. Maximum residential density:

a. 12 dwelling units per net developable acre for mixed use structures.

- b. 12 dwelling units per net developable acre for multifamily dwellings and housing for the elderly.
- c. 8 dwellings units per net developable acre for single family attached dwellings.
- d. 4 dwelling units per net developable acre for single family detached dwellings.
(Ord. of 5-4-2004)

F. Open Space:

1. Not regulated for existing structures and uses.
2. Ten percent (10%) of the gross lot area shall be landscaped open space.

G. Net Developable Area Calculation:

1. Notwithstanding governing lot size and yard regulations, the maximum use intensity for any lot shall be calculated based on existing land conditions. The development yield (in terms of allowable lots or floor area) shall be based on its net developable area, with adjustment factors for physical land units as specified in the chart in the following section.
2. The subdivision plat and/or site plan for a project shall graphically depict the location and area for the physical land units as outlined herein below. A calculation of the net developable area shall be required with all subdivision and site plans. *(Refer to illustrative example of net developable area calculation in the appendix of the Zoning Ordinance.)*

Physical Land Unit	Percent Credited Toward Net Acreage
<i>Slopes less than 10%:</i>	100%
<i>Slopes from 10% but less than 20%:</i>	75%
<i>Slopes from 20% but less than 30%:</i>	50%
<i>Slopes 30% or more:</i>	10%
<i>Soils with high shrink/swell characteristics, as defined:</i>	75%
<i>Wetlands, existing water features and streams:</i>	0%
<i>Stormwater management basins and structures:</i>	0%
<i>Above-ground 69 KV or greater transmission lines:</i>	0%
<i>Public right-of-way</i>	0%
<i>Private streets, travelways and combined travelways and parking bays</i>	0%

3. No credit towards net developable area shall be given for planned public rights-of-way, private streets, travelways and combined travelways and parking bays within a lot or property to be developed or subdivided. Twenty percent (20%) shall be subtracted from the calculated net developable acreage to allow for street rights of way, unless it can be demonstrated by survey calculations to the satisfaction of the Planning Commission that proposed street rights of way, private streets, travelways and combined travelways and parking bays in a subdivision will be less than or greater than 20% percent of the calculated net acreage.
4. No D District lot shall be designed or employed for use in which an area more than twenty-five percent (25%) of the prescribed minimum lot area is comprised of one or more of the following physical land units: (a) slopes 30% or more, (b) wetlands, (c) 100-year floodplains, and (d) water features.

(Ord. of 8-1-2001)

H. Additional Regulations

1. The conversion of any residential structure or any portion thereof for a non-residential use of the building is subject to special use permit approval.
2. Uses other than single family residential uses shall be subject to site plan approval.
3. All refuse shall be contained in completely enclosed facilities. Refuse containers and refuse storage shall be located in a paved area and screened from public view by means of fences, wall, or landscaping.
4. For any use adjacent to uses which in the opinion of the Planning and Zoning Administrator may be adversely affected by the creation of an additional curb cut, such use will require a special use permit.
5. Off-street parking:
 - a. Not notwithstanding the provisions of Article 8, Parking and Loading Requirements, there are no minimum off-street parking space requirements for downtown retail and non-residential uses in the D District when the lot does not exceed 10,000 square feet, a building(s) does not exceed a floor area ratio (FAR) of 2.0, or if the floor area does not exceed 10,000 square feet.

- b. Off-street parking space requirements in accord with Article 8 shall be provided for downtown retail and non-residential uses in the D District when the lot exceeds 10,000 square feet, a building(s) exceeds a floor area ratio (FAR) of 2.0, or if the floor area exceeds 10,000 square feet.
- c. When on-site parking is to be provided on a lot in the D District, such off-street parking shall comply with the Parking and Loading requirements per Article 8.
- d. On-site parking in accord with Article 8 shall be required for waterfront retail and waterfront business uses (as granted by special permit) in the D District.

6. Establishments offering outdoor dining shall be subject to the provisions regulating such uses in the Town Ordinance.

7. Refer to the Floodplain Zoning Overlay District, where applicable.

8. Refer to the Chesapeake Bay Preservation Area Overlay District.

9. Refer to Landscaping and Screening, Article 9, for screening and buffer yard provisions.

10. Refer to the Smithfield Historic District Design Guidelines and the HP-O District for additional design standards and criteria, where applicable. For properties located within the HP-O District, no site plan shall be approved by the Planning Commission prior to the issuance of a Certificate of Appropriateness.

11. Refer to the Signage regulations in Article 10, where applicable.

12. Any subdivision or lot which is proposed to be developed on shrink/swell soils shall require a geotechnical report to be submitted with the preliminary plat and plans. Such report shall be prepared by a registered professional engineer and shall address the feasibility of development on the subject soils. No subdivision plat or site plan shall be approved for final recordation until a foundation engineering report has been reviewed by the Town. All recorded plats for lots containing shrink/swell soils shall bear the following note: *"This lot contains shrink/swell soils which require special engineering design for foundations and structural elements. No structure will be approved for issuance of a building permit until a foundation engineering design prepared by a certified professional engineer has been approved for the proposed structure."*

13. Subject to special use permit approval, the outdoor area devoted to storage, loading and display of goods shall be limited to a maximum of 15% of the total lot area and as

otherwise designated on an approved site plan. Outdoor storage, loading and display areas in excess of 15% may be approved under special circumstances when the applicant can demonstrate need and provide expanded and enhanced screening, buffers and landscaping.

14. No private domestic well and septic systems shall be permitted. Irrigation wells and wells for ground source HVAC systems are permitted by right.

(Ord. of 7-5-2005; Ord. of 2020-09-01)

Article 3.J2:

PMUD, Planned Mixed-Use Development District

Article 3.J2:
PMUD, Planned Mixed-Use Development District
(Planned Mixed-Use District)

A. Purpose and Intent:

The Planned Mixed-Use Development (PMUD) District is established to provide locations within the Town for the development of a mixture of compatible residential, commercial and light industrial uses in a unified fashion to create vibrant communities and neighborhoods. Flexibility and innovative design is encouraged in the planning and implementation stages of such PMUD's. Because of the flexibility, such developments are encouraged to proffer a maximum degree of detail as to the location, type, size and compatibility of the various activities and uses. A commercial component is required for all PMUD Developments.

With the vision of creating highly attractive and well landscaped mixed use settings, at key gateway locations within the Town, this district is intended to promote development with an emphasis on coordinated infrastructure and architecture. Development of lots within the district shall be architecturally and environmentally compatible with adjoining existing land uses and buildings, including residential neighborhoods, and which afford protection to surrounding properties.

Public streets, signage, lighting, pedestrian improvements, site parking and access, landscaping, screened service areas, refuse collection, and other urban design features shall be coordinated by and between the individual uses within the PMUD District, and shall be controlled by design guidelines and standards to be developed with any application under this district. No use will be permitted which might be harmful to the adjoining land uses and the ambience of the adjacent neighborhoods and businesses.

(Ord. of 2022-07-05)

B. Permitted Uses:

1. Single family attached and detached dwellings.
2. Duplex residential dwellings.
3. A mix of residential dwelling types as set forth above.
4. Community buildings, swimming pools, and tennis and basketball courts.
5. Golf course and golf driving range.
6. Quasi-public park, playground, athletic field, and related facility.
7. Child Care Centers and Nursery schools.

8. Adult Care Centers and Assisted living facilities.
9. Libraries, museums, historic sites and shrines.
10. Pharmacies.
11. Bed and breakfast lodging and guest houses.
12. Entertainment centers, excluding adult entertainment centers.
13. Retail Sales.
14. Brewery, Distillery, and Winery establishments with tasting rooms.
15. Event facilities (primary & accessory use).
16. By-right uses permitted in the HRC and I1 Districts, except when a Special Use Permit is required by Section C of this Article.
17. **Group Homes (excluding multi-family dwellings).**

(Ord. of 2022-07-05; [Ord. of 2025-08-05](#))

C. Uses Permitted by Special Use Permit:

1. Multi-family residential dwellings.
2. Irrigation wells and wells for ground source HVAC systems.
3. Churches and places of worship.
4. Private school and colleges.
5. Private training facilities and vocational schools.
6. Public schools and colleges.
7. Any use incorporating drive-thru facilities.
8. Civic, fraternal and/or social organization halls.
9. Outdoor and Commercial Kennels.
10. Boating, country, and/or hunt clubs.
11. Commercial swimming pools and tennis and basketball courts
12. Accessory apartments within a residential dwelling
13. Cupolas, spires and steeples for public and semi-public uses.
14. Storage lots for recreational vehicles.
15. Agriculture, forestry and horticultural uses (non-commercial).
16. Payday lending establishments, check-cashing establishments, pawn shops, and dealers.
17. Automobile and Light vehicle dealerships and retail sales establishments (with service and repair facilities as an ancillary use, with completely enclosed service facilities and screened outdoor storage of repair vehicles).
18. Waiver of Parking and Loading Requirements.
19. Waiver of floor area ratio regulation.
20. Waiver of yard requirements.
21. Waiver of landscape, open space, contiguous open space, and recreational space requirements.

22. Waiver of district size.
23. Waiver of maximum density.
24. Waiver of maximum building height.
25. Recreational Substance Establishments.

(Ord. of 2022-07-05; Ord. of 2023-12-05)

D. Maximum Density:

Business / Commercial: Regulated by floor area ratio, not to exceed 2.0
Residential: 12 dwelling units per net developable acre for mixed use structures & multifamily dwellings.
8 dwelling units per net developable acre for single family attached dwellings.
5 dwelling units per net developable acre for single family detached dwellings.

(Ord. of 2022-07-05)

E. Lot Size Requirements:

1. Minimum district size:	10 acres
2. Minimum lot area:	Not regulated
3. Minimum lot width:	Not regulated

(Ord. of 2022-07-05)

F. Bulk Regulations:

1. Maximum building height:	35 feet,
2. Minimum yard requirements:	
A. Residential:	
1. Front yard:	35 feet
2. Side yard:	15 feet
3. Rear yard:	35 feet
B. Business / Commercial:	
1. Front yard:	40 feet
2. Side yard:	20 feet
3. Rear yard:	20 feet

(Ord. of 2022-07-05)

G. Open Space:

1. An open space plan and landscape design program shall be submitted with applications for any land use governed by this district.
2. Walkability and connectivity is highly encouraged throughout the plan.
3. Fifteen (15) percent of the gross acreage of the PMUD District shall be landscaped open space, provided that no more than fifty (50) percent of the dedicated open space shall consist of land classified as 100 year floodplain, stream valleys, wetlands, slopes greater than thirty (30) percent and/or drainage easements.

(Ord. of 2022-07-05)

H. Net Developable Area Calculation for PMUD District:

1. Notwithstanding governing lot size, yard regulations, and the density, PMUD uses on any lot shall be calculated based on its net developable area, with adjustment factors for physical land units as specified in the chart in the following section.
2. The final plat and/or site plan for a project shall graphically depict the location and area for the physical land units as outlined herein below. A calculation of the net developable area shall be required for all subdivision and site plan submissions.

(Refer to illustrative example of net developable area calculation in the appendix of the Zoning Ordinance.)

Physical Land Unit	Percent Credited Toward Net Acreage
<i>Slopes less than 10%:</i>	100%
<i>Slopes from 10% but less than 20%:</i>	75%
<i>Slopes from 20% but less than 30%:</i>	50%
<i>Slopes 30% or more:</i>	10%
<i>Soils with high shrink/swell characteristics, as defined:</i>	75%
<i>Wetlands, existing water features and streams:</i>	0%
<i>Stormwater management basins and structures:</i>	0%
<i>Above-ground 69 KV or greater transmission lines:</i>	0%
<i>Public right-of-way</i>	0%
<i>Private streets, travelways and combined travelways and parking bays</i>	0%

3. No credit towards net developable area shall be given for planned public rights-of-way, private streets, travelways and combined travelways and parking bays within a lot or property to be developed or subdivided. Twenty percent (20%) shall be subtracted from the calculated net developable acreage to allow for street rights of way, unless it can be

demonstrated by survey calculations to the satisfaction of the Planning Commission that proposed street rights of way, private streets, travelways and combined travelways and parking bays in a subdivision will be less than 20% percent of the calculated net acreage.

4. No PMUD District lot shall be configured such that more than 10% of the prescribed minimum lot area is comprised of one or more of the following physical land units: (a) slopes 30% or more, (b) wetlands, (c) 100-year floodplains and (d) water features.

(Ord. of 2022-07-05)

I. Additional Regulations:

1. All uses in the PMUD District shall be subject to site plan approval.
2. An environmental impact statement shall be required by the Planning Commission or Town Council for any permitted or special permit use.
3. Refer to Sign Regulations, Article 10 for signage provisions.
4. Refer to Landscaping and Screening, Article 9, for screening and buffer yard provisions.
5. Refer to the Floodplain Zoning Overlay District, where applicable.
6. Refer to the Chesapeake Bay Preservation Area Overlay District, where applicable.
7. Refer to Article 8, Parking and Loading Requirements, where applicable.
8. All refuse shall be contained in completely enclosed facilities, screened from public view by means of fences, wall, or landscaping.
9. Public streets must meet current VDOT standards.
10. Subject to special use permit approval, the outdoor areas of an PMUD use devoted to storage, loading, and display of goods shall be limited to a maximum 10% of the lot area and as otherwise designated on an approved site plan. Such outdoor areas shall not be counted in the calculation of required open space. The location and use of outdoor storage, loading and display areas shall be limited to the designated area(s) on the approved site plan.
11. Where a lot is contiguous to property located in a residential district, all buildings shall have a minimum setback of 50 feet from common property lines. A landscaped buffer

yard shall be provided, with landscape materials and placement subject to final plan approval. Fencing may be required in such cases with fence material and heights subject to final plan approval. The minimum setbacks from common property lines may be reduced on a case by case basis by a waiver of the Planning Commission during the site plan and / or subdivision approval process.

