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# TOWN OF SMITHFIELD

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Wednesday, July 8<sup>th</sup>, 2020

TO: PLANNING COMMISSION

FROM: JOHN SETTLE, COMMUNITY DEVELOPMENT & PLANNING DIRECTOR

RE: PLANNING COMMISSION MEETING

The Planning Commission will hold its regular meeting on Tuesday, July 14<sup>th</sup>, 2020 at 6:30 PM at the Smithfield Center (220 N Church St, Smithfield, VA 23430).

Please call 1-(757)-365-4200 or email [jsettle@smithfieldva.gov](mailto:jsettle@smithfieldva.gov) with any questions.

Enclosures

cc: Town Council  
William H. Riddick, III, Town Attorney  
The Smithfield Times  
The Daily Press  
File

## SMITHFIELD PLANNING COMMISSION MEETING AGENDA

Tuesday, July 14<sup>th</sup>, 2020

1) **Community Development & Planning Director's Report:**

-On Thursday, April 30<sup>th</sup>, 2020, Town staff received an application for a future land use map amendment, official zoning map amendment, special use permit, and Planning Commission waiver for 19474 & 19502 Battery Park Rd (TPINs 22-01-017, 22-01-026, 22-01-028, 22-01-029, 22-01-033, 22-03-001, 22-03-002, 23-01-008 & 23-01-008A). Pursuant to Smithfield Zoning Ordinance (SZO) Section 4.D.1, Town staff reviewed the application for completeness and sent a Determination of Completeness (DC) to the applicants on Wednesday, May 13<sup>th</sup>, 2020, identifying a series of items that were missing from the applicants' submittal. A revised submittal was received by our Department on Monday, June 8<sup>th</sup>, 2020. Another DC identifying items that were still missing from the submittal was sent to the applicants on Thursday, June 18<sup>th</sup>, 2020. Following conversations with the applicants and a reexamination of the submittal, Article 4 of the SZO, and staff's latest DC, a revised DC was sent to the applicants on Wednesday, July 1<sup>st</sup>, 2020. We are awaiting a complete submittal at this time- upon receipt, the formal administrative review process will begin.

2) **Upcoming Meetings and Activities:**

Tuesday, July 21<sup>st</sup>, 6:30 PM – Board of Historic & Architectural Review Meeting

Tuesday, July 21<sup>st</sup>, 6:30 PM – Board of Zoning Appeals Meeting

Monday, July 27<sup>th</sup>, 3:00 PM – Town Council Committee Meetings

Tuesday, July 28<sup>th</sup>, 3:00 PM – Town Council Committee Meetings

Tuesday, August 4<sup>th</sup>, 6:30 PM – Town Council Meeting

Tuesday, August 11<sup>th</sup>, 6:30 PM – Planning Commission Meeting

3) **Public Comments:**

The public is invited to speak to the Planning Commission on any matters, except scheduled public hearing(s). Please use the sign-up sheet. Comments are limited to five (5) minutes per person. Any required response(s) from the Town will be provided in writing following the meeting.

4) **Planning Commission Comments**

5) **Entrance Corridor Overlay Design Review Application – 13490 Benns Church Blvd, Hope Presbyterian Church Trustees, C/O Duane Crosby, applicant.** (Staff report and illustration enclosed.)

6) **Major Site Plan Application – Lots 2, 3, 4 & 13A N Church St – Hampton Roads Sanitation District, C/O Kenneth Turner, applicant.** (Staff report, application, and plans enclosed.)

7) **\*Public Hearing\* Smithfield Zoning Ordinance (SZO) Section 2.U Text Amendment – Town of Smithfield, applicant.** (Staff report and draft text amendment enclosed.)

8) **\*Public Hearing\* SZO Articles 3.L, 3.R & 10 Text Amendment – Town of Smithfield, applicant.** (Staff report and assorted attachments enclosed.)

9) **\*Discussion Item\* SZO Section 2.Z Text Amendment – Town of Smithfield, applicant.** (Staff report and assorted attachments enclosed.)

10) **\*Discussion Item\* SZO Articles 3.A, 3.B, 3.C, 3.D, 3.E, 3.F, 3.G & 3.H Text Amendment – Town of Smithfield, applicant.** (Staff report and draft text amendment enclosed.)

11) **Approval of the Tuesday, June 9<sup>th</sup>, 2020 meeting minutes.** (Enclosed.)

12) **2020-2021 Planning Commission Group Photograph**

13) **Adjournment**

\*\*\*ATTENTION\*\*\*

Owing to the pandemic, we are encouraging remote public comment on all land use applications, whether or not a public hearing is required. If you do not feel comfortable with attending a meeting in person, please submit your comments in writing to Mr. John Settle, Community Development & Planning Director. Your comments will be conveyed to the appropriate Board or Commission. Mr. Settle can be reached via email ([jsettle@smithfieldva.gov](mailto:jsettle@smithfieldva.gov)) or mail at the address below:

Town of Smithfield Community  
Development & Planning Department  
ATTN John Settle, Director  
PO Box 246  
Smithfield, VA 23431

**NOTICE OF INTENT TO COMPLY WITH THE AMERICANS WITH DISABILITIES ACT (ADA)**

Reasonable efforts will be made to provide assistance or special arrangements to qualified individuals with disabilities in order to participate in or attend Planning Commission meetings. ADA compliant hearing devices are available for use upon request. Please call 1-(757)-365-4200 at least twenty-four (24) hours prior to the meeting date so that proper arrangements may be made.

## PLANNING COMMISSION STAFF REPORT: ECO DESIGN REVIEW

Tuesday, July 14<sup>th</sup>, 2020, 6:30 PM

<b>Applicant</b>	YESCO of Richmond, Inc. C/O Duane Crosby 719C Industrial Park Dr Newport News, VA 23608
<b>Owner</b>	Hope Presbyterian Church Trustees 13490 Benns Church Blvd Smithfield, VA 23430
<b>Property</b>	13490 Benns Church Blvd TPIN 32-10-001 2.833 ac SW side of Benns Church Blvd 400' SE Benns Church Blvd & Cypress Run Dr
<b>Zoning</b>	Highway Retail Commercial (HRC) & Entrance Corridor Overlay (ECO)
<b>Adjacent Zoning</b>	Community Conservation, Environmental Conservation, Chesapeake Bay Preservation Area Overlay, Floodplain Overlay, HRC & ECO
<b>Project Description</b>	The applicant wishes to replace the heads on two existing light poles on the premises, in addition to the installation of two new light fixtures onto the front of the building. The lights that will be installed on the light poles will be MaxLite AR Series, Generation 2 LED slim area lights, while the lights that will be installed on the building will be MaxLite FM Series Floodmax lights.
<b>Recommendation</b>	Town staff recommends approval as submitted.

*Please direct inquiries to John Settle at 1-(757)-365-4200 or [jsettle@smithfieldva.gov](mailto:jsettle@smithfieldva.gov).*



**MaxLite**  
A NEW WAVE OF LIGHT

**LED SLIM AREA LIGHTS**  
AR SERIES, GENERATION 2

*Fixture shown with  
Slipfitter Knuckle*



60W Model

*Fixture shown with  
Trunnion Swivel*



100-140W Model

*Fixture shown with  
Straight Arm*



210-280W Model

**LIGHT INSTALLATION &  
REPLACEMENT  
13490 BENNS CHURCH BLVD**

**MaxLite**  
A NEW WAVE OF LIGHT

**FLOODMAX**  
FM SERIES



FMS 20/30W



FMM 50/80W



FML 120W



FMX 200/310W

## PLANNING COMMISSION STAFF REPORT: MAJOR SITE PLAN

Tuesday, July 14<sup>th</sup>, 2020, 6:30 PM

<b>Applicants</b>	Hampton Roads Sanitation District C/O Edward Henifin 1434 Air Rail Ave Virginia Beach, VA 23455	Timmons Group, Inc. C/O Kenneth Turner 2901 S Lynnhaven Rd Virginia Beach, VA 23452
<b>Owners</b>	Virginia Department of Transportation 1401 E Broad St Richmond, VA 23219  Smithfield Fresh Meats Corp. 200 Commerce St Smithfield, VA 23430	William Wells 109 Kings Grant Dr Yorktown, VA 23693
<b>Property</b>	Lots 2, 3, 4 & 13A, N Church St TPINs 21A-01-002, 21A-01-003, 21A-01-004 & 21A-01-013A E side N Church St/SR 10 Business River Oaks Ln (Corporate Limits) to Berry Hill Rd (SR 666)	
<b>Zoning</b>	Light Industrial (I1), Heavy Industrial (I2) & Entrance Corridor Overlay (ECO)	
<b>Adjacent Zoning</b>	Chesapeake Bay Preservation Area Overlay, Community Conservation, Environmental Conservation, Floodplain Overlay, ECO, I1 & I2	
<b>Project Description</b>	The applicants wish to install an eight inch and ten inch sanitary sewer force main along N Church St (SR 10 Business), from Surry to Berry Hill Rd, where it will connect to the existing Smithfield Interceptor. The Virginia Stormwater Management Program Authority has determined that the force main is in compliance with the Virginia Department of Environmental Quality's guidance. The Virginia Department of Transportation (VDOT) will require a land use permit prior to the commencement of any work. Due to the proximity of S Church St in the completion of the connection to the Smithfield Interceptor, there will be a single lane closure and a flagging operation on N Church St to ensure safety.	
<b>Recommendation</b>	Town staff recommend approval under the condition that the applicants satisfy all of the comments given on their application by VDOT.	