12. Any subdivision or lot which is proposed to be developed on shrink/swell soils shall require a geotechnical report to be submitted with the preliminary plat and plans. Such report shall be prepared by a registered professional engineer and shall address the feasibility of development on the subject soils. No subdivision plat or site plan shall be approved for final recordation until a foundation engineering report has been reviewed by the Town. All recorded plats for lots containing shrink/swell soils shall bear the following note: *"This lot contains shrink/swell soils which require special engineering design for foundations and structural elements. No structure will be approved for issuance of a building permit until a foundation engineering design prepared by a certified professional engineer has been approved for the proposed structure."*
13. Condominiums: Any proposed condominium development established under the Condominium Laws of Virginia shall be subject to the following provisions:
 - (1) All setbacks, density and other PMUD District provisions shall be met.
 - (2) Minimum lot and yard requirements shall be met as if lot lines existed.
14. Required Improvements and Maintenance of Improvements
 - A. For any development in the PMUD District, all common area improvements (including signage, lighting, parks and open space, recreational facilities, private travelways, walkways, landscaping, parking areas and other urban design elements and facilities) shall be maintained by the developer/owner of the PMUD District development until such time as the developer/owner conveys said common area to a non-profit property owners association.
 - B. On-site lighting, signage and mailboxes (as approved by U.S. Postal Service) shall be provided by the owner/developer of the PMUD District development. These improvements shall be of compatible scale, materials and colors with the proposed development and adjacent uses. The designs for these improvements shall be provided with the general development plan and final site plans.
15. Property Owners' Association and Covenants

- A. Prior to final approval of a subdivision plat or site plan within the PMUD District which includes common properties or common property improvements to be owned by a property owners association, the Town Attorney shall review and approve the applicant's property owners' association bylaws, articles of incorporation, restrictive covenants and a schedule of common property maintenance.
- B. Deed restrictions and covenants shall be included with the conveyance of common property and common property improvements to include, among other things, that assessments, charges and costs of maintenance of such common areas shall constitute a pro-rata share lien upon the individual dwelling lots, such lien being inferior only to taxes and recorded trusts.
- C. Restrictive covenants shall specify the detailed means by which the non-profit entity shall govern and manage itself and maintain building exteriors, landscaping, lighting, recreation areas, walkways, pedestrian trails, parking areas, snow removal travelways and other common elements of the development.

16. Additional PMUD District Land Development and Site Plan Requirements

- A. A Pre-Application Conference is required. An application for a PMUD District shall not be deemed "complete" unless and until the Pre-Application Conference has been conducted.
- B. All uses within the PMUD District shall require a General Development Plan for zoning and/or special permit approval. The General Development Plan shall serve as the master land use plan for the specific development proposal. The General Development Plan shall include standards and criteria for streetscape infrastructure, landscaping, signage, private facilities and site elements, and other urban design features to ensure compatibility of lot development activities.
- C. The development of any and all sections or phases within the PMUD District shall require site plan approval in conformance with the General Development Plan.
- D. A Traffic Impact Assessment may be required for any PMUD District application by the Planning and Zoning Administrator. See Appendix, Article 14.B.
- E. Refer to the Town's Design and Construction Standards Manual for additional design standards and criteria.

(Ord. of 2022-07-05)

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 structures or uses: Any structure located on a lot or parcel not identified as a principal structure as defined herein. Accessory structures include, but are not limited to, detached garages, gazebos, free-standing decks, storage buildings or tool sheds, guest houses, and similar forms of development that are incidental and subordinate to the principal structure. Accessory uses include, but are not limited to, in-ground pools, patios, terraces, tennis courts, synthetic turf, and other impermeable landings that do not permit infiltration to groundwater. Any modification or expansion to an accessory use must be reviewed and approved using a formal exception process unless proposed within a locally designated Intensely Developed Area.

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, dairy farming, floriculture, or the raising of 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 construed 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.**

Basement: That portion of a building partly underground, having at least one-half of its height above the average adjoining grade. 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.

Boating, country, and/or hunt clubs: A non-profit association or corporation organized and operated to provide private facilities for boating, horseback riding, golfing, swimming, tennis, and/or other recreational activities associated therein to its private, self-perpetuating membership on a contiguous parcel of land. Any facility which conducts commercial activities including (but not limited to) the construction, manufacture, repair, and/or sale of goods, equipment, supplies,

vehicles, and/or vessels, or which operates a commercial restaurant, refreshment, and/or events facility shall not be deemed a boating, country, and/or hunt club. However, restaurant, refreshment, and small event facilities limited to members and their guests and conducted as an incident to other boating, country, and/or hunt club activities shall be allowed. Nothing in this definition shall be construed to permit archery, fishing, hunting, shooting preserves, shooting ranges, skeet shooting, and/or trap shooting, unless otherwise permitted in the underlying zoning district.

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 (CBPA): Any land designated as such on the Chesapeake Bay Preservation Area Map adopted by the Town Council, subject to confirmation by the Town of Smithfield Zoning Administrator on a site-specific basis. A Chesapeake Bay Preservation Area shall consist of a Resource Protection Area and a Resource Management Area.

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.

Churches and places of 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.

Civic, fraternal, and/or social organization halls: Meeting places for non-profit associations or corporations organized and operated to provide services to their communities, promote the interests of its members, and to engage in charitable activities. They are operated by private, self-perpetuating membership. Restaurant, refreshment, and small event facilities limited to members and their guests and conducted incidentally to other civic, fraternal, and/or social activities shall be allowed. However, the operation of a commercial restaurant, refreshment, and/or events facility shall not be deemed as incidental to civic, fraternal, and/or social organization halls. No part of the net earnings of any civic, fraternal, and/or social organization may benefit any private individual.

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 cover created by development or redevelopment of land, including, but not limited to, buildings, roads, driveways, parking areas and sidewalks, and any other land disturbed for the construction of such improvements.

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, excluding Recreational Substance Establishments and Retail Sales Establishments.

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.

Dealer:

"Precious Metals Dealer:" Any person, firm, partnership, or corporation engaged in the business of (i) purchasing secondhand precious metals or gems; (ii) removing in any manner precious metals or gems from manufactured articles not then owned by the person, firm, partnership, or corporation; or (iii) buying, acquiring, or selling precious metals or gems removed from manufactured articles. "Dealer" includes all employers and principals on whose behalf a purchase is made, and any employee or agent who makes any purchase for or on behalf of his employer or principal. "Precious metals" means any item except coins composed in whole or in part of gold, silver, platinum, or platinum alloys.

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 construction, substantial alteration, or installation of any improvement (including residential, commercial, industrial, institutional, recreation, transportation, or utility facilities or structures) upon a parcel of land, or any land disturbance associated therewith.

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: The diameter of a tree measured at a point four and one-half (4-1/2) feet above the existing grade, or the natural surface or contour of a site.

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.

Donation Box: Any container, storage unit or unoccupied structure, other than an accessory building or structure, that is located outside of a building, intended or used for the holding of charitable or for-profit donation items by the general public, including but not limited to clothing, shoes, household items, toys, books, and newspapers, with the collection of donated items made at a later date or time. This term shall not include solid waste facilities, recycling bins, or similar receptacles.

Dripline: An imaginary perpendicular line extending downward from the outermost tips of the branches of a tree to the ground.

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, Duplex: A two-family attached residential use in which the dwelling units are located on ~~either~~ one individual platted ~~lots~~ or ~~two individual lots, and either of 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.

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**.

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.

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

Event facility: A place of public assembly used primarily as an event facility is a place for hosting functions including, but not limited to, parties, lessons/classes/courses, weddings, receptions, banquets, anniversaries, meetings, and/or conferences. The event facility may be a building, tent, uncovered outdoor gathering space, or a combination thereof. For the purposes of this Section, an event facility is one that charges a fee or requires compensation to use the space or charges an entry or other fee for the uses related to the facility. Facilities exclusively used by membership groups such as clubs, or civic, fraternal, and/or social organizations, are excluded from this definition.

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.

Floodplain: All lands that would be inundated by flood water because of a storm event of a 100-year return interval.

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.

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.

Ground source HVAC well: For the purpose of this ordinance, a ground source HVAC well is a well utilized for a ground source HVAC system that does not discharge water at the surface.

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~~ in which no more than eight (8) individuals with mental illness, intellectual disability, or developmental disabilities reside, with one or more resident or nonresident staff persons, is residential occupancy by a single family, provided the Department of Behavioral Health and Developmental Services is the licensing authority. 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.

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.

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

Homestay: The provision of a dwelling unit, or any portion thereof, for rent to transient persons for fewer than thirty (30) consecutive days as an accessory use, while the operator remains present on the premises, or in the case where the property is the operator's principal residence.

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."

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: Those areas of existing development and infill sites where development is concentrated and little of the natural environment remained as of September 1990 and which is so designated on the map of Chesapeake Bay Preservation Areas adopted by the Town Council pursuant to Section 104 (D) of this Ordinance.

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.

Kennel: 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 man-made change to the land surface that may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the Commonwealth, including, but not limited to, clearing, grading, excavating, transporting, and filling of land. The term shall not include minor activities such as home gardening, individual home landscaping and home maintenance.

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

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.

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 home park: 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.

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.)

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: As defined in Va. Code §3.2-800, any living plant, or part thereof, declared by the Board of Agriculture and Consumer Services through regulations to be detrimental to crops, surface waters, including lakes, or other desirable plants, livestock, land, or other property, or to be injurious to public health, the environment, or the economy, except when in-state production of such living plant, or part thereof, is commercially viable or such living plant is commercially propagated in Virginia. Including, but not limited to plants such as Johnson grass, kudzu, and multiflora 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.

Pawnbroker: Any natural person who lends or advances money or other things for profit on the pledge and possession of tangible personal property, or other valuable things, other than securities or written or printed evidences of indebtedness or title, or who deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price.

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: An individual, fiduciary, corporation, firm, partnership, association, organization, or any other entity or combination thereof.

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: For the purposes of this Ordinance, plan of development means any process for site plan review in local zoning and land development regulations designed to ensure compliance with Va. Code § 62.1-44.15:74 and with this Ordinance, prior to issuance of a building permit.

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

Portable Storage Container: A portable storage container is a portable, weather-resistant receptacle designed and used for the storage or shipment of household goods, wares, building materials or merchandise. Portable storage containers are an alternative to traditional mini-storage and moving options and are delivered via truck or trailer directly to the customer, and are temporary in nature.

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 Substance:

- A. Any product made of tobacco, including cigarettes, cigars, smokeless tobacco, and pip tobacco.
- B. Any noncombustible product containing nicotine or vaping fluid that employs a heating element, power source, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from a solution or other form.
- C. Any product containing Hemp, Kratom, Cannabidiol (CBD), or other similar substance, including any raw materials from these products.
- D. Any pipe, hookah, waterpipe, vaporizer, glassware, other type of device, wrappings, or accessories associated with the consumption and / or inhalation of the abovementioned substances and materials.

Recreational Substance Establishment: Unless modified or otherwise conditioned by the Town Council at the time of approval, Recreational Substance uses shall be subject to the following limitations and requirements:

- A. Special use permit authorizing this use shall fully consider the proximity of the proposed shop to schools, religious institutions, libraries, other institutional uses, residential uses, and shall limit hours of operation accordingly.
- B. Hours of operation shall be limited to 8am to 8pm, Monday through Sunday.

- C. Any establishment, facility, or location whose business operation involves the retail sale of Recreational Substances and includes Recreational Substances as 25% or more of its total inventory or 15% or more of its total display areas.
- D. During all hours of operation, all glass portions of windows and doors along the front façade of the shop shall be maintained as transparent and shall not be heavily tinted or obscured.
- E. No smoking or vaping shall be permitted on the premises at any time unless the establishment complies with the Virginia Indoor Clean Air Act (Virginia Code Section 15.2-2820).

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.

Resource Management Area (RMA): That component of a Chesapeake Bay Preservation Area not classified as a Resource Protection Area. 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 functional value of a Resource Protection Area. Resource Management Areas shall be provided contiguous to the entire inland boundary of the 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 an 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, Quick-service food stores, and Recreational Substance Establishments.**

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.

Shipping Container: An industrial, standardized reusable metal vessel that was originally, specifically, or formerly designed for or used in the packing, shipping, movement, or transportation of freight, articles, goods, or commodities by commercial trucks, tractor trailers, trains, and/or ships. A shipping container modified in a manner that would preclude future use by a commercial transportation entity shall be considered a shipping container for purpose of this definition. This definition includes, but is not limited to, the following terms, "shipping container," "freight container," "Conex Box," "Container Express," "Transporters," "ISO Container," "Bicon," "Sea Cans," and "Tractor Trailers" for this Ordinance.

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.

Short-term rental: The provision of a dwelling unit, or any portion thereof, for rent to transient persons for fewer than thirty (30) consecutive days as a principal use, known as a short-term rental, or as an accessory use, known as a homestay.

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 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.

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, interstates 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.

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

Subdivision: The division of any parcel of land into two (2) or more lots or parcels. The term shall include all changes in lot lines, the creation of new lots involving any division of an existing lot or lots and, if a new street is involved in such division, any division of a parcel of land. When appropriate to the context, the term shall also include the process of subdividing and the territory subdivided.

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.

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: An activity on the land other than development including agriculture, horticulture, and silviculture.

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.**

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 2000-8-1; Ord. 2000-10-3; Ord. of 2004-4-6; Ord. of 2005-12-6; Ord. of 2019-9-3; Ord. of 2020-09-01; Ord. of 2023-03-07; Ord. of 2023-12-05; Ord. of 2025-04-01; [Ord. of 2025-xx-xx](#))

TOWN COUNCIL REPORT

ITEM: Public Hearing: Text Amendment - Side Yard Setbacks for Cluster Lots

FROM: Tammie Clary, Director of Planning and Community Development

ATTACHMENTS:

Description	Type	Upload Date
Ordinance - Revise Minimum Side Yard Setbacks	Ordinance	8/1/2025
Notice of Public Hearing - Article 3C - Side Yard Setbacks	Public Hearing	7/22/2025
Staff Report - Side Yard Setbacks	Public Hearing	7/22/2025
Attachments - Side Yard Setbacks	Public Hearing	7/22/2025

AN ORDINANCE TO AMEND THE ZONING ORDINANCE
OF THE TOWN OF SMITHFIELD, VIRGINIA TO REVISE MINIMUM SIDE YARD
REQUIREMENTS FOR CLUSTER LOTS IN THE S-R SUBURBAN RESIDENTIAL
DISTRICT

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 revise minimum side yard requirements for cluster lots in the S-R, Suburban Residential District; and.,

WHEREAS, the Town's Planning Commission, after a public hearing, has unanimously recommended that the Town Council adopt the proposed amendment 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 Article 3.C, S-R, Suburban Residential District, Section 3.C.F.2.B. is hereby amended as follows:

2. Minimum yard requirements:

B. Cluster lot:

(1) Front yard: 25 feet

(2) Side yard: 10 feet

(3) Rear yard: 25 feet

5 feet (accessory uses)

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

Adopted: August 5, 2025

TOWN OF SMITHFIELD, VIRGINIA

By _____
Michael G. Smith, Mayor

Attest:

Lesley G. King, Clerk

NOTICE OF PUBLIC HEARING
TOWN COUNCIL OF THE TOWN OF SMITHFIELD
AMENDMENT & REVISION OF ZONING ORDINANCE

Notice is hereby given that the Town Council of the Town of Smithfield, Virginia will hold a public hearing at the regular meeting of the Town Council in the council chambers in The Smithfield Center, 220 N. Church Street, meeting room A, Smithfield, Virginia, on Tuesday, August 5th, 2025 at 6:30 p.m. to consider the application of the Town of Smithfield, applicant for a text amendment to the provisions of the following: Articles 3.A, 3.B, 3.C, 3.D, 3.E, 3.G 3.H, & 3.J2 to add group homes as a permitted use; Articles 3.D, 3.E & 13 to clarify the requirements and definition of duplex; Article 3.C.F.2.B.2 to increase the side yard setback for cluster lots; Article 2.U to clarify home occupation uses; Article 3.F to remove regulations for attached, townhouse, and duplex units, of the Zoning Ordinance of the Town of Smithfield, Virginia, adopted September 1, 1998, and as amended thereafter,

Any person affected by or interested in the aforesaid application may appear at the hearing and be heard. Copies of the current Zoning Ordinance of the Town of Smithfield, Virginia, adopted Tuesday, September 1st, 1998, and all amendments thereto, along with copies of the text amendment application, are on file and may be examined in the Community Development & Planning Department, 310 Institute St, Smithfield, VA 23430.