*Please direct inquiries to John Settle at 1-(757)-365-4200 or [jsettle@smithfieldva.gov](mailto:jsettle@smithfieldva.gov).*

# Town of Smithfield

## Site Plan and Subdivision Plan Application

Please complete all sections of this application.  
Call the Smithfield Planning Department at (757) 365-4200 if you have any questions.

### 1. Project Information

Project Name:	SURRY HYDRAULIC IMPROVEMENTS & INTERCEPTOR FORCE MAIN		
Address/Location:	Linear Project, Route 10 at Town border to the Intersection of Rt. 10 & Berry Hill Rd.		
Tax Map No(s):	21A-01-002, 21A-01-003, 21A-01-004, 21A-01-013A		
Zoning:	Smithfield: I-1 & I-2	Total Building Square Footage:	N/A
Acreage:	0.97 acres temp. constr. disturbance	# of lots:	N/A
		# of units:	N/A
(Check all that apply) <input checked="" type="checkbox"/> Site Plan <input type="checkbox"/> Subdivision Plan <input checked="" type="checkbox"/> New Submittal <input type="checkbox"/> Resubmittal			

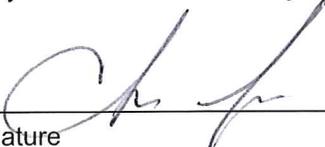
### 2. Contact Information (who will be the main contact person for this project?)

Name:	Kenneth Turner, P.E.	Company:	Timmons Group
Address:	2901 S. Lynnhaven Rd., Suite 200	Phone:	757-213-6671
	Virginia Beach, VA, 23452	Fax:	N/A
Email:	kenneth.turner@timmons.com		

### 3. Property Owner Information

Name(s):	Hampton Roads Sanitation District, C/O Edward Henifin, PE		
Company:	Hampton Roads Sanitation District		
Address:	1434 Air Rail Avenue	Phone:	757-460-4242
	Virginia Beach, VA, 23455	Fax:	N/A
Email:	ehenifin@hrsd.com		

<b>FOR TOWN USE ONLY</b>
<b>4. Submittal Review Fee: \$ 2,450</b> - Paid 2020-04-06
(To be completed by Town of Smithfield staff only)

I, <u>Chase Spence, MEB General Contractors</u> , have been informed by the Town of Smithfield that I will be receiving a bill(s) from the Town for site plan and/or subdivision plan reviewed by the Town's consulting engineering firm and agree to pay all such fees in a timely manner.	
Signature 	Date <u>3/24/20</u>

**Note:** If, in the discretion of the Town, it is determined that a review by the Town's consulting engineering firm, or any other expert or other consultant is prudent and necessary to ensure that the site plan or subdivision plan is in compliance with the Town's Zoning and Subdivision Ordinance, the Town's development standards and other State and Federal laws, then the applicant submitting said site plan or subdivision plan shall be required to pay the fees and costs incurred for such review. This requirement shall not apply to applications where the estimated cost of construction is less than \$5,000.00.



BEFORE YOU DIG CALL  
811 or  
1-800-552-7001  
PROTECT YOURSELF, GIVE THREE  
WORKING DAYS NOTICE

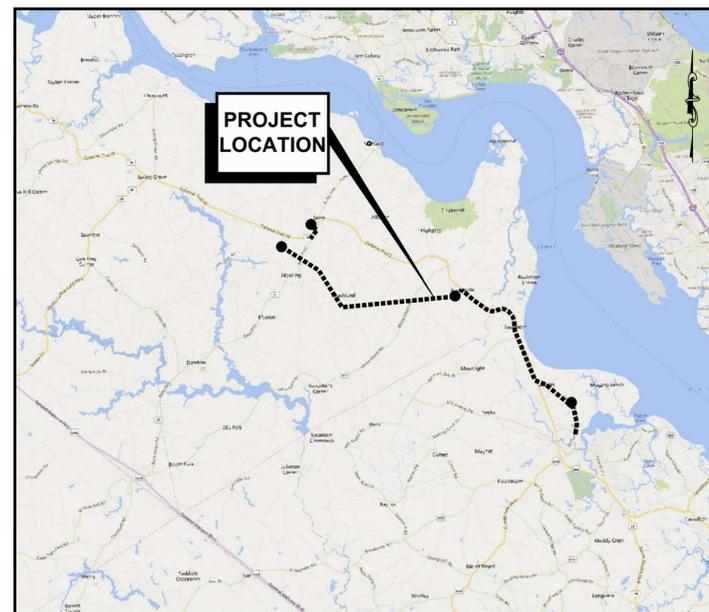
# HAMPTON ROADS SANITATION DISTRICT



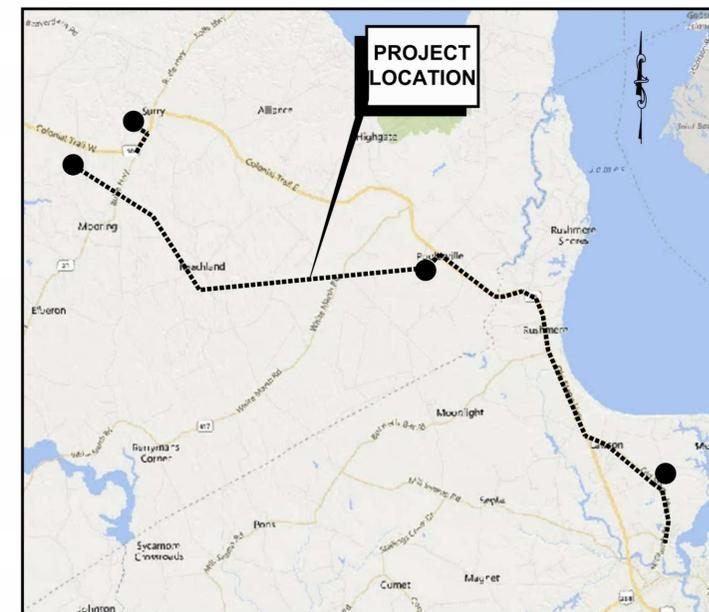
## SURRY HYDRAULIC IMPROVEMENTS AND INTERCEPTOR FORCE MAIN

ISLE OF WIGHT COUNTY, VIRGINIA  
SITE PLAN SUBMITTAL

MAY 2020



VICINITY MAP  
SCALE= 1" = 20,000'



LOCATION MAP  
SCALE= 1" = 10,000'

PROJECT AREA LIES WITHIN THE CHESAPEAKE BAY PRESERVATION AREA AND HIGHWAY CORRIDOR OVERLAY DISTRICT.

WETLAND PERMITTING:  
VMRC # 2020-0388  
USACE # NAO-2020-0282

THE LINEAR PORTION OF THIS PROJECT IS COVERED BY A STORMWATER MANAGEMENT WAIVER.

ESTIMATED CONSTRUCTION TIME:  
JULY 2020 TO JUNE 2022 (24 MONTHS)

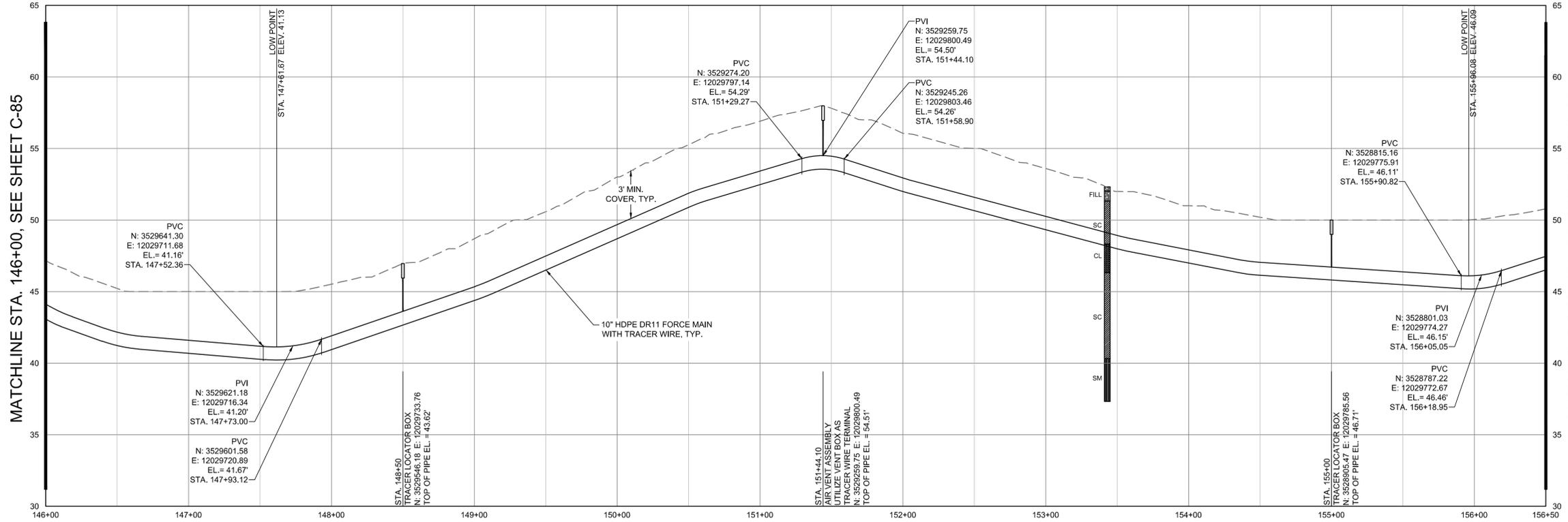
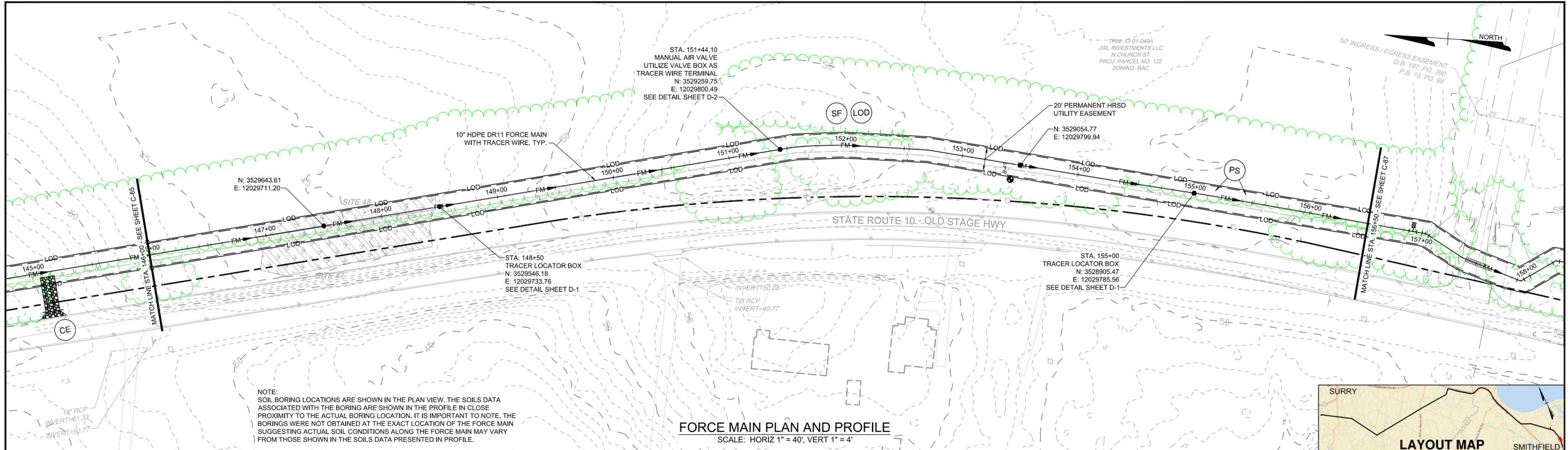
### CONTACTS

EASEMENT HOLDER  
HAMPTON ROADS SANITATION DISTRICT  
2389 G AVENUE  
NEWPORT NEWS, VA 23602  
TEL: (757) 833-7472  
CONTACT: ANN COPELAND  
EMAIL: ACOPELAND@HRSD.COM

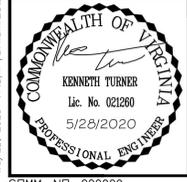
ENGINEER  
TIMMONS GROUP  
2901 LYNNHAVEN ROAD, SUITE 200  
VIRGINIA BEACH, VA 23452  
TEL: (757) 213-6879  
CONTACT: KENNETH TURNER  
EMAIL: KENNETH.TURNER@TIMMONS.COM

CONTRACTOR  
MEB  
4016 HOLLAND BOULEVARD  
CHESAPEAKE, VA 23323  
TEL: (757) 487-5858  
CONTACT: CHASE SPENCE  
EMAIL: CSPENCE@MEBGC.COM





L:\2014\25954-HRSD-Sump-Design-Build\DWG\Sheet\25954-SURRY-HRSD-25954-SUMMARY-REVISION.dwg  
 May 28, 2020 - 7:43am, PLOT: HRSD.ctb, Plot Scale: 1" = 1', Plot By: Sam Mauer, Job: C-86



**SITE PLAN SUBMITTAL**

**MEB. RK&K. TIMMONS GROUP**  
General Contractors  
YOUR VISION ACHIEVED THROUGH OURS.



NO.	DATE	BY	REVISION

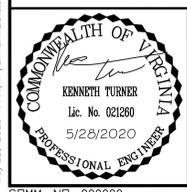
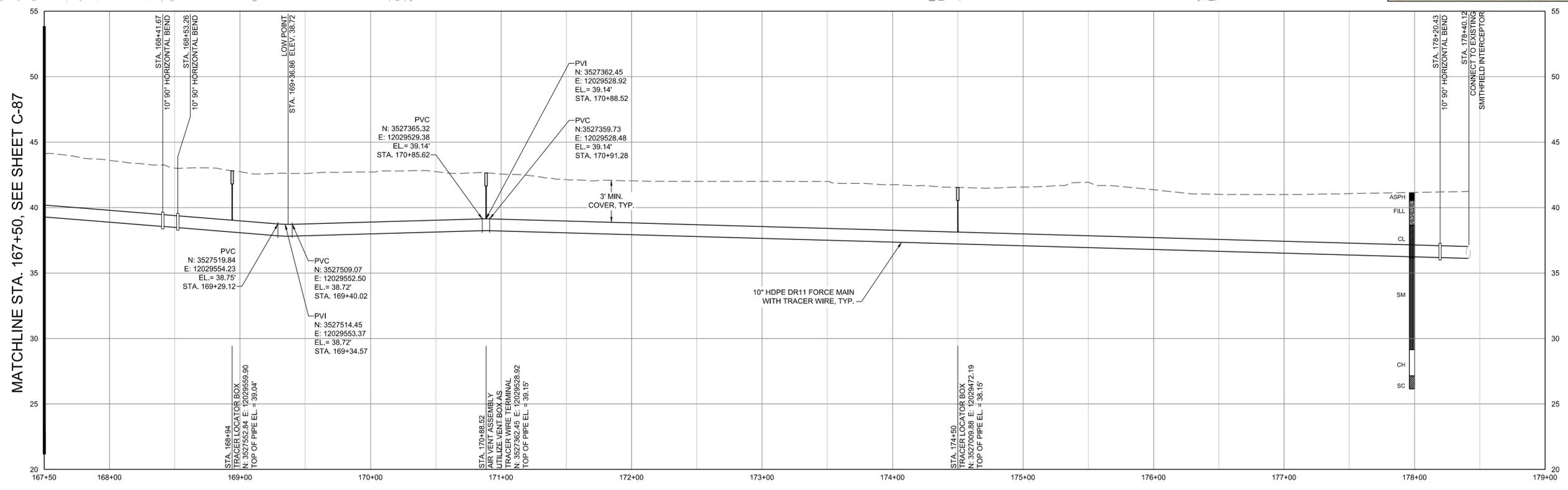
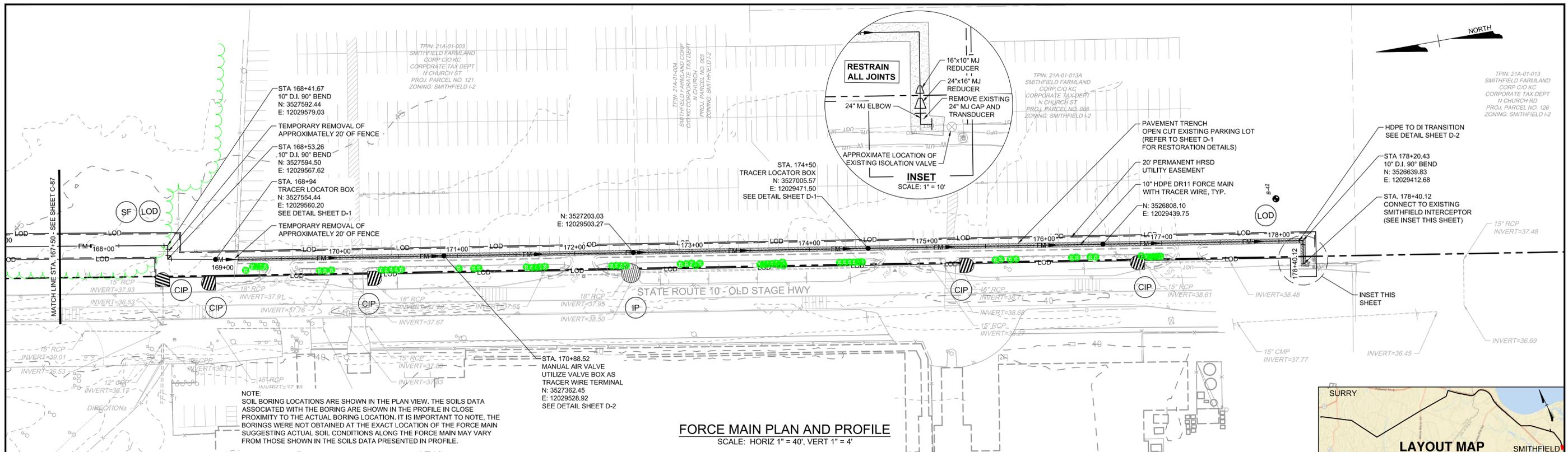


**PLAN AND PROFILE - FORCEMAIN**  
**HARDY E.S. P.S. TO SMITHFIELD CONNECTION**

**HAMPTON ROADS SANITATION DISTRICT**  
**SURRY HYDRAULIC IMPROVEMENTS AND INTERCEPTOR FORCE MAIN**

DESIGNED BY:	K. TURNER	DATE:	3/23/2020
DRAWN BY:	S. HARVEY	FILE NO.:	-
CHECKED BY:	M. MILLER	DRAWING NO.:	C-86
SCALE:	AS NOTED	SHEET NO.:	105 of 245



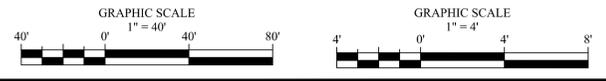


**SITE PLAN SUBMITTAL**

**MEB. RK&K. TIMMONS GROUP**  
General Contractors

**HRSD**  
Cleaning wastewater every day for a better Bay.

NO.	DATE	BY	REVISION



**PLAN AND PROFILE - FORCEMAIN**  
**HARDY E.S. P.S. TO SMITHFIELD CONNECTION**

**HAMPTON ROADS SANITATION DISTRICT**  
**SURRY HYDRAULIC IMPROVEMENTS AND INTERCEPTOR FORCE MAIN**

DESIGNED BY:	K. TURNER	DATE:	3/23/2020
DRAWN BY:	S. HARVEY	FILE NO.:	-
CHECKED BY:	M. MILLER	DRAWING NO.:	C-88
SCALE:	AS NOTED	SHEET NO.:	107 of 245

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May 28, 2020 - 7:44pm File: hrh1830.dwg Plot Scale: 1" = 1' Plot By: Sam Mauer Tab: C-88

COMM. NO. 000000



## COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION  
23116 Meherrin Road  
COURTLAND, VIRGINIA 23837

June 5, 2020

John Settle  
Planning & Zoning Administrator  
Town of Smithfield  
310 Institute Street  
Smithfield, VA 23430

**RE: Surry Hydraulic Improvements and Interceptor Force Main  
Route 10 – Old Stage Highway  
Town of Smithfield**

The Residency has completed its review of the subject development plan sealed May 28, 2020 and received by the VDOT Land Development Office on June 1, 2020. It appears all previous comments have been addressed and approval is recommended. Please note the bond and fees listed below are for the scope of project work in both Isle of Wight County and the Town of Smithfield, which can be done under one permit.