TOWN OF SMITHFIELD, VIRGINIA

BY: Lesley G. King, Clerk

Publish: Wednesday, July 23rd, 2025, and Wednesday, July 30th, 2025.

**TOWN COUNCIL STAFF REPORT: ARTICLE 3.C.F.2.B.2. TEXT AMENDMENT
*PUBLIC HEARING***

TUESDAY, AUGUST 5th, 2025, 6:30 PM

This is a proposed Text Amendment to Article **3.C.F.2.B.2.** of the Zoning Ordinance per Dr. Pope's request.

2. Minimum yard requirements:

A. Conventional lot:

(1)	Front yard:	35 feet
(2)	Side yard:	15 feet
(3)	Rear yard:	35 feet
5 feet (accessory uses)		

B. Cluster lot:

(1)	Front yard:	25 feet
(2)	Side yard:	10 feet 6 feet
(3)	Rear yard:	25 feet
5 feet (accessory uses)		

Please direct inquiries to Tammie Clary at 1-(757)-365-4200 or tclary@smithfieldva.gov.

Article 3.C:

S-R, Suburban Residential District

Article 3.C:
S-R, Suburban Residential
(Single Family Residential District)

A. Purpose and Intent:

The S-R, Suburban Residential District is created to provide for single family detached residences at subdivision densities which are compatible with the Comprehensive Plan's goals for low to medium density residential developments in Smithfield. The average density of three units per acre establishes the S-R District as the Town's low-to-medium density district for detached residences. The S-R district shall require public water and sewer service, public streets and sidewalks as minimum subdivision improvements. Recognizing prevailing storm drainage deficiencies in and around the Town, new subdivisions shall be constructed with curb and gutter or other storm drainage conveyance system equivalent in performance and function and shall include comprehensive Best Management Practices and stormwater management facilities.

Cluster residential development shall be encouraged in the S-R District (by special permit) in order to promulgate the Town's objectives for environmental preservation, architectural harmony and consistency, adequacy of open space and recreation areas, and enhanced quality neighborhood improvements in new residential subdivisions. Provisions are included herein to permit cluster subdivisions with densities up to fifty percent higher than conventional subdivisions.

The S-R District may be applied to both undeveloped tracts and existing stable neighborhoods in appropriate locations recognized by the Comprehensive Plan. The intent of the district shall be to preserve existing natural features and vegetation, promote excellence in site planning and landscape design, facilitate the efficient layout and orientation of public utilities and community infrastructure, and encourage housing with compatible scale and character of architecture. No more than one single family dwelling shall be permitted per subdivision lot. No lots shall be permitted with private domestic wells or septic systems.

The S-R District represents the residential district to be applied to the land formerly zoned NC-CR-2 and NC-CR-3 in Isle of Wight County which was incorporated into the Town via the Town of Smithfield/Isle of Wight County annexation agreement. In addition to those NC-CR-2 and NC-CR-3 zoned parcels which were subject to the annexation, this district may be applied to other qualifying land which may be comprehensively rezoned by the Town Council to the S-R District upon adoption of the 1998 Comprehensive Plan.

B. Permitted Uses:

1. Single family detached dwellings.
2. Accessory buildings and uses, limited to detached carport and garages, tool sheds, children's playhouses and play structures, doghouses, and accessory off-street parking and loading spaces.
3. Home occupations.
4. Public parks and playgrounds.
5. Yard sale and/or garage sale (temporary).
6. Private swimming pools and tennis courts.
7. Irrigation wells and wells for ground source HVAC systems.

(Ord. of 2020-09-01)

C. Uses Permitted by Special Use Permit:

1. Cemeteries.
2. Churches and places of worship.
3. Cluster residential subdivisions.
4. Community buildings, limited to use by residents of the subdivision.
5. Accessory apartments.
6. Libraries.
7. Museums, historic sites and shrines.
8. Plant nurseries, with no sale of products permitted on premises.
9. Child day centers.
10. Adult day care centers.
11. Nursery schools.
12. Private schools and colleges.
13. Public schools and colleges.
14. Commercial swimming pools and tennis courts (except as may be approved on a general development plan.)
15. Bed and breakfast lodgings and guest houses.
16. Public uses and utilities.
17. Civic, fraternal, and/or social organization halls.
18. Golf course and golf driving ranges.
19. Cupolas, spires and steeples for public and semi-public uses.
20. Agriculture, forestry and horticultural uses (non-commercial).
21. Storage lots for recreational vehicles.
22. Guest houses
24. Temporary real estate marketing offices for new subdivisions.
24. Waiver of contiguous open space parcel requirement.

25. Waiver of district size for cluster subdivisions.
26. Waiver of parking and Loading Requirements
27. Child Day Care as a Home Occupation (6-11 Children)
28. Event facilities (principal and accessory uses).
29. Boating, country, and/or hunt clubs.

(Ord. of 9-2-2008, Ord. of 11-4-2014, Ord. of 2019-09-03)

D. Maximum Density:

1. Conventional Subdivisions: Three (3.0) units per net developable acre.
2. Cluster Subdivisions: Four and One-half (4.5) units per net developable acre.

E. Lot Size Requirements:

1. Minimum district size for cluster subdivisions: Five (5) acres

2. Minimum lot area:

A. Conventional lot: 12,000 square feet

B. Cluster lot: 8000 square feet

3. Minimum lot width:

A. Conventional lot:

(1) Interior lot: 80 feet

(2) Corner lot: 120 feet

B. Cluster lot:

(1) Interior lot: 60 feet

(2) Corner lot: 90 feet

4. Minimum lot depth:

A. Conventional lot: 125 feet

B. Cluster lot: 90 feet

F. Bulk Regulations:

1. Height

A. Residential building height: 35 feet

B. Public or semi-public building: 45 feet,
provided that required front, rear, and side yards shall be
increased by 1 foot for each foot of height over thirty-five feet.

C. Cupolas, spires and steeples: 90 feet,
by special permit.

D. Accessory buildings: 16 feet,
provided that accessory building heights may be increased to
twenty-four (24) feet in accordance with Article 2, Section P of
the Zoning Ordinance.

(Ord. of 5-4-2004)

2. Minimum yard requirements:

A. Conventional lot:

(1)	Front yard:	35 feet
(2)	Side yard:	15 feet
(3)	Rear yard:	35 feet
5 feet (accessory uses)		

B. Cluster lot:

(1)	Front yard:	25 feet
(2)	Side yard:	10 feet 6 feet
(3)	Rear yard:	25 feet
5 feet (accessory uses)		

C. In addition to the above regulations, the yard requirements for uses and structures other than residential dwellings and residential accessory uses shall be further regulated by floor area ratio and lot coverage ratios. A maximum floor area ratio equal to 0.25 shall apply to such non-residential uses and structures,

with a maximum percentage of lot coverage equal to 20%. The location of all such uses shall be subject to site plan approval.

G. Landscaping, Open Space and Recreation Areas:

1. In subdivisions approved for cluster development, twenty percent (20%) of the gross site area shall be common open space dedicated to common usage and ownership. Twenty-five percent (25%) of the required open space area shall be developed as active recreational and active community open space, as defined.
2. In conventional subdivisions with 75 or more lots, ten percent (10%) of the gross site area shall be common open space dedicated to common usage and ownership. Fifty percent (50%) of the required common open space area shall be developed as active recreational and active community open space, as defined.
3. For cluster and conventional subdivisions, no more than 40% of the required common open space shall consist of land classified as 100 year floodplain, stream valleys, wetlands, water features, slopes greater than 30%, and/or drainage easements.
4. Required open space shall be contiguous and shall occupy a single parcel within the subdivision unless otherwise approved by the Planning Commission.
5. In no instance shall open space credit be given for lands which are included in or reserved for public rights of way or private travelways, loading areas, required sidewalks or parking areas.
6. Open space shall be accessible to all residential lots within the subdivision via dedicated pedestrian access easements. Where bike and pedestrian trails intended for public use have been designated by the Town's adopted Comprehensive Plan or the Capital Improvements Plan, access easements shall be provided, where appropriate, within the subdivision to link these trails to common open space areas.
7. All open space shall be further regulated by landscaping requirements.
8. All common open space, recreational areas and other common properties shall be preserved for their intended purpose as shown on the approved Plan of Development and shall be established by metes and bounds on the Final Subdivision Record Plat.
9. Common open space, recreational areas and other common properties shall be owned, administered and maintained by a not-for-profit, property owners' association, provided,

however, that a portion or all of such properties may be dedicated to the Town subject to and at the sole discretion of the Town for acceptance at time of plat recordation. Property owners' association by-laws, articles of incorporation and restrictive covenants shall be submitted with any application for subdivision plat approval. Prior to final approval of a subdivision plat including properties to be owned by a property owners' association, the Town Attorney shall review and approve the bylaws, articles of incorporation and restrictive covenants.

10. For open space, recreational areas and other common properties to be retained by the property owners' association of a subdivision, the initial developer/owner of the subdivision must establish the owners' association as a legal entity prior to the recordation of the final plat. Membership in the association shall be mandatory for all lot owners within the subdivision. The owners' association shall own all common open space and recreational facilities and shall provide for their perpetual administration, maintenance and operation.
11. The open space and recreation area requirements for residential developments which incorporate a public or private golf course shall be subject to both Special Permit and General Development Plan approval, provided that any golf course under construction prior to the date of this ordinance is not subject to Special Permit regulations.

Notwithstanding the above provisions, open space credit shall be given to the area which circumscribes the golf course irrespective of the actual ownership of the real property which constitutes the golf course.

In addition to the golf course, community recreational amenities (such as swimming pools, tennis courts, pedestrian trails, etc.) shall be provided and made available to the residents of the subdivision pursuant to the approved General Development Plan.

H. Conventional and Cluster Subdivisions: Net Developable Area Calculation

1. Notwithstanding governing lot size and yard regulations, the maximum number of lots for any conventional or cluster subdivision shall be calculated based on existing land conditions. The yield of a subdivision shall be based on its net developable area, with adjustment factors for physical land units as specified in the chart in the following section.
2. The subdivision plat and/or site plan for a project shall graphically depict the location and area for the physical land units as outlined herein below. A calculation of the net

developable area shall be required for all subdivision and site plan submissions. (Refer to *illustrative example of net developable area calculation in Appendix 1 of the Zoning Ordinance.*)

<u>Physical Land Unit</u>	<u>Percent Credited Toward Net Acreage</u>
<i>Slopes less than 10%:</i>	100%
<i>Slopes from 10% but less than 20%:</i>	75%
<i>Slopes from 20% but less than 30%:</i>	50%
<i>Slopes 30% or more:</i>	10%
<i>Soils with high shrink/swell characteristics, as defined:</i>	75%
<i>Wetlands, existing water features and streams:</i>	0%
<i>Stormwater management basins and structures:</i>	0%
<i>Above-ground 69 KV or greater transmission lines:</i>	0%
<i>Public right-of-way</i>	0%
<i>Private streets, travelways and combined travelways and parking bays</i>	0%

3. No credit towards net developable area shall be given for planned public rights-of-way, private streets, travelways and combined travelways and parking bays within a lot or property to be developed or subdivided. Twenty percent (20%) shall be subtracted from the calculated net developable acreage to allow for street rights of way, unless it can be demonstrated by survey calculations to the satisfaction of the Planning Commission that proposed street rights of way, private streets, travelways and combined travelways and parking bays in a subdivision will be less than 20% percent of the calculated net acreage.

4. No S-R District residential lot shall be designed in such a way that an area of more than 25% of the prescribed minimum lot area is comprised of one or more of the following physical land units: (a) slopes 30% or greater, (b) wetlands, (c) 100-year floodplains, and (d) water features.

(Ord. of 8-1-2001)

I. Additional Regulations:

1. Refer to the Floodplain Zoning Overlay District, where applicable.

2. Refer to the Chesapeake Bay Preservation Area Overlay District.

3. Refer to Landscaping and Screening, Article 9, for screening and buffer yard provisions.

4. Refer to Parking and Loading Requirements, Article 8, for parking regulations and specific requirements for common parking lots for recreation vehicle and boat storage.
5. Recreational vehicle parking shall not be permitted within front yard and the area of the side yard setbacks.
6. No private domestic well and septic systems shall be permitted. Irrigation wells and wells for ground source HVAC systems are permitted by right.
7. Any subdivision or lot which is proposed to be developed on shrink/swell soils shall require a geotechnical report to be submitted with the preliminary plat and plans. Such report shall be prepared by a registered professional engineer and shall address the feasibility of development on the subject soils. No subdivision plat or site plan shall be approved for final recordation until a foundation engineering report has been reviewed by the Town. All recorded plats for lots containing shrink/swell soils shall bear the following note: *"This lot contains shrink/swell soils which require special engineering design for foundations and structural elements. No structure will be approved for issuance of a building permit until a foundation engineering design prepared by a certified professional engineer has been approved for the proposed structure."*
8. All uses within the S-R District shall require a General Development Plan and/or site plan for zoning and/or special permit approval.
9. Refer to General Regulations, Article 2, for additional lot and yard requirements.
10. Refer to Sign Regulations, Article 10, for signage provisions.
(Ord. of 10-3-2000; Ord. of 2020-09-01)

TOWN COUNCIL REPORT

ITEM: Public Hearing: Text Amendment - Multi Family Residential

FROM: Tammie Clary, Director of Planning and Community Development

ATTACHMENTS:

Description	Type	Upload Date
Ordinance - Multi Family Residential	Ordinance	8/1/2025
Notice of Public Hearing - Text Amendment - Multi Family Residential	Public Hearing	7/22/2025
Staff Report - Multi Family Residential	Public Hearing	7/22/2025
Attachments - Article 3F - Multi Family Residential	Public Hearing	7/22/2025

AN ORDINANCE TO AMEND THE ZONING ORDINANCE
OF THE TOWN OF SMITHFIELD, VIRGINIA TO REMOVE UNNECESSARY
REGULATIONS APPLICABLE TO ATTACHED, TOWNHOUSE AND DUPLEX UNITS IN
THE MF-R, MULTIFAMILY RESIDENTIAL DISTRICT

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 remove unnecessary regulations applicable to attached, townhouse and duplex units in the MF-R, Multifamily Residential District; and,

WHEREAS, the Town's Planning Commission, after a public hearing, has unanimously recommended that the Town Council adopt the proposed amendment 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 Article 3.F, Multifamily Residential District, is hereby repealed and reenacted as set forth in Exhibit "A" attached hereto.
2. This ordinance shall be in effect immediately upon adoption.