A Land Use Permit must be obtained from VDOT before any construction is started within State maintained right of way limits or easements. All Land Use Permit Applications must have:

- One (1) set of approved plans
- A copy of this letter
- A check for the Processing Fee in the amount of \$460.00 made payable to Treasurer of Virginia
- Surety in the form of cash, letter of credit or bond in the amount of \$50,000.00

Completed Land Use Permit Applications and the required attachments must be mailed to:

VDOT Franklin Residency  
Attn: Land Development  
23116 Meherrin Rd.  
Courtland, VA 23837

Additional information about Land Use Permitting, as well as, the required forms can be found at:

<http://www.virginiadot.org/business/bu-landUsePermits.asp>

\*An electronic file of the approved plan in PDF format shall be provided for VDOT use.

If you have any questions, please contact me at (757) 346-3068 or Joshua.Norris@vdot.virginia.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Joshua R. Norris". The signature is written in a cursive style with a large initial "J" and "N".

Joshua R. Norris  
Land Use Engineer  
Virginia Department of Transportation  
Franklin Residency  
Franklin Residency

**PLANNING COMMISSION STAFF REPORT: ORDINANCE AMENDMENT**  
**\*PUBLIC HEARING: TUESDAY, JULY 14<sup>TH</sup>, 2020\***  
**SMITHFIELD ZONING ORDINANCE ARTICLE 2, SECTION U: HOME OCCUPATIONS**

In recent months, a number of Town residents in the Attached Residential (AR), Multi-Family Residential (MFR), and Residential Office (RO) zoning districts have inquired with Town staff about establishing “professional offices” in their homes. Professional offices are currently classified under Smithfield Zoning Ordinance (SZO) Section 2.U.15.f as home occupation uses.

Unfortunately, and pursuant to SZO Sections 3.E.C.13, 3.F.C.18, and 3.G.C.15, home occupation uses are only permissible in the AR, MFR, and RO districts following the successful acquisition of a Special Use Permit (SUP) from the Town Council.

In order to ease the burden on residents and prospective business owners, Town staff have initiated a text amendment to Article 2 of the SZO which would allow residents in all zoning districts to establish “professional offices” in their homes without having to obtain an SUP from the Town Council.

Additionally, by removing “professional office” from the uses listed in SZO Section 2.U.15 as requiring a home occupation permit, residents will now be able to establish professional offices in their homes without the additional hassle of obtaining a home occupation permit, provided they have acquired a business license from the Town Treasurer’s Office, and all other standards applied to home occupation uses are fulfilled. The bulk of the language proposed in this text amendment would appear as SZO Section 2.U.17, which would read:

*Nothing in this Ordinance shall preclude an owner/occupant from having a professional office within their home. A professional office shall be excluded from obtaining a home occupation permit from the Planning and Zoning Administrator, so long as a business license is obtained from the Town, and all other applicable standards of this Section have been met.*

At it’s Tuesday, June 9<sup>th</sup>, 2020 meeting, the Planning Commission reached a favorable consensus on the application’s return for a public hearing at the next regularly-scheduled Planning Commission meeting, so long as language was included in the text amendment allowing for professional office home occupations to enjoy client visits to the home in excess of what is normally associated with a single-family dwelling following the applicants’ successful acquisition of an SUP from the Town Council. This language has been added as SZO Section 2.U.18, which would read:

*Professional office home occupations may enjoy client visits to the property, in excess of what is normally associated with a single-family dwelling, following the successful acquisition of a special use permit from the Town Council.*

**Recommendation:**

Town staff recommends a favorable report to the Town Council.

*For inquiries, contact John Settle at 1-(757)-365-4200 or [jsettle@smithfieldva.gov](mailto:jsettle@smithfieldva.gov).*

shall have its permit revoked and the home occupation shall discontinue or correct operations within ten days upon notification.

14. Any person aggrieved by the action of the Planning and Zoning Administrator in granting, denying or revoking a home occupation permit or in stipulating conditions or corrections thereto may appeal the decision to the Board of Zoning Appeals.
  
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. Professional office. (Repealed 2020-??-??)~~
  - g. Tutoring.
  - h. Salesperson, provided that no retail or wholesale transactions occur on premises.
  - i. Telephone answering service.
  - 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.)
  
16. Specifically prohibited home occupation uses include, but are not limited to, the following:
  - a. Auto repair or auto paint shop.
  - b. (repealed 11-2014)
  - c. Gift shops.
  - d. Adult entertainment businesses and massage parlors.
  - e. Medical and dental clinics.
  - f. Veterinary activities and kennels.
  - g. Wrecking and towing service.
  - h. Welding and machine shop.
  - i. Beauty parlors.
  - j. Barber shops.
  - k. Nursing homes, convalescent homes, and adult care facilities.

- l. Child day care center.
- m. Eating establishments.
- n. Antique shops.
- o. Tourist homes.
- p. Fortune tellers.
- q. Small machinery repair shop.
- r. Other similar use.

~~(Ord. of 9-5-2000; Ord. of 11-4-2014)~~

- 17. Nothing in this Ordinance shall preclude an owner/occupant from having a professional office within their home. A professional office shall be excluded from obtaining a home occupation permit from the Planning and Zoning Administrator, so long as a business license is obtained from the Town, and all other applicable standards of this Section have been met.
- 18. Professional office home occupations may enjoy client visits to the property, in excess of what is normally associated with a single-family dwelling, following the successful acquisition of a special use permit from the Town Council.

(Ord. of 2000-09-05; Ord. of 2014-11-04; Ord. of 2020-??-??)

#### **V. Lot and Yard Requirements and Modifications**

- 1. No structure or part thereof shall hereafter be constructed or moved on a lot which does not meet all of the minimum lot area and yard requirements established for the zoning district in which the structure is or is planned to be located.
- 2. The minimum lot width shall be measured at the minimum front yard setback line approved on the final subdivision plat. No portion of the lot between the front and rear yard setback lines shall be less than the minimum lot width required for the zoning district. Each lot must maintain a minimum street frontage of at least twenty-five (25) feet.
- 3. Pipestem lots (also known as “flag lots”) are not permitted in any residential district.
- 4. Cornices, awnings, eaves, ADA ramps, gutters, and other similar structural overhangs at least eight feet above grade may extend not more than three feet into any required yard.
- 5. Uncovered and unenclosed decks, porches, patios, terraces and other similar features not covered by a roof or canopy may extend or project into a front, side or rear yard setback line not more than four (4) feet.

**PLANNING COMMISSION STAFF REPORT: ORDINANCE AMENDMENT**  
**\*PUBLIC HEARING: TUESDAY, JULY 14<sup>TH</sup>, 2020\***  
**SMITHFIELD ZONING ORDINANCE ARTICLES 3.L, 3.R & 10: SIGNAGE**

Over the course of the past year, Town staff have been tasked with rigidly interpreting, administering, and enforcing the Town's sign ordinance. In particular, temporary signage has emerged as a high priority concern for Town staff, the Town Council, as well as the general public. Through this task, Town staff have had the opportunity to work with countless business owners, event organizers, political candidates, and an assortment of community figures- all of these interactions have assisted tremendously in forming Town staff's understanding of the strengths and weaknesses of the existing sign ordinance. Through the input of the aforementioned groups and individuals, Town staff became convinced that the existing sign ordinance was not only in need of revisions- it was in need of replacement altogether.

To better serve, enable, and protect the property owners, businesses, and residents of the Town, Town staff propose the complete repeal and replacement of the sign ordinance- Article 10 of the Smithfield Zoning Ordinance (SZO). Additionally, revisions are proposed for Articles 3.L & 3.R of the SZO. Collectively, these amendments to the SZO are intended to achieve the following:

- (1) The consolidation of all language regulating signage into Article 10 of the SZO. Currently, there are three different Articles (3.L, 3.R & 10) in which signage is regulated. This has proven problematic, as property owners in certain zoning districts and overlays seeking guidance on the permissibility of their proposed signage are caused to consult three different Articles for clarification. Articles 3.L & 3.R, the only Articles outside of the sign ordinance addressing signage, are also inconspicuously-named, causing the sign-related language contained therein to appear hidden or conniving. The proposed revisions to these Articles migrates this language into Article 10, effectively turning Article 10 into the "one stop shop" for Town signage regulations.
- (2) Another reason inspiring the replacement of the sign ordinance is the widespread duplication of language contained in the existing ordinance. In many cases, regulations that would apply to all sign types in all zoning districts is restated in each section outlining the restrictions in each zoning district. To shorten the overall length of the sign ordinance, and to make its use less arduous for both Town staff and residents alike, many sections of the old sign ordinance have been removed and noted in the "general requirements for all signs" section of Article 10. The most notorious example of this is the landscaping requirement for detached signs, which is currently referenced once in Article 3.R, and twelve times in Article 10. Under the proposed revisions, it appears only once throughout the SZO.
- (3) The proposed replacement Article 10 will bring the Town's sign ordinance into compliance with the *Reed, et al. v. Town of Gilbert, Arizona, et al. (2015)* decision. As a result of this United States Supreme Court case, sign ordinances are now prohibited from containing any language which may be considered content-based. This decision was decided (in part) to preserve the first amendment rights of Americans when expressing thoughts, opinions, etc. through signage. The most evident language contained in the proposed Article 10 that seeks to remedy the Town's noncompliance with this decision is contained in the "purpose and intent" section of the ordinance. Additionally, any language throughout the ordinance which could be construed as being "content-based" was removed or replaced. The most prevalent example of this is the replacement of language referencing a specific type of sign's content with the phrase "draws attention to".
- (4) Finally, and of the most interest to the general public is a sensical relaxation of Article 10, Section G- commonly referred to as the temporary sign ordinance. The proposed revisions to this section will result in the following sampling of relaxed standards:
  - a. Applicants for temporary sign permits will no longer need to pay a ten dollar (\$10) fee, regardless of whether or not their proposed signage is for a business or a nonprofit.
  - b. Temporary sign permits are only required in the instances in which the proposed signage conflicts with any of the standards contained within Article 10, Section G. This allows Town staff to review each proposed sign on a case-by-case basis to assess whether or not the proposed signage could be injurious to the health, safety, or welfare of the general public.

- c. Off-premises temporary sign permits are not required for the posting of signage at certain “high visibility” intersections in Town, so long as the property owner at that location provides their written consent to the applicant(s), and traffic safety visibility remains unobstructed, among other standards.
- d. Temporary signs may be erected for any duration of time, so long as that duration of time does not exceed a total of six months (continuously or cumulatively) in any calendar year. Under the current ordinance, temporary signs cannot be erected for more than thirty days- after which, the temporary sign must be removed for at least thirty days before a new temporary sign permit must be issued. This cycle cannot occur more than three times a year.
- e. Temporary sign permits are not required for temporary signage not visible from the public right-of-way. Under the current ordinance, these signs are not exempt.
- f. Temporary signs directing attention to matters of personal expression (i.e. political campaigns, religious beliefs, etc.) are finally and officially exempted from requiring a temporary sign permit. Under the current ordinance, these signs are not exempt.
- g. The temporary sign ordinance is now structured in such a way that restrictions are tailored towards specific uses (i.e. car dealerships, farming operations, downtown boutiques, etc.)- it is unfortunate that, from as early as 1998 onwards, the opposite has been a reality in Smithfield.

At its Tuesday, June 9<sup>th</sup>, 2020 meeting, the Planning Commission reached a favorable consensus on this application’s return for a public hearing at the next regularly-scheduled Planning Commission meeting, so long as the following changes to the text amendment were made:

- (A) The maximum allowable area for “recurring signs” should be increased to six square feet.
- (B) The replacement Article 10 must include a reference to a fee schedule.

Both of the Planning Commission’s requested changes have been made through SZO Sections 10.C.2 & 10.G.4.f(1).

**Recommendation:**

Town staff recommends a favorable report to the Town Council.

# REDLINED ARTICLE 3.L

9. 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.
  
10. Adult entertainment establishments, as permitted by special use permit, include the following: (a) adult book stores, (b) adult motion picture or video theaters, (c) cabarets, (d) massage parlors, (e) drug paraphernalia stores, (f) tattoo parlors and (g) establishments for palm readers and mystics, and as defined in the Definitions article of this ordinance. The following additional regulations shall apply to adult entertainment establishments:
  - (a) No adult entertainment establishment shall be located within (1) one mile of any other adult entertainment establishment, (2) one mile of any residential district, (3) one mile of any church or place of worship, (4) one mile of any religious apparel or book store, (5) one mile of any school or education facility, including playgrounds, (6) one mile of any public playground, park, swimming pool or library. Distance between uses shall be measured from the nearest property line of any adult entertainment establishment and the nearest property line of any use cited in the paragraph hereinabove.
  - (b) ~~(Repealed) In addition to the sign regulations of this ordinance, sign messages for an adult entertainment establishment shall be limited to a written description of material or services available on the premises and shall not provide any graphic or pictorial depiction of the material or services available on the premises.~~
  - (c) ~~(Repealed) Signage and messages which are visible or intended to be visible from outside the property (such as those appearing on or within doors or windows) shall not display materials, items, publications, pictures, films or printed material available on the premises; or pictures, films or live presentation of persons performing or services offered on the premises.~~
  - (d) Should any adult entertainment establishment listed above cease or discontinue operation for a period of ninety or more consecutive days, it may not resume, nor be replaced by any other adult entertainment establishment unless it complies with all the requirements set forth hereinabove.
  
11. Refer to the Floodplain Zoning Overlay District, where applicable.

12. Refer to the Chesapeake Bay Preservation Area Overlay District.
13. Refer to Parking and Loading Requirements, Article 8, where applicable.
14. 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.”*

(Ord. of 2020-??-??)

Article 3.R:  
**Entrance Corridor Overlay District (ECO)**

**A. Purpose**

The purpose for establishing these provisions is to protect the aesthetic and visual character of land in the Town of Smithfield adjacent to major existing and proposed highway corridors, as defined herein, and to provide for and promote their orderly development. The overlay district regulations are intended to supplement the regulations of the underlying zoning districts and to provide for compatibility of development along the identified corridors. All development proposed within this District shall be subject to the procedures, standards, and guidelines specified in the following Sections, in addition to those standards pertaining to the particular base zoning district in which the development occurs. In particular, the purpose of the Entrance Corridor District is to:

1. Encourage and better articulate positive visual experiences along the town's major existing and proposed highway corridors.
2. Provide for the continued safe and efficient use of these highway corridors.
3. Maintain natural beauty and scenic, cultural, and historical character of these corridors, particularly distinctive views, vistas, and visual continuity.
4. Protect existing natural vegetation and wildlife habitats along these corridors.
5. Discourage indiscriminate clearing, excessive grading, and clear cutting along these corridors.
6. Minimize cut and fill operations by placing emphasis on the retention of natural topography of these corridors.
7. Minimize intersections and individual site access points along these corridors.

The Planning Commission shall evaluate all proposed development activities within the Entrance Corridor Overlay District, with the exception of signage pursuant to Section L.2.a of ~~this~~ Article 10, which will include a review of the location, character and appearance of new development in the District. It is the purpose of such review to determine, in a cooperative fashion with the applicant, whether a proposed development plan meets the guidelines and other standards of this District.

**B. Intent**

The Entrance Corridor District shall include all lands within five-hundred (500) feet of each side of the following arterial rights-of-ways:

1. North Church Street/Business Route 10, extending from the town limits to the Pagan River Bridge.
2. West Main Street/United States Route 258, extending from the town limits to the intersection of United States Route 258 and United States Highway Route 10 Bypass.
3. South Church Street from Battery Park Road to the Cypress Creek Bridge.
4. South Church Street from the Bypass to Battery Park Road.
5. Bennis Church Boulevard/United States Highway Route 10 Bypass, extending the entire distance between the town corporate boundaries.
6. Battery Park Road from South Church Street to the Corporate Town Limits.

The boundary of the Entrance Corridor District may either follow a fixed distance as set forth in Section B of this Article or the defined boundaries of a natural or man-made feature as determined by the Planning Commission.

The boundary of the Entrance Corridor District shall be shown on the official Town of Smithfield Zoning Maps and shall be delineated as a surveyed line on any property proposed for development.

### **C. Affected Development**

1. Review Required. All proposed development activities located within the Entrance Corridor Zoning District, with the exception of signage pursuant to Section L.2.a of ~~this~~ Article 10, shall be reviewed and approved by the Planning Commission. Any changes shall also receive such approval before proceeding. If a portion of the District will not be visible from the arterial highway once the project is completed, the Planning Commission may waive the special requirements of this Section for that portion. The Planning Commission may also review preliminary development plans or design development drawings at the request of the applicant.
2. Development activity permitted within the District. There shall be no alteration of the existing condition of the lands, uses or structures within the Entrance Corridor Overlay District from the date of enactment of this Article henceforth, except as provided for by this Section or by other sections of this Article.

- b. Provision for water, sanitary sewer, storm drainage, electrical, telephone, natural gas, cable, utility service lines below the surface of the ground provided the natural vegetation is preserved and protected to the greatest extent practicable.
- c. Pedestrian and bicycle paths designed to provide continuous connection along the road corridor, provided they can be constructed without materially reducing the screening and visual softening capacity of the buffer yard.
- d. Lighting fixtures only for approved signs or if, for safety reasons, they cannot be placed outside the buffer and then only when electric utility lines serving these fixtures and necessary easements can be established and constructed without reducing the screening and visual softening capacity of the buffer yard.
- e. Signs in accordance with the Section L.2 of ~~this~~ Article 10 and the underlying zoning district.
- f. Clear sight distances at the permitted entrances and exits to any development as needed to provide for reasonable traffic safety, in accordance with accepted traffic engineering practices when recommended or required by the Virginia Department of Transportation.
- g. The addition of plantings, earthen berms, or other visual buffers which, in the opinion of the Planning Commission, would better achieve the purposes of this District.