Adopted: August 5, 2025

TOWN OF SMITHFIELD, VIRGINIA

By _____
Michael G. Smith, Mayor

Attest:

Lesley G. King, Clerk

NOTICE OF PUBLIC HEARING
TOWN COUNCIL OF THE TOWN OF SMITHFIELD
AMENDMENT & REVISION OF ZONING ORDINANCE

Notice is hereby given that the Town Council of the Town of Smithfield, Virginia will hold a public hearing at the regular meeting of the Town Council in the council chambers in The Smithfield Center, 220 N. Church Street, meeting room A, Smithfield, Virginia, on Tuesday, August 5th, 2025 at 6:30 p.m. to consider the application of the Town of Smithfield, applicant for a text amendment to the provisions of the following: Articles 3.A, 3.B, 3.C, 3.D, 3.E, 3.G 3.H, & 3.J2 to add group homes as a permitted use; Articles 3.D, 3.E & 13 to clarify the requirements and definition of duplex; Article 3.C.F.2.B.2 to increase the side yard setback for cluster lots; Article 2.U to clarify home occupation uses; Article 3.F to remove regulations for attached, townhouse, and duplex units, of the Zoning Ordinance of the Town of Smithfield, Virginia, adopted September 1, 1998, and as amended thereafter,

Any person affected by or interested in the aforesaid application may appear at the hearing and be heard. Copies of the current Zoning Ordinance of the Town of Smithfield, Virginia, adopted Tuesday, September 1st, 1998, and all amendments thereto, along with copies of the text amendment application, are on file and may be examined in the Community Development & Planning Department, 310 Institute St, Smithfield, VA 23430.

TOWN OF SMITHFIELD, VIRGINIA

BY: Lesley G. King, Clerk

Publish: Wednesday, July 23rd, 2025, and Wednesday, July 30th, 2025.

**TOWN COUNCIL STAFF REPORT: ARTICLE 3.F. TEXT AMENDMENT
*PUBLIC HEARING***

TUESDAY, AUGUST 5th, 2025, 6:30 PM

This is a proposed Text Amendment to Article 3.F. of the Zoning Ordinance to remove regulations that address attached, townhouse, and duplex units, as they are subject to AR regulations.

Please direct inquiries to Tammie Clary at 1-(757)-365-4200 or tclary@smithfieldva.gov.

Article 3.F:

MF-R, Multifamily Residential District

Article 3.F:
MF-R Residential
(Multifamily Residential District)

A. Purpose and Intent:

The MF-R, Multifamily Residential District is intended to provide for multifamily residences at locations compatible with the Comprehensive Plan's goals for housing for the elderly and other limited high density residential development and redevelopment in Smithfield. No more than three (3) unrelated occupants may reside in any one multifamily or attached dwelling in the MF-R District. The average density of twelve (12) units per acre establishes this district as one recognizing garden-styled and mid-rise apartment and/or condominium units as the dominant land use. Buildings shall not exceed three stories in height.

While no new garden apartment projects are recommended by the Comprehensive Plan, the MF-R District is intended to promote housing for the elderly and well planned higher density residential developments. Retirement residential projects, independent living communities and nursing homes and housing for persons requiring assisted living care are encouraged under this district.

Elderly housing proposals may be granted higher densities (up to 20 or more units per acre) subject to superior design proposals as well as the results of the supporting transportation/parking studies which quantify a reduction in parking demand and overall traffic impacts attributable to elderly and assisted living projects. The development of townhouses are permitted in the MF-R District and shall be subject to the requirements of the A-R, Attached Residential District.

This designation may be applied to existing multi-family development within stable areas of the Town. Also, it is intended for application to certain undeveloped tracts and infill locations as recognized by the Comprehensive Plan, where housing for the elderly would be appropriate. In all instances, it is the intent of this district to promote development which is sensitive to existing natural features and vegetation, promotes excellence in site planning and landscape design and incorporates appropriate scale, materials and character of architecture. Development in the MF-R District must be sensitive to land forms, environmental characteristics, adequate public infrastructure and quality transportation improvements.

B. Permitted Uses:

1. Multiple family residential dwellings (with no more than three (3) unrelated occupants per dwelling unit).
2. Single family attached dwellings, subject to A-R District regulations.
3. Duplex residential dwellings, subject to A-R District regulations.
4. A mix of residential dwelling types as set forth above.
5. Private community facilities, recreation areas, parking lots for recreational vehicles and other common area improvements normally associated with multi family residential developments (other than those requiring special use permits).
6. Accessory uses, to include tool sheds, detached garages and carports, children's playhouses and doghouses.
7. Irrigation wells and wells for ground source HVAC systems.

(Ord. of 2020-09-01)

C. Uses Permitted by Special Use Permit:

1. Cemeteries.
2. Community buildings, limited to residential use.
3. Churches and places of worship.
4. Public uses and facilities.
5. Libraries.
6. Child day care centers.
7. Adult day care centers.
8. Nursery schools, for use by MF-R District residents only.
9. Private schools and related uses.
10. Public schools and related uses.
11. Commercial swimming pools and tennis courts, except as may be approved in a planned unit development.
12. Housing for the elderly and assisted living residences requiring medical and/or food support structures.
13. Institutional housing and general care for indigents and orphans.
14. Hospitals and medical offices.
15. Public utilities.
16. Nursing homes (licensed) with medical offices.
17. Recycling centers, for use by the MF-R District residents only.
18. Home occupations.
19. Waiver of district size.
20. Waiver of maximum density.
21. Waiver of maximum building height.
22. Temporary real estate marketing offices for new subdivisions.

23. Waiver of Parking and Loading Requirements.
(Ord. of 9-5-2000, Ord. of 9-2-2008)

D. Maximum Density:

1. Multifamily dwellings (conventional):

Twelve (12.0) dwelling units per net developable acre.

2. Multifamily dwellings (subject to conditional zoning agreements and proffered for elderly and assisted living orientations only):

Twenty (20.0) dwelling units per net developable acre (by special permit via waiver of maximum density).

3. ~~Attached dwellings:~~

~~Eight (8.0) dwelling units per net developable acre.~~

(Ord. of 2025-xx-xx)

E. Lot Size Requirements:

1. Minimum district size: Five (5) acres
2. Minimum lot area for multifamily dwellings: Not regulated, provided that dwellings must be appropriately sited to respect physiographic, air, solar, landscape, screening and environmental characteristics of lot and their relationship to adjoining properties, as well as other criteria provided in the Additional Regulations of this district.

3. ~~Minimum lot area for attached dwellings:~~

~~A. Interior lot: 1600 square feet~~

~~B. Corner lot: 2400 square feet~~

~~C. Condominium: See Additional Regulations~~

4. Non-residential uses:

In addition to the above regulations, the yard requirements for uses and structures other than residential dwellings and residential accessory uses shall be further regulated by

floor area ratio and lot coverage ratios. A maximum floor area ratio equal to 0.30 shall apply to such non-residential uses and structures, with a maximum percentage of building coverage on the lot equal to 20%. The location of all such uses shall be subject to site plan approval.

(Ord. of 2025-xx-xx)

F. Bulk Regulations:

1. Maximum Height

- A. Residential building height: 40 feet
- B. Public or semi-public building: 45 feet, provided that required front, rear and side yards shall be increased by 1 foot for each foot of height over thirty-five feet.
- C. Cupolas, spires and steeples: 90 feet, by special permit.

2. Minimum yard requirements for multifamily dwellings:

- A. Front yard: 30 feet, for any yard fronting a public right of way.
-
- 15 feet, for any yard fronting a private travelway and/or parking bay, provided that the minimum yard depth be measured from the building to either (1) the back of vehicular pavement curbing or (2) the back of sidewalk if located between building and vehicular pavement curbing, whichever is closer.
- B. Side yard: 15 feet, provided that where a side yard fronts a public right of way, the side yard shall be 30 feet.
- C. Rear yard: 30 feet

3. ~~Minimum lot width for attached (townhouse) dwellings:~~

- A. ~~Interior lot:~~ ~~18 feet~~

B. Corner lot: 35 feet

C. Condominiums: See Additional Regulations for MF-R District

4. Minimum lot width for duplex dwellings:

A. Interior lot: 35 feet
subject to additional side yard regulations.

B. Corner lot: 50 feet

C. Condominiums: See Additional Regulations for MF-R District

5. Other: Where a lot is to be subdivided into individual lots for the sale of single family attached dwelling units:

A. Lot lines shall conform with party wall centerlines, and

B. Each lot shall be required to include a privacy yard with a minimum area of 200 square feet. The design of the privacy yard shall be detailed on the final site plan and shall include provisions for screening, fencing, paving, exterior lighting and/or special landscaping treatment.

6. Minimum yard requirements for attached and duplex dwellings:

A. Front yard: 25 feet,
for any yard fronting a public right of way.

12 feet,
for any yard fronting a private travelway and/or parking bay, provided that the minimum yard depth be measured from the face of building to either (1) the back of vehicular pavement curbing or (2) the back of sidewalk if located between building and vehicular pavement curbing, whichever dimension is closer to the building front.

20 feet,
for any yard fronting a private travelway and/or parking bay serving a residential dwelling with a garage.

B. ~~Side yard:~~ ~~25 feet,~~

~~for any side yard fronting a public right of way.~~

~~16 feet,~~

~~for any side yard abutting a private travelway and/or parking bay.~~

~~12 feet,~~

~~for any side yard abutting an adjacent lot line.~~

C. ~~Rear yard:~~ ~~25 feet~~

(Ord. of 2025-xx-xx)

G. Open Space and Recreation Areas:

1. Thirty percent (30%) of the gross site area shall be common open space dedicated to common usage and ownership.
2. Fifty percent (50%) of the required common open space area shall be developed as active recreational areas and facilities.
3. Active recreational areas may include playgrounds with recreational structures, tot lots, tennis courts, swimming pools, wading pools, spas and saunas, clubhouse facilities, community meeting rooms and other similar facilities intended for the exclusive use and participation of residents within the MF-R development. The applicant shall establish that the type and quality of the planned improvements for the active recreation space shall satisfy the needs of the residents of the project. The location, mix, type, quality and phasing of active recreation facilities and open spaces shall be delineated on the General Development Plan and is subject to Planning Commission approval. A bond may be required for such improvements and facilities subject to the discretion of the Planning Commission.
4. No more than 40% of the required common open space shall consist of land classified as 100 year floodplain, stream valleys, wetlands, water features, stormwater management facilities, slopes greater than 30% and/or drainage easements.

5. Required open space shall be contiguous and shall occupy a single parcel within the MF-R development unless otherwise approved by the Planning Commission.
6. In no instance shall open space credit be given for lands which are included in or reserved for public rights of way or private travelways, loading areas, required sidewalks or parking areas.
7. Common open space and active recreational areas shall be accessible to all attached residential lots within the development via dedicated pedestrian access easements. Walkways and other forms of pedestrian access shall form an interconnected system within the MF-R District, serving as access to open space, recreational areas and other pedestrian destinations. Pedestrian systems shall be delineated on the required General Development Plan.
8. Where community bike and pedestrian trails intended for public use have been designated by the Town's adopted Comprehensive Plan or the Capital Improvements Plan, the applicant shall connect interior pedestrian trails and sidewalks within the project to these community trails.
9. All open space shall be further regulated by landscaping and buffer yard requirements.
10. All common open space, recreational areas and other common properties shall be preserved for their intended purpose as shown on the approved Plan of Development and shall be established by metes and bounds on the Final Subdivision Record Plat.
11. Common open space, recreational areas and other common properties shall be owned, administered and maintained by a not-for-profit, property owners' association, provided that a portion or all of such properties may be dedicated to the Town at the sole discretion of the Town Council for acceptance at the time of plat recordation. Property owners' association by-laws, articles of incorporation, restrictive covenants and a schedule of maintenance shall be submitted with any application for a subdivision plat or site plan approval.
12. For common open space, recreational areas and other common properties to be retained by the property owners' association, the initial developer/owner of the project must establish the owners' association as a legal entity prior to the recordation of the final plat. Membership in the association shall be mandatory for all property owners within the development. The owners' association shall own all common open space and recreational facilities and shall provide for their perpetual administration, maintenance and operation.

H. Net Developable Area Calculation for the MF-R District:

1. Notwithstanding governing lot size and yard regulations, the maximum number of units for multifamily and attached residential development or subdivision shall be calculated based on existing land conditions. The yield of a multifamily development project shall be based on its net developable area, with adjustment factors for physical land units as specified in the chart in the following section.
2. The final plat and/or site plan for a project shall graphically depict the location and area for the physical land units as outlined below. A calculation of the net developable area shall be required for all subdivision and site plan submissions. (Refer to *illustrative example of net developable area calculation in Appendix 1 of the Zoning Ordinance*.)

Physical Land Unit	Percent Credited Toward Net Acreage
<i>Slopes of less than 10%:</i>	100%
<i>Slopes greater than 10% but less than 20%:</i>	75%
<i>Slopes from 20% but less than 30%:</i>	50%
<i>Slopes of 30% or more:</i>	10%
<i>Soils with high shrink/swell characteristics, as defined:</i>	75%
<i>Wetlands, existing water features and streams:</i>	0%
<i>Stormwater management basins and structures:</i>	0%
<i>Above-ground 69 KV or greater transmission lines:</i>	0%
<i>Public right-of-way</i>	0%
<i>Private streets, travelways and combined travelways and parking bays</i>	0%

3. No credit towards net developable area shall be given for planned public rights-of-way, private streets, travelways and combined travelways and parking bays within a lot or property to be developed or subdivided. Twenty percent (20%) shall be subtracted from the calculated net developable acreage to allow for street rights of way, unless it can be demonstrated by survey calculations to the satisfaction of the Planning Commission that proposed street rights of way, private streets, travelways and combined travelways and parking bays in a subdivision will be less than 20% percent of the calculated net acreage.
4. No MF-R District residential lot shall be configured such that more than 10% of the prescribed minimum lot area for a subdivided attached residential or duplex residential lot is comprised of one or more of the following physical land units: (a) slopes of 30% or more, (b) wetlands, (c) 100-year floodplains or (d) water features. Stormwater management and BMP facilities shall not be constructed within the boundaries of a residential lot.

(Ord. of 8-1-2001)

I. Additional Regulations:

1. Waiver of Minimum District Size: The Planning Commission may approve a special permit waiving the five acre minimum district size requirement for the MF-R District provided that the owner shall successfully demonstrate that the consolidation of contiguous parcels or lots necessary to meet the minimum district size represents an undue economic hardship or physical impossibility. Further, the owner shall establish that such proposed MF-R development will have no deleterious effect on contiguous properties while satisfying the purpose and intent of the district.
2. Refer to Parking and Loading Requirements for parking regulations.
 - A. Parking spaces for each dwelling unit shall be assigned and located within reasonable walking distance to the individual dwelling unit served.
 - B. Separate parking spaces shall be allocated and reserved for recreational vehicle parking on the basis of one (1) recreational vehicle parking space per six (6) dwelling units. No recreational vehicle parking space shall front on a public street.
 - C. ADA (American Disabilities Act) parking requirements and dimensions shall be incorporated as a required improvement into all plats and site plans.
 - D. Recreational vehicle parking shall not be permitted on residential lots within the MF-R District. Refer to Parking and Loading Requirements for commercial parking lots and specific requirements for recreation vehicle and boat storage.
3. Private Travelways, Combined Travelways with Parking Bays and General Access:
 - A. All dwellings shall have access to a private travelway providing for two-way traffic on twelve (12) foot travel lanes with a minimum width of 24 feet (curb to curb), within a minimum 30-foot private vehicular access easement which shall be recorded with the subdivision plat.
 - B. Travelways combined with single loaded perpendicular parking bays (90 degree parking stalls) shall be a minimum width of 42 feet (curb to curb), 18 feet of which shall be allocated to and striped for parking. Travelways combined with double loaded perpendicular parking bays shall be a minimum width of 60 feet (curb to curb), with 18 feet allocated to the depth of each parking bay space.

- C. Private travelways and combined travelways with parking bays shall be constructed to geometric and pavement design standards as specified by the Town's *Design and Construction Standards Manual*, as revised.
- D. All travelways and parking bays shall be constructed with VDOT CG-6 or approved equivalent curb and gutter.
- E. No attached dwelling unit may be accessed directly from a public street unless approved by special permit.

4. Refuse and Solid Waste Buffering and Screening

- A. All refuse facilities shall be completely enclosed and screened according to the provisions established in the Landscaping and Screening Regulations.

5. Additional Setback and Lot Requirements

- A. Where adjacent properties are zoned to a district other than the MF-R District, all buildings shall be set back at least 30 feet from the common district property line(s) or as otherwise provided by screening and buffer requirements.
- B. Front lot lines shall be common with private vehicular access easement lines, provided that where a perpendicular parking stall, recreational feature and/or a sidewalk intended for common usage are located outside of the private vehicular access easement, a minimum landscaped front yard of 12 feet shall be provided.

6. Separation and Grouping of Units

- A. Building structures for multifamily residential units shall be separated from one another by a minimum of 30 feet ~~and single-family attached dwelling units shall be separated from one another by a minimum of 24 feet.~~
- B. No more than twenty-four (24) multifamily units shall be included in any one building structure, provided that greater than 24 units per building may be permitted for housing for the elderly by special permit.
- C. ~~No more than eight (8) single-family attached units (townhouses) shall be included in any one physically contiguous grouping.~~

D. Multifamily ~~and townhouse~~ groupings shall be designed to minimize "flat," row-house architectural facades. Architectural projections, off-sets, window bays, porches, mixed materials and colors and other design elements shall be employed to achieve this result.

~~E. Architectural treatment of attached dwellings shall vary so that no more than two abutting units are substantially the same and so that no more than four units in any group are substantially the same.~~

(Ord. of 2025-xx-xx)

7. Required Improvements and Maintenance of Improvements

A. For any development in the MF-R District, all common area improvements (including open space, recreational facilities, private travelways, walkways, parking areas and other community facilities) shall be maintained by the developer/owner of the MF-R District development until such time as the developer/owner conveys said common area to a non-profit property owners association.

B. On-site lighting, signage and mailboxes (as approved by U.S. Postal Service) shall be provided by the owner/developer of the MF-R District development. These improvements shall be of compatible scale, materials and colors with the proposed development and adjacent uses. The designs for these improvements shall be provided with the final site plan.

8. Property Owners' Association and Covenants

A. Prior to final approval of a subdivision plat or site plan which includes common properties or common property improvements to be owned by a property owners association, the Town Attorney shall review and approve the applicant's property owners' association bylaws, articles of incorporation, restrictive covenants and a schedule of common property maintenance.

B. Deed restrictions and covenants shall be included with the conveyance of common property and common property improvements to include, among other things, that assessments, charges and costs of maintenance of such common areas shall constitute a pro-rata share lien upon the individual dwelling lots, such lien being inferior only to taxes and recorded trusts.

- C. Restrictive covenants shall specify the detailed means by which the non-profit entity shall govern and manage itself and maintain building exteriors, landscaping, lighting, recreation areas, walkways, pedestrian trails, parking areas, snow removal travelways and other common elements of the development.

9. Additional Land Development and Site Plan Requirements

- A. All uses within the MF-R District shall require a General Development Plan for zoning and/or special permit approval. The General Development Plan shall serve as the master land use plan for the specific development proposal.
- B. The development of any and all sections within the MF-R District shall require site plan approval in conformance with the General Development Plan.
- C. A Traffic Impact Assessment may be required for any MF-R District application by the Planning and Zoning Administrator. See Appendix, Article 14.B.
- D. Refer to Article 9, Landscape and Screening Regulations for additional screening buffer yard and open space landscaping provisions.
- E. Refer to the Town's Design and Construction Standards Manual for additional residential design standards and criteria.

10. Condominiums

- A. Any proposed condominium development established under the Condominium Laws of Virginia shall be subject to the following provisions:
 - (1) All setbacks, density and other MF-R District provisions shall be met.
 - (2) Minimum lot and yard requirements shall be met as if lot lines existed.

11. No private domestic well and septic systems shall be permitted. Irrigation wells and wells for ground source HVAC systems are permitted by right.

12. Any subdivision or lot which is proposed to be developed on shrink/swell soils shall require a geotechnical report to be submitted with the preliminary plat and plans. Such report shall be prepared by a registered professional engineer and shall address the feasibility of development on the subject soils. No subdivision plat or site plan shall be approved for final recordation until a foundation engineering report has been reviewed by the Town. All recorded plats for lots containing shrink/swell soils shall bear the following note: *"This lot contains shrink/swell soils which require special engineering design for*

foundations and structural elements. No structure will be approved for issuance of a building permit until a foundation engineering design prepared by a certified professional engineer has been approved for the proposed structure."

13. Refer to the Floodplain Zoning Overlay District, where applicable.
14. Refer to the Chesapeake Bay Preservation Area Overlay District.
15. Refer to Article 10, Signage Regulations for signage provisions.

(Ord. of 2020-09-01; Ord. of 2025-xx-xx)

TOWN COUNCIL REPORT

ITEM: Public Hearing: Text Amendment - Requirements and Definition of Duplex

FROM: Tammie Clary, Director of Planning and Community Development

ATTACHMENTS:

Description	Type	Upload Date
Ordinance - Amend Regulations Applicable to Duplex Units	Ordinance	8/5/2025
Notice of Public Hearing - Text Amendment - Duplex	Public Hearing	7/22/2025
Staff Report - Duplex	Public Hearing	7/22/2025
Attachments - Article 3D, 3E and 13 -Duplex	Public Hearing	7/22/2025

AN ORDINANCE TO AMEND THE ZONING ORDINANCE
OF THE TOWN OF SMITHFIELD, VIRGINIA TO AMEND REGULATIONS APPLICABLE
TO DUPLEX UNITS

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 revise regulations applicable to duplex units; and,

WHEREAS, the Town's Planning Commission, after a public hearing, has unanimously recommended that the Town Council adopt the proposed amendment 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 Article 3.D, DN-R, Downtown Neighborhood Residential District, Section 3D.C.3. is hereby amended as follows by omitting (1 attached unit per subdivision lot):

- C. Uses Permitted by Special Use Permit:
 - 3. Duplexes residential uses.

2. That Article 3.D, DN-R, Downtown Neighborhood Residential District, Section 3D.E.2.C is hereby amended as follows:

- E. Lot Size Requirements:

2. Minimum lot area:

C. Duplex lot (1 duplex per lot):

(1) Interior lot: 8000 square feet

(2) Corner lot: 10000 square feet

3. That Article 3.D, DN-R, Downtown Neighborhood Residential District, Section 3D.E.3.B is hereby amended as follows by omitting attached residential:

- E. Lot Size Requirements:

2. Minimum lot width:
 - C. Duplex lot (1 duplex per lot):
4. That Article 3.D, DN-R, Downtown Neighborhood Residential District, Section 3D.E.3.C is hereby amended as follows:
 - E. Lot Size Requirements:
 3. Minimum lot width:
 - C. Duplex lot (1 duplex per lot):
 - (1) Interior lot: 80 feet
 - (2) Corner lot: 120 feet
 5. That Article 3.D, DN-R, Downtown Neighborhood Residential District, Section 3D.F.2.B is hereby amended as follows by omitting (1 attached unit per subdivision lot):
 - F. Bulk regulations:
 2. Minimum yard requirements:
 - B. Duplex attached residential lot.
 6. That Article 3.E, A-R, Attached Residential District, Section 3E.B.2 is hereby amended to omit (one dwelling per subdivided lot) as follows:
 - B. Permitted Uses:
 2. Duplex residential dwellings.
 7. That Article 3.E, A-R, Attached Residential District, Section 3E.E.3.A is hereby amended as follows:
 - E. Lot Size Requirements:
 3. Minimum lot area for duplex dwellings:
 - A. Duplex lot (1 attached unit/ lot):
 - (1) Interior lot: 4000 square feet
 - (2) Corner lot: 5000 square feet

8. That Article 3.E, A-R, Attached Residential District, Section 3E.E.3.B is hereby amended as follows:

E. Lot Size Requirements:

3. Minimum lot area for duplex dwellings:

A. Duplex lot (1 duplex per lot):

(1) Interior lot:	8000 square feet
(2) Corner lot:	10000 square feet

9. That Article 3.E, A-R, Attached Residential District, Section 3E.E.5.A is hereby amended as follows:

E. Lot Size Requirements:

5. Minimum lot width for duplex dwellings:

A. Duplex lot (1 attached unit per lot):

(1) Interior lot:	35 feet
(2) Corner lot:	50 feet

10. That Article 3.E, A-R, Attached Residential District, Section 3E.E.5.B is hereby amended as follows:

E. Lot Size Requirements:

5. Minimum lot width for duplex dwellings:

A. Duplex lot (1 duplex per lot):

(1) Interior lot:	70 feet
(2) Corner lot:	100 feet

11. That the definition of Duplex found in Article 13, Definitions -, Section 13B.. is hereby omitted and the following definition of Dwelling: Duplex is hereby amended as follows:

Dwelling, Duplex: A two-family attached residential use in which the dwelling units are located on either one individual platted lots or two individual lots, and either of 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

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

Adopted: August 5, 2025

TOWN OF SMITHFIELD, VIRGINIA

By _____
Michael G. Smith, Mayor

Attest:

Lesley G. King, Clerk

NOTICE OF PUBLIC HEARING
TOWN COUNCIL OF THE TOWN OF SMITHFIELD
AMENDMENT & REVISION OF ZONING ORDINANCE

Notice is hereby given that the Town Council of the Town of Smithfield, Virginia will hold a public hearing at the regular meeting of the Town Council in the council chambers in The Smithfield Center, 220 N. Church Street, meeting room A, Smithfield, Virginia, on Tuesday, August 5th, 2025 at 6:30 p.m. to consider the application of the Town of Smithfield, applicant for a text amendment to the provisions of the following: Articles 3.A, 3.B, 3.C, 3.D, 3.E, 3.G 3.H, & 3.J2 to add group homes as a permitted use; Articles 3.D, 3.E & 13 to clarify the requirements and definition of duplex; Article 3.C.F.2.B.2 to increase the side yard setback for cluster lots; Article 2.U to clarify home occupation uses; Article 3.F to remove regulations for attached, townhouse, and duplex units, of the Zoning Ordinance of the Town of Smithfield, Virginia, adopted September 1, 1998, and as amended thereafter,

Any person affected by or interested in the aforesaid application may appear at the hearing and be heard. Copies of the current Zoning Ordinance of the Town of Smithfield, Virginia, adopted Tuesday, September 1st, 1998, and all amendments thereto, along with copies of the text amendment application, are on file and may be examined in the Community Development & Planning Department, 310 Institute St, Smithfield, VA 23430.

TOWN OF SMITHFIELD, VIRGINIA

BY: Lesley G. King, Clerk

Publish: Wednesday, July 23rd, 2025, and Wednesday, July 30th, 2025.

TOWN COUNCIL STAFF REPORT: ARTICLE 3.D, 3.E, & 13 TEXT AMENDMENT
PUBLIC HEARING

TUESDAY, AUGUST 5th, 2025, 6:30 PM

This is a proposed text amendment to Articles 3.D, 3.E, and 13 of the Zoning Ordinance to clarify that duplex units are permitted on one parcel (one duplex, two units, per single parcel of land and/or one duplex per 2 subdivided lots).

This also doubled the minimum lot area and the minimum lot width if the duplex is on one single parcel of land.

Dwelling, Duplex: A two-family attached residential use in which the dwelling units are located on either one individual platted lots or two individual lots, and either of 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.

This application did appear at the May & June Planning Commission and was favorably recommended in July.

Please direct inquiries to Tammie Clary at 1-(757)-365-4200 or tclary@smithfieldva.gov.