#### **H. Yard and Height Requirements**

1. Yard requirements. The following yard requirements shall apply to any lot or parcel located within the Entrance Corridor District.
  - a. The visual buffer as required in Section E of this Article shall determine front yard setback for all structures and vehicular movement and parking areas. In no instance shall the setback for structures or vehicular parking areas be less than forty (40) feet. This minimum setback shall strictly apply on all portions of any lot or parcel abutting arterial public right-of-ways designated by this Article, including corner side yards.
  - b. Side yard setback for all structures and vehicular movement and parking areas shall be a minimum of ten (10) feet. The minimum corner side yard setback for any lot or parcel shall be forty (40) feet. One (1) foot shall be added to each side yard for each three (3)

such trees or vegetation. The minimum height of the new replacement trees shall be eight (8) to twelve (12) feet. The minimum height of new shrubs used to create the minimum visual buffer shall be three (3) feet.

L. **Signs** ~~(Repealed 2020-??-??)~~

- ~~1. Purpose and intent. The purpose and intent of this Section is to regulate the use of publicly visible displays or graphics within the Entrance Corridor District; to protect and enhance the character of these arterial highways and surrounding areas; to prevent diminishing property values within these areas; to safeguard the public use and nature of these arterial highways; and, to minimize visual distractions to motorists along these arterial highways.~~
- ~~2. General regulations. The following shall apply to all signs within the District:~~
  - ~~a. Applicants for new or replacement signs in the District shall apply to the Zoning Administrator for review at the time of development plan review or as a separate submittal. The Planning and Zoning Administrator may approve any sign permitted in a residential district and/or any permitted sign not exceeding 150 square feet in area in a business or industrial district, if, in the opinion of the Planning and Zoning Administrator, such sign will not impair the character of the district.~~
  - ~~b. Signs shall meet all applicable requirements contained in Article 10 of the Town of Smithfield Zoning Ordinance.~~
  - ~~c. All signs shall meet the requirements of applicable State and Federal laws and/or regulations.~~
  - ~~d. The amount of information on signs shall be no more than is necessary to provide reasonable identification of the name and nature of the business to the passerby.~~
  - ~~e. Signs and advertising structures shall not obstruct any window, door, fire escape, stairway, ladder or opening intended to provide light, air or ingress and egress for any building or structure.~~
  - ~~f. No sign shall be used or permitted to portray information of an unlawful nature.~~
  - ~~g. Individual rate signs or price signs shall be prohibited. Motor vehicle fuel and service stations shall be allowed to integrate fuel and price information into a freestanding, detached business identification sign.~~

- ~~h. No sign shall be higher than the roof line or parapet wall of any building for which the sign is proposed. A sign may be attached to the fascia of a pitched roof or structure, but may not be located so as to extend above the upper edge of the fascia of said roof. Also, a sign may be attached to the fascia of or located on the sloping roof of a structure, but may not be located so as to extend more than four (4) feet above the lower edge of said sloping roof.~~
  - ~~i. Temporary construction signs within the District shall comply with the design guidelines set forth in this Section and Article for colors and materials. In the case of multiple principals (for example, owner, developer, architect, engineer, contractor, or real estate or leasing agent), all information shall be contained on a single sign.~~
  - ~~j. Portable signs and off-premises business signs identifying seasonal signs shall be prohibited in the District.~~
- ~~3. Sign design standards. The following standards shall apply to all signs within the District:~~
- ~~a. A unified system of signage and graphics shall be required for each individual development within the Entrance Corridor District. The establishment of an integrated signage system for existing development within the District is strongly encouraged.~~
  - ~~b. These systems shall be reviewed for materials, colors, shapes, sizes, and compatibility with architecture, letter style, graphic display, and establishment of unity of design for the development.~~
  - ~~c. Materials, colors, and shapes of proposed signs shall be compatible with the related building(s). Size and proportions shall not be a dominant feature of the site and shall be judged by sizes and proportions of signs on adjacent and nearby properties that are compatible with Town character.~~
  - ~~d. Freestanding, detached signs shall be encased within a structure that is architecturally related to and compatible with the main building(s) and overall architectural design of the development.~~
- ~~4. Sign landscaping standards. The following landscaping standards shall apply to all signs within the District:~~

- ~~a. Landscaping shall be integrated with each individual freestanding, detached sign. Clustering of plant species shall be required to provide a pleasing composition mix of natural vegetation.~~
  - ~~b. All such landscaping shall be depicted on the landscaping plan as required in Section K of this Article.~~
- ~~5. Sign illumination standards. The following sign illumination standards shall apply to all signs within the District:~~
- ~~a. External lighting shall be limited to light fixtures utilizing white, not colored, lighting and shall not be blinking, fluctuating, or moving. Concealed and/or screened spotlight(s) or floodlight(s) shall provide external lighting. Spotlighting of signs shall be restricted to not more than one (1) 150-watt light per sign faces up to forty (40) square feet and no more than two (2) 150-watt lights per sign faces over forty (40) square feet. The sign base and/or proposed landscaping shall be designed to shield the light from on-coming motorists and to conceal the light fixture.~~
  - ~~b. Internal illumination shall be limited to an internal white light contained within translucent letters and internal illuminated sign boxes, provided the background or field on which the copy and/or logos are placed, is opaque. The area illuminated is restricted to the sign face only.~~
- ~~6. Sign maintenance and abandonment.~~
- ~~a. Following project completion, all appearance features of signage required by the Planning Commission, the Planning and Zoning Administrator, or shown on an approved development plan shall be maintained in good condition by the owner and all subsequent owners of the property.~~
  - ~~b. Any sign located on property that becomes vacant and is unoccupied for a period of sixty (60) days or more shall be deemed abandoned. The sign face or faces of an abandoned sign shall be removed by the owner of the sign or the owner or lessee of the property.~~
  - ~~c. If the owner or lessee fails to remove the sign, the Zoning Administrator shall give the owner thirty (30) days written notice to remove the abandoned sign face or faces. Upon failure to comply with this notice, the Zoning Administrator may initiate such action as may be necessary to gain compliance with this Subsection.~~

~~7. Comprehensive sign plan.~~

~~a. Prior to erection of any sign, with the exception of temporary construction signs, noted herein, a comprehensive sign plan shall be submitted to the Zoning Administrator for review and approval if the proposed signage is in accordance with Section L.2.a of this Article.~~

~~b. The Plan shall provide the location and size of all proposed sign or signs within the development as well as proposed colors, sizes, lighting, location, etc.~~

**M. Exemptions to the Requirements of the Highway Corridor District**

1. Single-family dwellings. The construction of detached single-family dwellings on individual lots or parcels within the Entrance Corridor District which are not located within a residential subdivision are exempt from this Article. Also construction of detached single-family dwellings on lots or parcels within a residential subdivision are exempt if the subdivision plat was legally recorded prior to adoption of this Article.
2. Agricultural structures. The construction of bona-fide agricultural structures required for on-premise farming operations involving the cultivation of crops or the raising and keeping of livestock and the preparation of land for cultivation of crops are exempt.

**N. Development Plan Review**

1. Applicability. All development proposed in the Entrance Corridor District and other applicable projects, with the exception of signage pursuant to Section L.2.a of ~~this~~ Article 10, shall submit a development plan to the Zoning Administrator for review by the Planning Commission.
2. Minimum requirements for development plan review. All development plans submitted for review shall be complete according to the requirements of this Article before being reviewed by the Planning Commission for conformance with all standards and guidelines of this Article. No development plan submitted for review shall be considered until the minimum items of submission required by this Article have been submitted in a format acceptable to the Zoning Administrator and the review fee as established by this Ordinance has been paid.
3. Content of development plan. A development plan submitted for review by the Planning Commission shall include clearly labeled plans, drawings, photographs and/or narratives

depicting or presenting the following, unless deemed unnecessary by the Zoning Administrator due to the scope and nature of the proposed development:

- a. Surveyed property lines.
- b. Survey of existing topography and the location of trees and other vegetation meeting the preservation and/or protection provisions of this Article.
- c. A site development plan or plans depicting the dimensions and location of all structures (including rooflines), all site improvements with distances and dimensions, and the bufferyard requirements of Section E of this Article.
- d. Photographs or drawings of neighboring uses and architectural styles.
- e. Location of bordering public or private streets or roads and existing, proposed, and/or approved access points.
- f. Comprehensive sign plan prepared pursuant to Section L.2.g of ~~this~~ Article 10.
- g. Location, dimensions, and layout of all areas to be used for pedestrian movement areas and vehicular and parking areas.
- h. Architect's or artist's rendering of all proposed structures depicting the front, side and rear elevations including architectural treatment of all structural exteriors, including building materials and colors to be utilized.
- i. A landscaping plan prepared pursuant to Section K of this Article.
- j. Location and design of all proposed exterior site lighting within the proposed development.
- k. Location, size, and dimension of all yards and setbacks.
- l. A time-line or schedule as to the project start date, completion date, and occupancy date.

#### **O. Development Plan Review Procedures**

1. All development plans, with the exception of signage pursuant to Section L.2.a of ~~this~~ Article 10, shall be submitted and reviewed according to the following procedures:

Article 10:  
**Sign Regulations**

**A. Purpose and Intent:**

The purpose of this article is to regulate the size, location, height and construction of all signs for public observance; to protect the public health, safety, convenience and general welfare; to facilitate the creation of a convenient, attractive and harmonious community, to protect property values; and to further the urban design and economic development objectives. To these ends, these regulations are intended to promote signs that are:

1. Compatible with the landscape/streetscape and architecture of surrounding buildings, including historic sites and structures;
2. Legible and appropriate to the activity to which they pertain;
3. Not distracting to motorists;
4. Constructed and maintained in a structurally sound and attractive condition; and
5. Pertaining to use or business that is in operation on the premises.