Article 3.D:

DN-R, Downtown Neighborhood Residential District

Article 3.D:
DN-R Residential
(Downtown Neighborhood Residential District)

A. Purpose and Intent:

The DN-R, Downtown Neighborhood Residential District provides for single family detached residences at slightly higher densities than the S-R, Suburban Residential District. All development within the DN-R District shall be consistent with the Comprehensive Plan's goals for harmonious new development as well as the revitalization of existing stable residential neighborhoods in and around downtown Smithfield. The principal objective of this district is to recognize, maintain and reinforce the existing "sense of neighborhood" in and around the downtown historic areas and to promote residential development of compatible scale, historic character and architectural massing.

While the application of the DN-R District is primarily intended to overlay the existing, substantially developed, residential areas close to the downtown, it also can be applied to new rezonings of undeveloped tracts and infill lots situated within close proximity to the downtown residential areas and waterfront areas. It is the intent of this district to preserve existing historic and natural features, to protect existing landscapes and vegetation, to promote excellence in landscape design and to encourage housing with appropriate scale and architecture.

The average density of five units per acre establishes the DN-R District as one which accepts a higher density and relatively small lot size for single family detached residences. All new and redevelopment activities shall be served by public water and sewer, public streets with curb and gutter, sidewalks, drainage and stormwater management.

B. Permitted Uses:

1. Single family detached dwellings.
2. Accessory buildings and uses, limited to detached carport and garages, tool sheds, children's playhouses and play structures, off-street parking, and doghouses.
3. Home occupations.
4. Public parks and playgrounds.
5. Yard sale and/or garage sale (per ordinance definition).
6. Private swimming pools
7. Boat docks, boat storage and waterfront access facilities, as an accessory use to a private single family dwelling.
8. Irrigation wells and wells for ground source HVAC systems.

(Ord. of 2020-09-01)

C. Uses Permitted by Special Use Permit:

1. Cemeteries.
2. Churches and places of worship.
3. Duplex residential dwellings (~~1 dwelling per subdivided lot~~).
4. Community buildings, limited to use by residents of the subdivision.
5. Public uses.
6. Libraries.
7. Museums, historic sites and shrines.
8. Plant nurseries, with no sale of products permitted on premises.
9. Child day care centers.
10. Adult day care centers.
11. Nursery schools.
12. Private schools and colleges.
13. Public schools and colleges.
14. Commercial swimming pools and tennis courts.
15. Bed and breakfast lodgings.
16. Public utilities.
17. Civic, fraternal, and/or social organization halls.
18. Tennis courts, public and private.
19. Gymnasiums, public and private.
20. Boat docks, boat storage and waterfront access facilities, as an accessory use to uses other than private single family residential dwellings.
21. Cupolas, spires and steeples for public and semi-public uses.
22. Agriculture, forestry and horticultural uses (non-commercial).
23. Outdoor storage lots for recreational vehicles.
24. Zero lot line residential units (only permitted for new construction.)
25. Accessory apartments.
26. Temporary real estate marketing offices for new subdivisions.
27. Waiver of Parking and Loading Requirements.
28. Child Day Care as a Home Occupation (6-11 Children)
29. Event facilities (principal and accessory uses).
30. Boating, country, and/or hunt clubs.

(Ord. of 9-5-2000, Ord. of 9-2-2008, Ord. of 11-4-2014, Ord. of 2019-09-03; [Ord. of 2025-xx-xx](#))

D. Maximum Density:

1. Five (5.0) dwelling units per net developable acre.

E. Lot Size Requirements:

1. Minimum district size: Not regulated

2. Minimum lot area:

A. Conventional single family lot: 6000 square feet

B. Duplex lot (1 attached unit/lot):

(1) Interior lot: 4000 square feet

(2) Corner lot: 5000 square feet

C. Duplex lot (1 duplex per lot):

(1) Interior lot: 8000 square feet

(2) Corner lot: 10000 square feet

3. Minimum lot width:

A. Conventional single family lot:

(1) Interior lot: 50 feet

(2) Corner lot: 75 feet

B. Duplex ~~attached residential~~ lot (1 attached unit per lot):

(1) Interior lot: 40 feet

(2) Corner lot: 60 feet

C. Duplex lot (1 duplex per lot):

(1) Interior lot: 80 feet

(2) Corner lot: 120 feet

(Ord. of 2025-xx-xx)

F. Bulk Regulations:

1. Height

- A. Residential building height: 35 feet
(principal and accessory uses)
- B. Public or semi-public building: 45 feet,
provided that required front, rear, and side yards shall be increased by 1 foot for each foot of height over thirty-five feet.
- C. Cupolas, spires and steeples: 50 feet

2. Minimum yard requirements:

- A. Conventional single family lot:
 - (1) Front yard: 25 feet,
Except where forty percent (40%) or more of the frontage on one side of the street within the same block is improved with buildings, no building on that side of the street within the same block shall be required to have a front yard greater than the average front yard of the existing buildings. However, when there are buildings on the adjacent lots on both sides, the front yard shall not be required to be greater than the average of the front yards of the buildings on the adjacent lots. The side line of a building on a corner lot shall not be a factor in these calculations.
 - (2) Side yard (interior lot): 10 feet,
Except that the minimum side yard for any lot of record prior to the date of the adoption of this ordinance shall be 5 feet.
 - Side yard (corner lot): 20 feet,
Except that the minimum side yard for any corner lot of record prior to the date of the adoption of this ordinance shall be 10 feet.
 - (3) Rear yard: 25 feet (residences)
5 feet (accessory uses),

B. Duplex attached residential lot (~~1 attached unit per subdivision lot~~):

(1) Front yard: 25 feet,
Except where forty percent (40%) or more of the frontage on one side of the street within the same block is improved with buildings, no building on that side of the street within the same block shall be required to have a front yard greater than the average front yard of the existing buildings. However, when there are buildings on the adjacent lots on both sides, the front yard shall not be required to be greater than the average of the front yards of the buildings on the adjacent lots. The side line of a building on a corner lot shall not be a factor in these calculations.

(2) Side yard (interior lot): 10 feet
Side yard (corner lot): 15 feet
Except that the minimum side yard for accessory uses for any lot of record prior to the date of the adoption of this ordinance shall be 5 feet.

(3) Rear yard: 25 feet (residences)
5 feet (accessory uses),

D. A maximum floor area ratio equal to 0.25 shall apply to uses other than residential.

G. Open Space:

1. In conventional subdivisions with 50 or more lots, 10% of the gross site area shall be open space dedicated to common usage and ownership, 50% of such area shall be developed as recreational and active community open space, as defined.
2. No more than 40% of the dedicated open space shall consist of land classified as 100 year floodplain, stream valleys, wetlands, slopes greater than 30% and/or drainage easements.

3. All dedicated open space is regulated by landscaping requirements.
4. In no instance shall open space credit be given for lands which are included in or reserved for public rights of way, private travelways, loading areas, required sidewalks or parking areas.

H. Net Developable Area Calculation for DN-R District:

1. Notwithstanding governing lot size and yard regulations, the maximum number of units for attached residential development or subdivision shall be calculated based on existing land conditions. The yield of a subdivision shall be based on its net developable area, with adjustment factors for physical land units as specified in the chart in the following section.
2. The final plat and/or site plan for a project shall graphically depict the location and area for the physical land units as outlined herein below. A calculation of the net developable area shall be required for all subdivision and site plan submissions. *(Refer to illustrative example of net developable area calculation in the appendix of the Zoning Ordinance.)*

Physical Land Unit	Percent Credited Toward Net Acreage
<i>Slopes less than 10%:</i>	100%
<i>Slopes from 10% but less than 20%:</i>	75%
<i>Slopes from 20% but less than 30%:</i>	50%
<i>Slopes 30% or more:</i>	10%
<i>Soils with high shrink/swell characteristics, as defined:</i>	75%
<i>Wetlands, existing water features and streams:</i>	0%
<i>Stormwater management basins and structures:</i>	0%
<i>Above-ground 69 KV or greater transmission lines:</i>	0%
<i>Public right-of-way</i>	0%
<i>Private streets, travelways and combined travelways and parking bays</i>	0%

3. No credit towards net developable area shall be given for planned public rights-of-way, private streets, travelways and combined travelways and parking bays within a lot or property to be developed or subdivided. Twenty percent (20%) shall be subtracted from the calculated net developable acreage to allow for street rights of way, unless it can be demonstrated by survey calculations to the satisfaction of the Planning Commission that proposed street rights of way, private streets, travelways and combined travelways and parking bays in a subdivision will be less than 20% percent of the calculated net acreage.

4. No DN-R District residential lot shall be configured such that more than 10% of the prescribed minimum lot area is comprised of one or more of the following physical land units: (a) slopes 30% or more, (b) wetlands, (c) 100-year floodplains, and (d) water features.

(Ord. of 8-1-2001)

I. Additional Regulations:

1. Refer to the Floodplain Zoning Overlay District, where applicable.
2. Refer to the Chesapeake Bay Preservation Area Overlay District.
3. Refer to Landscaping and Screening, Article 9, for screening and buffer yard provisions.
4. Refer to Parking and Loading Requirements, Article 8, for parking regulations and specific requirements for common parking lots for recreation vehicle and boat storage.
5. Recreational vehicle parking shall not be permitted within front yard and the area of the side yard setbacks.
6. No private domestic well and septic systems shall be permitted. Irrigation wells and wells for ground source HVAC systems are permitted by right.
7. Any subdivision or lot which is proposed to be developed on shrink/swell soils shall require a geotechnical report to be submitted with the preliminary plat and plans. Such report shall be prepared by a registered professional engineer and shall address the feasibility of development on the subject soils. No subdivision plat or site plan shall be approved for final recordation until a foundation engineering report has been reviewed by the Town. All recorded plats for lots containing shrink/swell soils shall bear the following note: *"This lot contains shrink/swell soils which require special engineering design for foundations and structural elements. No structure will be approved for issuance of a building permit until a foundation engineering design prepared by a certified professional engineer has been approved for the proposed structure."*
8. Refer to the Smithfield Design and Construction Standards Manual for additional residential design standards and criteria, where applicable.

9. Refer to the Smithfield Historic District Design Guidelines and the HP-O District for additional residential design standards and criteria for properties located within the historic preservation areas.
10. All uses within the DN-R District shall require a General Development Plan and/or site plan for zoning and/or special permit approval.
11. Refer to General Regulations, Article 2, for additional lot and yard requirements.
12. Refer to Sign Regulations, Article 10, for signage provisions.
(Ord. of 10-3-2000; Ord. of 2020-09-01)

Article 3.E:
A-R, Attached Residential District

Article 3.E:
A-R, Attached Residential
(Townhouse and Attached Residential District)

A. Purpose and Intent:

The A-R, Attached Residential District is created to provide for attached residential dwellings such as conventional townhouses, row houses, multiplex dwellings, duplexes and other similar forms of attached residential units. Single family detached residential dwellings may be permitted under the special use provisions of the district. Garden apartments, "over and under" attached residences, housing for the elderly, and other forms of multi-family housing are not permitted in this district. The A-R District is intended for use in locations compatible with the Comprehensive Plan's goals for medium density, attached residential development in Smithfield. The average density of six (6) to eight (8) units per net developable acre establishes this district as one recognizing townhouse-styled units as the dominant land use.

The A-R District shall be applied to undeveloped tracts lying within Smithfield, as well as to infill parcels at selected locations with the intent of preserving existing natural features and vegetation, promoting excellence in site planning and landscape design, creating self-sustaining neighborhoods and recreational areas and encouraging attached housing with compatible scale, materials and character of architecture. Development in the A-R, Attached Residential District shall be sensitive to land physiography, provision of adequate public infrastructure and development of quality transportation improvements in achieving optimal siting of dwellings, recreation areas, community facilities and open space.

B. Permitted Uses:

1. Attached residential (townhouse) dwellings.
2. Duplex residential dwellings (~~one dwelling per subdivided lot~~).
3. Private community facilities, recreation areas and other common area improvements normally associated with attached residential developments (other than those requiring special use permits) shall be permitted subject to general development plan and final site plan approval.
4. Accessory uses, to include tool sheds, detached garages and carports, children's playhouses, doghouses and accessory off-street parking and loading spaces.
5. Irrigation wells and wells for ground source HVAC systems.

(Ord. of 2020-09-01; [Ord. of 2025-xx-xx](#))

C. Uses Permitted by Special Use Permit:

1. Single family detached residences, subject to S-R District regulations, provided that such residences do not comprise more than 25% of the total planned residential units depicted on the general development plan.
2. Parking lots for recreational vehicles and boats, except as part of a planned development.
3. Commercial swimming pools and tennis courts.
4. Churches and places of worship.
5. Public uses and facilities.
6. Recycling centers, for use by the A-R District residents only.
7. Child day centers.
8. Adult day care centers.
9. Nursery schools.
10. Private schools.
11. Public schools.
12. Cemeteries.
13. Home occupations.
14. **Group homes. Repealed 2025-xx-xx**
15. Institutional housing and general care for indigents and orphans.
16. Boating, country, and/or hunt clubs.
17. Public utilities.
18. Temporary real estate marketing offices for new subdivisions.
19. Multi-family housing for the elderly and assisted living residences requiring medical and/or food support structures, subject to MF-R regulations.
20. Waiver of Parking and Loading Requirements.

(Ord. of 9-2-2008, Ord. of 2019-09-03; [Ord. of 2025-xx-xx](#))

D. Maximum Density:

1. Eight (8.0) dwelling units per net developable acre.

E. Lot Size Requirements:

1. Minimum district size: Five (5) acres
2. Minimum lot area for attached (townhouse) dwellings:
 - A. Interior lot: 1600 square feet
 - B. Corner lot: 2400 square feet

C. Condominium: See Additional Regulations for A-R District

3. Minimum lot area for duplex dwellings:

A. Interior lot: ~~4000 square feet~~

B. Corner lot: ~~5000 square feet~~

A. Duplex lot (1 attached unit/lot):

(1) Interior lot: 4000 square feet
(2) Corner lot: 5000 square feet

B. Duplex lot (1 duplex per lot):

(1) Interior lot: 8000 square feet
(2) Corner lot: 10,000 square feet

C. Condominium: See Additional Regulations for A-R District

4. Minimum lot width for attached (townhouse) dwellings:

A. Interior lot: 18 feet

B. Corner lot: 35 feet,
subject to additional side yard regulations.

C. Condominiums: See Additional Regulations for A-R District

5. Minimum lot width for duplex dwellings:

A. Interior lot: ~~35 feet,~~
~~subject to additional side yard regulations.~~

B. Corner lot: ~~50 feet,~~
~~subject to additional side yard regulations.~~

A. Duplex lot (1 attached unit per lot):

(1)	Interior lot:	35 feet
(2)	Corner lot:	50 feet

B. Duplex lot (1 duplex per lot):

(1)	Interior lot:	70 feet
(2)	Corner lot:	100 feet

C. Condominiums: See Additional Regulations for A-R District
(Ord. of 2025-xx-xx)

6. Other: Where a lot is to be subdivided into individual lots for the sale of single family attached dwelling units:

A. Lot lines shall conform with party wall centerlines, and

B. Each lot shall be required to include a rear privacy yard with a minimum area of 200 square feet. The design of the privacy yard shall be detailed on the final site plan and shall include provisions for screening, fencing, paving, exterior lighting and/or special landscaping treatment.

F. Bulk Regulations:

1. Height

A. Residential building height: 35 feet
by Commission waiver: 45 feet, but not to exceed 3 stories.

B. Public or semi-public building: 45 feet,
provided that required front, rear and side yards shall be increased by 1 foot for each foot of height over thirty-five feet.

C. Cupolas, spires and steeples: 90 feet,
by special use permit approved by the Planning Commission.

D. Accessory structures: 16 feet
provided that accessory building heights may be increased to twenty-four feet in accordance with Article 2, Section P of the Zoning Ordinance.

2. Minimum yard requirements for attached, duplex and two-family dwellings:

A. Front yard: 25 feet,
for any yard fronting a public right of way.

12 feet,
for any yard fronting a private travelway and/or parking bay,
provided that the minimum yard depth be measured from the
face of building to either (1) the back of vehicular pavement
curbing or (2) the back of sidewalk if located between building
and vehicular pavement curbing, whichever dimension is closer
to the building front.

20 feet,
for any yard fronting a private travelway and/or parking bay
serving a residential dwelling with a garage.

B. Side yard: 25 feet,
for any side yard fronting a public right of way.

16 feet,
for any side yard abutting a private travelway and/or parking bay.

12 feet,
for any side yard abutting an adjacent lot line.

C. Rear yard: 25 feet

3. In addition to the above regulations, the yard requirements for uses and structures other than residential dwellings and residential accessory uses shall be further regulated by floor area ratio and lot coverage ratios. A maximum floor area ratio equal to 0.30 shall apply to such non-residential uses and structures, with a maximum percentage of building coverage on the lot equal to 20%. The location of all such uses shall be subject to site plan approval.

(Ord. of 5-4-2004)

G. Open Space and Recreation Areas:

1. Twenty-five percent (25%) of the gross site area shall be common open space dedicated to common usage and ownership.
2. Fifty percent (50%) of the required common open space area shall be developed as active recreational areas and facilities.
3. Active recreational areas may include playgrounds with recreational structures, tot lots, tennis courts, swimming pools, wading pools, spas and saunas, clubhouse facilities, community meeting rooms and other similar facilities intended for the exclusive use and participation of residents within the development. The applicant shall establish that the type and quality of the planned improvements for the active recreation space shall satisfy the needs of the residents of the project. The location, mix, type, quality and phasing of active recreation facilities and open spaces shall be delineated on the General Development Plan and are subject to Planning Commission approval. A bond may be required for such improvements and facilities subject to the discretion of the Planning Commission.
4. No more than 40% of the required common open space shall consist of land classified as 100 year floodplain, stream valleys, wetlands, water features, stormwater management facilities, slopes greater than 30% and/or drainage easements.
5. Required common open space shall be contiguous and shall occupy a single parcel within the A-R development unless otherwise approved by the Planning Commission.
6. In no instance shall open space credit be given for lands which are included in or reserved for public rights of way or private travelways, loading areas, required sidewalks or parking areas.
7. Open space and active recreational areas shall be accessible to all attached residential lots within the development via dedicated pedestrian access easements. Walkways and other forms of pedestrian access shall form an interconnected system within the A-R District, serving as access to open space, recreational areas and other pedestrian destinations. Pedestrian systems shall be delineated on the General Development Plan.
8. Where community bike and pedestrian trails intended for public use have been designated by the Town's adopted Comprehensive Plan or the Capital Improvements Plan, the applicant shall connect interior pedestrian trails and sidewalks within the project, where appropriate, to these community trails.
9. All open space shall be further regulated by landscaping requirements.

10. All common open space, recreational areas and other common properties shall be preserved for their intended purpose as shown on the approved Plan of Development and shall be established by metes and bounds on the Final Subdivision Record Plat.
11. Common open space, recreational areas and other common properties shall be owned, administered and maintained by a not-for-profit, property owners' association, provided, however, that a portion or all of such properties may be dedicated to the Town subject to and at the sole discretion of the Town for acceptance at time of plat recordation. Property owners' association by-laws, articles of incorporation, restrictive covenants and a schedule of maintenance shall be submitted with any application for subdivision plat or site plan approval.
12. For open space, recreational areas and other common properties to be retained by the property owners' association of a subdivision, the initial developer/owner of the subdivision must establish the owners' association as a legal entity prior to the recordation of the final plat. Membership in the association shall be mandatory for all lot owners within the subdivision. The owners' association shall own all common open space and recreational facilities and shall provide for their perpetual administration, maintenance and operation.

(Ord. of 2021-07-06)

H. Net Developable Area Calculation for Attached Residential

1. Notwithstanding governing lot size and yard regulations, the maximum number of units for attached residential development or subdivision shall be calculated based on existing land conditions. The yield of a subdivision shall be based on its net developable area, with adjustment factors for physical land units as specified in the chart in the following section.
2. The final plat and/or site plan for a project shall graphically depict the location and area for the physical land units as outlined herein below. A calculation of the net developable area shall be required for all subdivision and site plan submissions. *(Refer to illustrative example of net developable area calculation in the Appendix of the Zoning Ordinance.)*

Physical Land Unit	Percent Credited Toward Net Acreage
<i>Slopes less than 10%:</i>	100%
<i>Slopes from 10% but less than 20%:</i>	75%
<i>Slopes from 20% but less than 30%:</i>	50%
<i>Slopes 30% or more:</i>	10%
<i>Soils with high shrink/swell characteristics, as defined:</i>	75%
<i>Wetlands, existing water features and streams:</i>	0%
<i>Stormwater management basins and structures:</i>	0%
<i>Above-ground 69 KV or greater transmission lines:</i>	0%
<i>Public right-of-way</i>	0%
<i>Private streets, travelways and combined travelways and parking bays</i>	0%

3. No credit towards net developable area shall be given for planned public rights-of-way, private streets, travelways and combined travelways and parking bays within a lot or property to be developed or subdivided. Twenty percent (20%) shall be subtracted from the calculated net developable acreage to allow for street rights of way, unless it can be demonstrated by survey calculations to the satisfaction of the Planning Commission that proposed street rights of way, private streets, travelways and combined travelways and parking bays in a subdivision will be less than 20% percent of the calculated net acreage.

4. No A-R District residential lot shall be configured such that more than 25% of the prescribed minimum lot area is comprised of one or more of the following physical land units: (a) slopes 30% or more, (b) wetlands, (c) 100-year floodplains and (d) water features. Stormwater management and BMP facilities shall not be constructed within the boundaries of a residential lot.

(Ord. of 8-1-2001)

I. Additional Regulations:

1. **Waiver of Minimum District Size:** The Planning Commission may approve a special permit waiving the five acre minimum district size requirement for the A-R, Attached Residential District provided that the owner shall successfully demonstrate that consolidation with contiguous parcels or lots necessary to meet minimum district size represents an undue economic hardship or physical impossibility. Further, the owner shall establish that such proposed A-R development will have no deleterious effect on contiguous properties while satisfying the purpose and intent of the district.
2. Refer to Parking and Loading Requirements, Article 8, for parking regulations.
 - A. Parking spaces for each dwelling unit shall be assigned and located within close proximity to the individual dwelling unit served.
 - B. Separate parking spaces shall be allocated and reserved within an A-R development for recreational vehicle parking on the basis of one (1) recreational vehicle parking space per four (4) dwelling units. No recreational vehicle parking space shall front on a public street.
 - C. ADA (American Disabilities Act) parking requirements and dimensions shall be incorporated as a required improvement into all plats and site plans.
 - D. Recreational vehicle parking shall not be permitted on residential lots within the A-R District. Refer to Parking and Loading Requirements for parking regulations and specific requirements for common parking lots for recreation vehicle and boat storage.
3. **Private Travelways, Combined Travelways with Parking Bays and General Access:**
 - A. All dwellings shall have access to a private travelway providing for two-way traffic on twelve (12) foot travel lanes with a combined minimum width of 24 feet (curb

to curb), within a minimum 30 foot private vehicular access easement to be recorded with the subdivision plat.

B. Travelways combined with single-loaded perpendicular parking bays shall be a minimum width of 42 feet (curb to curb), 18 feet of which shall be allocated to and striped for parking. Travelways combined with double loaded perpendicular parking bays shall maintain a minimum width of 60 feet (curb to curb), with 18 feet allocated to the depth of each parking bay space.

C. Private travelways and combined travelways with parking bays shall be constructed to geometric and pavement design standards as specified by the Town's Design and Construction Standards manual, as revised.

D. All travelways and parking bays shall be constructed with VDOT CG-6 or approved equivalent curb and gutter.

E. No attached dwelling unit may be accessed directly from a public street unless approved by special permit.

4. Refuse and Solid Waste Buffering and Screening

A. All refuse facilities shall be completely enclosed and screened.

5. Additional Setback and Lot Requirements

A. Where adjacent properties are zoned to a district other than the A-R District, all Attached Residential buildings shall be set back at least 25 feet from the common district property line(s) or as otherwise provided by screening and buffer requirements.

B. Front lot lines shall be common with private vehicular access easement lines, provided that where a perpendicular parking stall, recreational feature and/or a sidewalk intended for common usage are located outside of the private vehicular access easement, a minimum landscaped front yard of 12 feet shall be provided.

6. Separation and Grouping of Units

A. Building structures for single-family attached dwelling units shall be separated from one another by a minimum of 24 feet.

- B. No more than eight (8) and no fewer than three (3) single-family attached units (townhouses) shall be included in any one physically contiguous grouping.
- C. Townhouse grouping shall be designed to minimize "flat," row-house architectural facades. Architectural projections, off-sets, window bays, porches, mixed materials and colors and other design elements shall be provided to achieve this result.
- D. Architectural treatment of attached dwellings shall vary so that no more than two abutting units are substantially the same and so that no more than four units in any group are substantially the same.

7. Required Improvements and Maintenance of Improvements

- A. For any development in the A-R District, all common area improvements (including open space, recreational facilities, private travelways, walkways, parking areas and other community facilities) shall be maintained by and at the sole responsibility of the developer-owner of the A-R District development until such time as the developer-owner conveys such common area to a non-profit property owners' association entity consisting of the individual owners of the dwelling units in the development.
- B. On-site lighting, signing and mailboxes (as approved by the U.S. Postal Service) shall be provided by the owner-developer of the A-R, Attached Residential District development. These improvements shall be of compatible scale, materials and colors, the designs for which shall be provided with the final site plan.

8. Property Owners' Association and Covenants

- A. Prior to final approval of a subdivision plat or site plan which includes common properties or common property improvements to be owned by a property owners' association, the Town Attorney shall review and approve the applicant's property owners' association bylaws, articles of incorporation, restrictive covenants and a schedule of common property maintenance.
- B. Deed restrictions and covenants shall be included with the conveyance of common property and common property improvements to include, among other things, that assessments, charges and costs of maintenance of such common

areas shall constitute a pro-rata share lien upon the individual dwelling lots, such lien inferior only to taxes and recorded trusts.

C. Restrictive covenants shall specify the detailed means by which the non-profit entity shall govern and manage itself and maintain building exteriors, landscaping, lighting, recreation areas, walkways, pedestrian trails, parking areas, snow removal travelways and other common elements of the development.

9. Additional Land Development and Site Plan Requirements

A. All uses within the A-R District shall require a General Development Plan for zoning and/or special permit approval. The General Development Plan shall serve as the master land use plan for the specific development proposal.

B. The development of any and all sections within the A-R District shall require site plan approval in conformance with the General Development Plan.

C. A Traffic Impact Assessment may be required for any A-R District application by the Planning and Zoning Administrator. The study shall be prepared in accord with the guidelines and standards provided by the Town.

D. Refer to Landscaping Regulations for additional screening buffer yard and open space landscaping provisions.

E. Refer to the Town's Design and Construction Standards Manual for additional residential design standards and criteria.

10. Condominiums

A. Any proposed condominium development established under the Condominium Laws of Virginia shall be subject to the following provisions:

(1) All AR district provisions shall be met, as if lot lines existed, unless approved by special use permit.

(2) Repealed 2024-02-06

(3) A site plan shall be required and shall govern the location of all site structures and improvements on final plans.

11. No private domestic well and septic systems shall be permitted. Irrigation wells and wells for ground source HVAC systems are permitted by right.
12. Any subdivision or lot which is proposed to be developed on shrink/swell soils shall require a geotechnical report to be submitted with the preliminary plat and plans. Such report shall be prepared by a registered professional engineer and shall address the feasibility of development on the subject soils. No subdivision plat or site plan shall be approved for final recordation until a foundation engineering report has been reviewed by the Town. All recorded plats for lots containing shrink/swell soils shall bear the following note: *"This lot contains shrink/swell soils which require special engineering design for foundations and structural elements. No structure will be approved for issuance of a building permit until a foundation engineering design prepared by a certified professional engineer has been approved for the proposed structure."*
13. Refer to the Floodplain Zoning Overlay District, where applicable.
14. Refer to the Chesapeake Bay Preservation Area Overlay District.
15. Refer to the Smithfield Historic District Design Guidelines and the HP-O district for additional design standards and criteria, where applicable.
16. Refer to Sign Regulations, Article 10 for signage provisions.

(Ord. of 2022-02-06)

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 structures or uses: Any structure located on a lot or parcel not identified as a principal structure as defined herein. Accessory structures include, but are not limited to, detached garages, gazebos, free-standing decks, storage buildings or tool sheds, guest houses, and similar forms of development that are incidental and subordinate to the principal structure. Accessory uses include, but are not limited to, in-ground pools, patios, terraces, tennis courts, synthetic turf, and other impermeable landings that do not permit infiltration to groundwater. Any modification or expansion to an accessory use must be reviewed and approved using a formal exception process unless proposed within a locally designated Intensely Developed Area.

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, dairy farming, floriculture, or the raising of 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 construed 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.**

Basement: That portion of a building partly underground, having at least one-half of its height above the average adjoining grade. 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.