**B. Sign Permit Requirement:**

Except as provided hereinafter, no sign shall be erected, installed, used, altered, painted, relocated, replaced or reconstructed until a Sign Permit has been issued by the Administrator and approved by the Board of Historic and Architectural Review if applicable, and a building permit has been issued by Isle of Wight County. For the purpose of this Ordinance, all signs are considered accessory uses and, unless specifically qualified, shall be located on the same lot with the principal use to which they pertain.

(Ord. of 9-5-2000)

**C. Sign Permit Procedures:**

1. **Applicability:** A Sign Permit shall be required for all signs.

2. **Filing of Application and Fees:** Applications for Sign Permits shall be filed on a form provided by the Planning and Zoning Administrator, shall contain information required herein, and shall be accompanied by a fee to be established by the Town Council.
  
3. **Information Required:** All applications for Sign Permits shall be submitted on standard Town application forms and the applicant shall provide additional written or graphic exhibits to incorporate the following information:
  - a. Name, address, and telephone number of the sign erector, sign owner, and property owner.
  - b. Position of the sign with distances in relation to adjacent lot lines, buildings, sidewalks, setbacks, streets and intersections shown on a legal plat produced by a licensed surveyor or engineer.
  - c. Landscaping plan for proposed detached signs. Refer to Article 10, Section E, paragraph 6.
  - d. Type of sign and general description of structural design and construction materials to be used.
  - e. Purpose of the proposed sign.
  - f. Drawings of the proposed sign which shall contain specifications indicating the height, perimeter and area dimensions, means of support, method of illumination, colors, and any other significant aspect of the proposed sign.
  - g. Any other information requested by the Planning and Zoning Administrator in order to carry out the purpose and intent of these regulations.

(Ord. of 9-5-2000)

#### **D. Sign Definitions:**

For the purpose of this article, certain terms and words pertaining to signs are hereby defined. The general rules of interpretation contained in this article are applicable to these definitions.

1. **Abandoned Sign.** An existing sign that advertises a business that is no longer in operation.
  
2. **Accessory Sign.** A sign relating only to the uses of the premises on which the sign is located or products sold on the premises on which the sign is located, or indicating the name or address of a building, the occupants or management of a building on the premises where the sign is located.

3. **A-Frame Sign (Sandwich Board).** A sign which is made of an a-frame shaped structure, that is no greater than forty-eight inches (48") in height and thirty inches (30") in width and is not considered permanent signage for the purposes of this ordinance. A-frame signs can be permitted as temporary signs as per Article 10:G; 1, or they can be permitted for on-going use as per Article 10:G; 2.
4. **Animated Sign.** A sign utilizing any form of movement, including, but not limited to, animation, revolution, vertical or horizontal motion, whether electrical, mechanical, windblown, or through change in lighting.
5. **Awning Sign.** A sign painted or printed on, attached flat or sewn onto valance or body of any awning.
6. **Banner.** A piece of cloth, plastic or other flexible material on which words, letter, figures, colors, designs or symbols are inscribed or affixed for the purposes of advertisement, identification, display, or direction and which is suspended for display, typically from buildings or poles.
7. **Billboard Sign.** A sign used as an outdoor display for the purpose of advertising or promoting a business, service, activity or products which is not located on the premises on which a sign is situated.
8. **Canopy Sign.** A sign attached to or displayed on a canopy. For the purpose of this Article, a canopy is a permanent, roof-like structure of rigid materials either supported by and extending from a building or free-standing, including marquee or porte cocheres.
9. **Changeable Copy Sign.** A sign or part of a sign that is designed so that characters, letters, or illustrations can be changed or rearranged without altering the face or surface of the sign.
10. **Construction Sign.** A temporary sign which identifies the character of facilities being actively constructed or altered, the anticipated sale, lease or rental of those facilities, or the identity of the persons or firms engaged in the promotion, financing, design, construction, or alteration of such facilities.
11. **Detached Sign.** An on-site free-standing sign not attached to a building, but which is affixed to the ground. A sign attached to a flat surface such as a fence or wall that is not a part of a building shall be considered a detached sign.

12. **Directional Sign.** An on-premises sign giving directions, instructions, and/or facility information, but containing no advertising copy (e.g., parking, exit, or entrance signs).
13. **Directory Boards.** A subsidiary sign listing the names, uses, and/or location of various businesses conducted within a building or group of buildings.
14. **Double-Faced Sign.** A sign with two parallel, or nearly parallel, faces, back to back, and located no more than 24 inches from each other.
15. **Externally Illuminated Sign.** A sign which does not produce artificial light from within itself but which is opaque and illuminated by spotlights or floodlights not a part of or attached to the sign itself.
16. **Festoons.** A string of ribbons, tinsel, small flags, pennants, pinwheels, or similar devices.
17. **Flashing Sign.** An illuminated sign on which the artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use.
18. **Flat Sign.** A sign painted, on panels or individual letters mounted to a wall or cornice on exterior walls of a building and is supported throughout its length by such wall or building, not extending more than 18 inches from the building or wall.
19. **Gasoline Station Signs.** Signs for buildings and premises in which the primary source of revenue is the retail dispensing of motor fuels. This information must be verified by applicant prior to the issuance of sign permits.
20. **General Advertising Sign.** Any sign which is not an accessory sign or which is not specifically limited to a special purpose by these regulations.
21. **Internally Illuminated Sign.** Any sign designed to give forth artificial light from within itself.
22. **Marquee.** A permanent structure, awning or canopy projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.
23. **Marquee Sign.** Any sign attached to or hung from a marquee.

24. **Off Premises Directional Sign.** A sign which is not located on the same premises as the use to which it refers and which is intended to provide information as to the identity and location of use, but which does not otherwise qualify as an advertising sign.
25. **Off Premises Directional Open House Sign.** A temporary sign which is intended to provide information on the location of a real estate open house, and which is not located on the same premises as the dwelling unit to which it refers.
26. **Political Sign.** A temporary sign which pertains to an issue or candidate in a pending election.
27. **Projecting Sign.** A sign which is attached to and projects more than 18 inches from the face of a wall of a building.
28. **Realty Sign.** A temporary sign which advertises the sale, lease, rental, or display of the lot or building upon which such sign is displayed.
29. **Roof Sign.** A sign which is an integral part of the building design and is attached to, painted on, or supported by the roof of a building.
30. **Sign.** An identification, description, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure, or land and which directs attention to a product, place, activity, person, institution, or business.
31. **Sign Area.** That area which outlines the outer extremities of all letters, figures, characters, and delineations, or within an area including the outer extremities of the framework or background of the sign, whichever includes the larger area. The support for the sign background, whether it be columns, a pylon, or a building or part thereof, shall not be included in the sign area. Only one side of a double-faced sign shall be included in a computation of sign area, if the faces are not more than 24 inches apart. For other signs with more than one face which are more than 24 inches apart, each side shall be included in a computation of sign area. The area of a cylindrical or spherical sign shall be computed by multiplying one-half of the circumference by the height of the sign.
32. **Sign Height.** The vertical distance from the street grade or the average lot grade at the front setback line, whichever produces the greater vertical distance, to the highest point of the sign.
33. **Temporary Sign.** A sign, banner, A-Frame, pennant, poster, or advertising display constructed of cloth, plastic, sheet, cardboard, wallboard, or other materials, intended to

be displayed for a limited period of time, and not permanently attached to a building or the ground.

34. **Wall Area.** The area of a structure that measures from the roof soffit to the ground. The roof of a structure, if on a different plane than the wall, shall not be included in the calculations of the wall area.
35. **Window Sign.** A sign painted onto or physically affixed to a building window including upper floor windows and the glazing of doors or signs legible from any vehicular public right-of-way through a building window, limited to 10 percent of the total glass area of the window in which they are placed.  
(Ord. of 9-5-2000; Ord. of 5-4-2004; Ord. of 11-3-2009)

**E. General Requirements for All Signs:**

The following regulations shall apply generally to all signs and are in addition to the regulations that apply to signs in each district:

1. **Sign Information and Sign Erection:** All signs shall be erected within sixty (60) days from the date of issuance of the permit; otherwise, the permit shall become null and void and a new permit shall be required. Each sign requiring a permit shall be clearly marked with the permit number and name of the person or firm placing the sign on the premises. Fees for sign permits shall be in accordance with this article or as may be otherwise amended from time to time by the Town Council.
2. **Number of Signs:** Except as otherwise provided, these regulations shall be interpreted to permit one sign of each permitted type, in accordance with applicable regulations, for each street frontage, for each permitted use on the premises. For the purpose of this regulation, sign types are flat, detached, A-frame, projecting and marquee signs.
3. **Responsibility:** The owner and/or tenant of the premises and the owner and/or erector of the sign shall be held responsible for any violation of these regulations. Where a sign has been erected in accordance with these regulations, the sign company shall be relieved of further responsibility under these regulations after final approval of the sign by the Administrator.
4. **Maintenance:** All signs shall be maintained in good condition and appearance. Lights for illuminated signs shall be maintained in good working order. After due notice has been given as provided below, the Administrator may cause to be removed any sign which shows gross neglect or becomes dilapidated, at the owner's expense.

5. **Removal:** The Administrator shall remove or cause to be removed any sign erected or maintained in conflict with these regulations if the owner or lessee of either the site or the sign fails to correct the violation within 30 days after receiving written notice of violation from the Administrator. Removal of a sign by the Administrator shall not affect any proceedings instituted prior to removal of such sign.
  