Boating, country, and/or hunt clubs: A non-profit association or corporation organized and operated to provide private facilities for boating, horseback riding, golfing, swimming, tennis, and/or other recreational activities associated therein to its private, self-perpetuating membership on a contiguous parcel of land. Any facility which conducts commercial activities including (but not limited to) the construction, manufacture, repair, and/or sale of goods, equipment, supplies,

vehicles, and/or vessels, or which operates a commercial restaurant, refreshment, and/or events facility shall not be deemed a boating, country, and/or hunt club. However, restaurant, refreshment, and small event facilities limited to members and their guests and conducted as an incident to other boating, country, and/or hunt club activities shall be allowed. Nothing in this definition shall be construed to permit archery, fishing, hunting, shooting preserves, shooting ranges, skeet shooting, and/or trap shooting, unless otherwise permitted in the underlying zoning district.

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 (CBPA): Any land designated as such on the Chesapeake Bay Preservation Area Map adopted by the Town Council, subject to confirmation by the Town of Smithfield Zoning Administrator on a site-specific basis. A Chesapeake Bay Preservation Area shall consist of a Resource Protection Area and a Resource Management Area.

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.

Churches and places of 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.

Civic, fraternal, and/or social organization halls: Meeting places for non-profit associations or corporations organized and operated to provide services to their communities, promote the interests of its members, and to engage in charitable activities. They are operated by private, self-perpetuating membership. Restaurant, refreshment, and small event facilities limited to members and their guests and conducted incidentally to other civic, fraternal, and/or social activities shall be allowed. However, the operation of a commercial restaurant, refreshment, and/or events facility shall not be deemed as incidental to civic, fraternal, and/or social organization halls. No part of the net earnings of any civic, fraternal, and/or social organization may benefit any private individual.

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 cover created by development or redevelopment of land, including, but not limited to, buildings, roads, driveways, parking areas and sidewalks, and any other land disturbed for the construction of such improvements.

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, excluding Recreational Substance Establishments and Retail Sales Establishments.

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.

Dealer:

"Precious Metals Dealer:" Any person, firm, partnership, or corporation engaged in the business of (i) purchasing secondhand precious metals or gems; (ii) removing in any manner precious metals or gems from manufactured articles not then owned by the person, firm, partnership, or corporation; or (iii) buying, acquiring, or selling precious metals or gems removed from manufactured articles. "Dealer" includes all employers and principals on whose behalf a purchase is made, and any employee or agent who makes any purchase for or on behalf of his employer or principal. "Precious metals" means any item except coins composed in whole or in part of gold, silver, platinum, or platinum alloys.

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 construction, substantial alteration, or installation of any improvement (including residential, commercial, industrial, institutional, recreation, transportation, or utility facilities or structures) upon a parcel of land, or any land disturbance associated therewith.

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: The diameter of a tree measured at a point four and one-half (4-1/2) feet above the existing grade, or the natural surface or contour of a site.

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.

Donation Box: Any container, storage unit or unoccupied structure, other than an accessory building or structure, that is located outside of a building, intended or used for the holding of charitable or for-profit donation items by the general public, including but not limited to clothing, shoes, household items, toys, books, and newspapers, with the collection of donated items made at a later date or time. This term shall not include solid waste facilities, recycling bins, or similar receptacles.

Dripline: An imaginary perpendicular line extending downward from the outermost tips of the branches of a tree to the ground.

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, Duplex: A two-family attached residential use in which the dwelling units are located on ~~either~~ one individual platted ~~lots~~ or ~~two individual lots, and either of 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.

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**.

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.

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

Event facility: A place of public assembly used primarily as an event facility is a place for hosting functions including, but not limited to, parties, lessons/classes/courses, weddings, receptions, banquets, anniversaries, meetings, and/or conferences. The event facility may be a building, tent, uncovered outdoor gathering space, or a combination thereof. For the purposes of this Section, an event facility is one that charges a fee or requires compensation to use the space or charges an entry or other fee for the uses related to the facility. Facilities exclusively used by membership groups such as clubs, or civic, fraternal, and/or social organizations, are excluded from this definition.

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.

Floodplain: All lands that would be inundated by flood water because of a storm event of a 100-year return interval.

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.

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.

Ground source HVAC well: For the purpose of this ordinance, a ground source HVAC well is a well utilized for a ground source HVAC system that does not discharge water at the surface.

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~~ in which no more than eight (8) individuals with mental illness, intellectual disability, or developmental disabilities reside, with one or more resident or nonresident staff persons, is residential occupancy by a single family, provided the Department of Behavioral Health and Developmental Services is the licensing authority. 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.

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.

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

Homestay: The provision of a dwelling unit, or any portion thereof, for rent to transient persons for fewer than thirty (30) consecutive days as an accessory use, while the operator remains present on the premises, or in the case where the property is the operator's principal residence.

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."

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: Those areas of existing development and infill sites where development is concentrated and little of the natural environment remained as of September 1990 and which is so designated on the map of Chesapeake Bay Preservation Areas adopted by the Town Council pursuant to Section 104 (D) of this Ordinance.

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.

Kennel: 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 man-made change to the land surface that may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the Commonwealth, including, but not limited to, clearing, grading, excavating, transporting, and filling of land. The term shall not include minor activities such as home gardening, individual home landscaping and home maintenance.

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

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.

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 home park: 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.

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.)

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: As defined in Va. Code §3.2-800, any living plant, or part thereof, declared by the Board of Agriculture and Consumer Services through regulations to be detrimental to crops, surface waters, including lakes, or other desirable plants, livestock, land, or other property, or to be injurious to public health, the environment, or the economy, except when in-state production of such living plant, or part thereof, is commercially viable or such living plant is commercially propagated in Virginia. Including, but not limited to plants such as Johnson grass, kudzu, and multiflora 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.

Pawnbroker: Any natural person who lends or advances money or other things for profit on the pledge and possession of tangible personal property, or other valuable things, other than securities or written or printed evidences of indebtedness or title, or who deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price.

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: An individual, fiduciary, corporation, firm, partnership, association, organization, or any other entity or combination thereof.

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: For the purposes of this Ordinance, plan of development means any process for site plan review in local zoning and land development regulations designed to ensure compliance with Va. Code § 62.1-44.15:74 and with this Ordinance, prior to issuance of a building permit.

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

Portable Storage Container: A portable storage container is a portable, weather-resistant receptacle designed and used for the storage or shipment of household goods, wares, building materials or merchandise. Portable storage containers are an alternative to traditional mini-storage and moving options and are delivered via truck or trailer directly to the customer, and are temporary in nature.

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 Substance:

- A. Any product made of tobacco, including cigarettes, cigars, smokeless tobacco, and pip tobacco.
- B. Any noncombustible product containing nicotine or vaping fluid that employs a heating element, power source, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from a solution or other form.
- C. Any product containing Hemp, Kratom, Cannabidiol (CBD), or other similar substance, including any raw materials from these products.
- D. Any pipe, hookah, waterpipe, vaporizer, glassware, other type of device, wrappings, or accessories associated with the consumption and / or inhalation of the abovementioned substances and materials.

Recreational Substance Establishment: Unless modified or otherwise conditioned by the Town Council at the time of approval, Recreational Substance uses shall be subject to the following limitations and requirements:

- A. Special use permit authorizing this use shall fully consider the proximity of the proposed shop to schools, religious institutions, libraries, other institutional uses, residential uses, and shall limit hours of operation accordingly.
- B. Hours of operation shall be limited to 8am to 8pm, Monday through Sunday.

- C. Any establishment, facility, or location whose business operation involves the retail sale of Recreational Substances and includes Recreational Substances as 25% or more of its total inventory or 15% or more of its total display areas.
- D. During all hours of operation, all glass portions of windows and doors along the front façade of the shop shall be maintained as transparent and shall not be heavily tinted or obscured.
- E. No smoking or vaping shall be permitted on the premises at any time unless the establishment complies with the Virginia Indoor Clean Air Act (Virginia Code Section 15.2-2820).

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.

Resource Management Area (RMA): That component of a Chesapeake Bay Preservation Area not classified as a Resource Protection Area. 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 functional value of a Resource Protection Area. Resource Management Areas shall be provided contiguous to the entire inland boundary of the 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 an 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**, **Quick-service food stores**, and **Recreational Substance Establishments**.

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.

Shipping Container: An industrial, standardized reusable metal vessel that was originally, specifically, or formerly designed for or used in the packing, shipping, movement, or transportation of freight, articles, goods, or commodities by commercial trucks, tractor trailers, trains, and/or ships. A shipping container modified in a manner that would preclude future use by a commercial transportation entity shall be considered a shipping container for purpose of this definition. This definition includes, but is not limited to, the following terms, "shipping container," "freight container," "Conex Box," "Container Express," "Transporters," "ISO Container," "Bicon," "Sea Cans," and "Tractor Trailers" for this Ordinance.

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.

Short-term rental: The provision of a dwelling unit, or any portion thereof, for rent to transient persons for fewer than thirty (30) consecutive days as a principal use, known as a short-term rental, or as an accessory use, known as a homestay.

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 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.

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, interstates 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.

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

Subdivision: The division of any parcel of land into two (2) or more lots or parcels. The term shall include all changes in lot lines, the creation of new lots involving any division of an existing lot or lots and, if a new street is involved in such division, any division of a parcel of land. When appropriate to the context, the term shall also include the process of subdividing and the territory subdivided.

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.

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: An activity on the land other than development including agriculture, horticulture, and silviculture.

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.**

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 2000-8-1; Ord. 2000-10-3; Ord. of 2004-4-6; Ord. of 2005-12-6; Ord. of 2019-9-3; Ord. of 2020-09-01; Ord. of 2023-03-07; Ord. of 2023-12-05; Ord. of 2025-04-01; [Ord. of 2025-xx-xx](#))

TOWN COUNCIL REPORT

ITEM: Public Hearing: Text Amendment - Home Occupation

FROM: Tammie Clary, Director of Planning and Community Development

ATTACHMENTS:

Description	Type	Upload Date
Ordinance - Home Occupations	Ordinance	8/1/2025
Notice of Public Hearing- Text Amendment - Home Occupation	Public Hearing	7/22/2025
Staff Report - Home Occupation	Public Hearing	7/22/2025

AN ORDINANCE TO AMEND THE ZONING ORDINANCE
OF THE TOWN OF SMITHFIELD, VIRGINIA TO REVISE PROVISIONS AT TO HOME
OCCUPATIONS

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 revise provisions applicable to home occupations; and,

WHEREAS, the Town's Planning Commission, after a public hearing, has unanimously recommended that the Town Council adopt the proposed amendment 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 Article 2 General Regulations, Section 2.U.15 Section 3A.B is hereby amended and revised as follows:

U. Home Occupations

15. Within the context of the above requirements, home occupation uses include, but are not limited to, the following:
 - a. Artist, sculptor or photographer.
 - b. ~~Author or composer. repealed~~
 - c. ~~Computer programmer or~~ internet service provider. (revised)
 - d. Home care provider
 - e. Tailor or seamstress.
 - f. (Repealed by Ord. 2020-08-04).
 - g. Tutoring.
 - h. ~~Salesperson, provided that no retail or wholesale transactions occur on premises. repealed~~
 - i. ~~Telephone answering service. repealed~~
 - j. Music teacher, limited to two students at any one time.

- k. Caterer.
- l. Child day care provider (Babysitting for not more than 5 children; however a Special Use Permit may be an option for 6-11 children in some zoning districts.)

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

Adopted: August 5, 2025

TOWN OF SMITHFIELD, VIRGINIA

By _____
Michael G. Smith, Mayor

Attest:

Lesley G. King, Clerk

NOTICE OF PUBLIC HEARING
TOWN COUNCIL OF THE TOWN OF SMITHFIELD
AMENDMENT & REVISION OF ZONING ORDINANCE

Notice is hereby given that the Town Council of the Town of Smithfield, Virginia will hold a public hearing at the regular meeting of the Town Council in the council chambers in The Smithfield Center, 220 N. Church Street, meeting room A, Smithfield, Virginia, on Tuesday, August 5th, 2025 at 6:30 p.m. to consider the application of the Town of Smithfield, applicant for a text amendment to the provisions of the following: Articles 3.A, 3.B, 3.C, 3.D, 3.E, 3.G 3.H, & 3.J2 to add group homes as a permitted use; Articles 3.D, 3.E & 13 to clarify the requirements and definition of duplex; Article 3.C.F.2.B.2 to increase the side yard setback for cluster lots; Article 2.U to clarify home occupation uses; Article 3.F to remove regulations for attached, townhouse, and duplex units, of the Zoning Ordinance of the Town of Smithfield, Virginia, adopted September 1, 1998, and as amended thereafter,

Any person affected by or interested in the aforesaid application may appear at the hearing and be heard. Copies of the current Zoning Ordinance of the Town of Smithfield, Virginia, adopted Tuesday, September 1st, 1998, and all amendments thereto, along with copies of the text amendment application, are on file and may be examined in the Community Development & Planning Department, 310 Institute St, Smithfield, VA 23430.

TOWN OF SMITHFIELD, VIRGINIA

BY: Lesley G. King, Clerk

Publish: Wednesday, July 23rd, 2025, and Wednesday, July 30th, 2025.

TOWN COUNCIL STAFF REPORT: ARTICLE 2.u. TEXT AMENDMENT
PUBLIC HEARING

TUESDAY, AUGUST 5th, 2025, 6:30 PM

This is a proposed Text Amendment to Article 2.U.15 of the Zoning Ordinance to remove author, composer, computer programmer, salesperson, and telephone answering service as home occupation uses.

15. Within the context of the above requirements, home occupation uses include, but are not limited to, the following:

- a. Artist, sculptor or photographer.
- b. ~~Author or composer.~~
- c. ~~Computer programmer or~~ internet service provider.
- d. Home care provider
- e. Tailor or seamstress.
- f. (Repealed by Ord. 2020-08-04).
- g. Tutoring.
- h. ~~Salesperson, provided that no retail or wholesale transactions occur on premises.~~
(Repealed by Ord. 2025-xx-xx)
- i. ~~Telephone answering service.~~ (Repealed by Ord. 2025-xx-xx)
- j. Music teacher, limited to two students at any one time.
- k. Caterer.
- l. Child day care provider (Babysitting for not more than 5 children; however a Special Use Permit may be an option for 6-11 children in some zoning districts.)

Please direct inquiries to Tammie Clary at 1-(757)-365-4200 or tclary@smithfieldva.gov.

TOWN COUNCIL REPORT

ITEM: Motion to Accept the Nominating Committee's Recommendation to Fill the Unexpired Term of Bill Davidson on Planning Commission

FROM:Councilman Brooks / Councilwoman Butler

TOWN COUNCIL REPORT

ATTACHMENTS:

Description	Type	Upload Date
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TOWN COUNCIL REPORT

ITEM: Update on Blighted Property - 1502 Magruder Road

FROM: Michael Stallings, Town Manager