6. **Landscaping:** All landscaping plans for any proposed detached signs shall be prepared by a qualified landscaped designer, nurseryman, horticulturalist or Certified Landscape Architect. Qualifications and/or certification shall be shown on the site plan or plat and must include the name, address and phone number of the person(s) that prepared the landscaping plan. The landscaping plan shall be submitted before any sign permit is issued. All landscaping shall be completed within sixty (60) days from the date of issuance of the sign permit. A landscaped planting area shall be provided around the base of any detached sign. The planting area shall contain a minimum of 2 times the area of the sign, be a minimum of 4 feet in width, be protected from vehicular encroachment, the detached sign shall be located approximately in the center of the planting area, and be landscaped with a combination of low-growing shrubs and groundcovers (other than grass), including a minimum of 4 shrubs. The quality and type of all new plant materials installed on a site shall be in accord with the specifications of the American Association of Nurserymen, provided that the transplanting of trees and shrubs may be done in accordance with accepted horticultural and silvicultural practices. The planting and placement of trees shall be done in accord with the standardized landscape specifications of the Virginia Society of Landscape Designers and the Virginia Chapter of the American Society of Landscape Architects. The landscaping shall be maintained in good condition and appearance.
  
7. **Changeable Message Signs:** For permanent signs with changeable message panels or zip tracks, the changeable message area of the sign shall not exceed 25 percent of the total sign area, except for gasoline price signs which shall not exceed 75 percent of the total sign area.
  
8. **Structural and Safety Characteristics:** Structural and safety features and electrical systems shall be in accordance with the requirements of the applicable codes and ordinances. No sign shall be approved for use unless the structural plans have been reviewed, a permit has been issued, and the plans are in compliance with all the requirements of this Ordinance and applicable technical codes. All signs which are electrically illuminated shall require a separate electrical permit and inspection by the Isle of Wight County Building Office.  
(Ord. of 9-5-2000; Ord. of 11-3-2009)

**F. Exempt Signs:**

The following signs are exempted from the provisions of these regulations and may be erected or constructed without a permit but in accordance with the structural and safety requirements of the building code.

1. **Traffic Signs and Signals.** Signs erected and maintained pursuant to and in discharge of any federal, state, or county government function, or as may be required by law, ordinance, or governmental regulation including official traffic signs and signals, warning devices, and other similar signs.
2. **Changing of Message Content.** Changing a copy on a bulletin board, poster board, display encasement, marquee or changeable copy sign.
3. **Temporary, Non-Illuminated Window Signs.** Temporary, non-illuminated window signs in display windows in a business district, limited to 10 percent of the total glass area of the window in which they are placed.
4. **Temporary, Non-Illuminated Real Estate Signs.** Temporary, non-illuminated real estate signs advertising real estate for sale or lease shall be exempt from obtaining a sign permit with the following restrictions:
  - a. All real estate signs advertising commercial property or a residential subdivision of 10 lots or more shall be a maximum of 32 square feet and shall not exceed 24 months in use.
  - b. All real estate signs advertising single-family residential lots for sale or lease shall not exceed 4 square feet and be limited to one per lot.
  - c. There shall be no more than one real estate sign per road frontage and must be located on the property.
  - d. Off premises open house real estate signs advertising the sale, lease or rental of property shall be displayed only when the residential unit is open for public viewing, shall be limited to 4 square feet in size, and shall not be displayed for more than three (3) days in any seven (7) day period.
5. **Non-Illuminated Signs Identifying Official State Automobile Inspection Stations.** Non-illuminated signs identifying official state automobile inspection stations and the inspection number which is due, provided that such signs shall not exceed 10 square feet in area and shall be limited to one sign for each street frontage. Such signs shall not be

included in any computation of sign area. "A-frame" designs shall be considered as a single sign for the purposes of computing sign area.

6. **Temporary, Non-Illuminated Construction Signs.** Temporary non-illuminated signs not more than 32 square feet in area, erected in connection with new construction work and displayed on the premises during such time as the actual construction work is in progress, one such sign for each street frontage.
7. **Non-Illuminated Signs Warning Trespassers.** Non-illuminated signs warning trespassers or announcing property as posted, without limitations on number or placement, limited in area to two square feet.
8. **Mounted or Painted Sign On A Vehicle.** Mounted or painted signs on a truck, bus, or other vehicle shall be permitted while in use in the normal course of business and at the driver's residence.
9. **Directory Boards.** Directory boards which are detached or flat and designed as a outdoor means of providing information concerning the location of individual establishments or offices within an office, retail, or industrial complex, provided that such signs are not legible from any public right-of-way and do not exceed 16 square feet with a maximum width of 2 feet provided that only one such sign shall be permitted per building. (Ord. of 9-5-2000; Ord. of 5-4-2004)
10. **Temporary, Non-Illuminated Event Signs.** For event facilities, marquee or changeable copy/message signs are preferred as the principal form of signage to avoid the use of temporary, non-illuminated event signs. However, temporary, non-illuminated event signs shall be exempt from obtaining a sign permit with the following restrictions:
  - a. All temporary, non-illuminated event signs shall not exceed four (4) square feet.
  - b. Temporary, non-illuminated event signs must be located on event facility property.
  - c. Regardless of the number of events, and regardless of the event to which a sign pertains, there shall be no more than one (1) temporary, non-illuminated event sign per road frontage.
  - d. Where proposed, temporary, non-illuminated event signs are allowed for a period no earlier than six (6) days prior to the event, and must be removed within one (1) day following the event's conclusion- no temporary, non-illuminated event sign may be erected for a period exceeding seven (7) days. The seven (7) day time period may be extended following a written request to the Zoning Administrator or their designee, showing reasonable cause.

- e. Event facilities operating on Town property are exempt from these standards.  
(Ord. of 2019-09-03)

**G. Temporary Signs:**

1. The Planning and Zoning Administrator may issue temporary sign permits or banner permits for the following signs and banners, when in his opinion, the use of such signs and displays would be in the public interest and would not result in damage to private property. The fee for a temporary sign or banner shall be \$10.00. This fee shall be waived for bonafide non-profit organizations. Temporary signs or banners listed in (a), (b) and (d), below, may be erected for no more than fourteen (14) days prior to the special event and must be removed no later than seven (7) days after the special event has concluded; and may be erected for a maximum of thirty (30) consecutive days, but the temporary sign or banner must then be removed for at least a thirty (30) consecutive day period and shall not be erected for more than a maximum of 3 months of any calendar year. For temporary signs listed in (c), below, the Zoning Administrator shall prescribe regulations and restrictions as deemed appropriate.
  - (a) Signs or banners not exceeding 32 square feet advertising a special civic or cultural event such as a fair, exposition, play, concert, or meeting, sponsored by a governmental, civic, non-profit, or charitable organization.
  - (b) Special decorative displays used for holidays, public demonstrations, or promotion for nonpartisan civic purposes.
  - (c) Signs displayed at recreational ball fields not exceeding 32 square feet per sign. The back of the sign shall be the same color as prescribed by the Zoning Administrator. The sign(s) shall be displayed only during the regular season of the individual sport.
  - (d) Banners when used in conjunction with a special sales promotion in a district where such sales are permitted, the opening of a new business, a special one-time auction of real or personal property in estate or bankruptcy sales, or an establishment going out of business in any commercial or industrial district. Limit one banner.
  - (e) Temporary portable signs, such as A-Frame signs, not exceeding 32 square feet in area, which are intended to identify or display information pertaining to an establishment for which permanent free-standing signage is on order as

evidenced by presentation of a copy of an executed order form for such permanent signage to the Administrator. Such permit shall expire and the portable sign shall be removed upon the arrival of the permanent sign or 30 days, whichever shall occur first.

- (f) Banners when used to announce the grand opening and initiation of sales or leasing of lots and/or dwelling units within a newly developing residential project have at least 10 lots or units. The cumulative area of all such banners erected for any single residential project shall not exceed forty (40) square feet. Banners shall not be illuminated. The duration of such permit shall not exceed thirty (30) days.
- (g) Political or campaign signs and posters shall not be placed on any public property, public right-of-way, or Virginia Department of Transportation right-of-way. Political signs can only be placed on private property and cannot create any sight distance problems for motorists.

2. A-frame signs (For on-going use)

- a. It shall be unlawful for any person to cause an A-frame sign to be placed in any right-of-way, sidewalk or other public property of the town without first obtaining an encroachment permit.
- b. Upon determination that an A-frame sign will not materially or unreasonably interfere with the use of any public right-of-way, sidewalk or other public property or constitute a hazard, the town council or its designee may issue an encroachment permit for an A-frame sign subject to the following conditions (A-frame signs to be placed on private property are subject to the same conditions):
  - 1) A-frame signs shall only be permitted in D, Downtown, HR-C, Highway Retail Commercial, PS-C, Planned Shopping Center, R-O, Residential Office, I-1, Light Industrial and I-2, Heavy Industrial Districts.
  - 2) Two sign faces shall be permitted per A-frame sign.
  - 3) A-frame signs shall be positioned to allow a five-foot clear sidewalk area for pedestrians. The sign shall be placed in the right-of-way, sidewalk, other public property or private property in a manner that shall meet all ADA standards.

- 4) A-frame signs shall only be permitted on the right-of-way, sidewalk, other public property or private property in front of the business which holds the permit.
- 5) There shall only be one A-frame sign allowed per business.
- 6) Colors shall blend with and compliment the overall color scheme of the street and shall not consist of obtrusive colors such as neon or day-glo. A-frame signs shall be non-illuminated.
- 7) The material for changeable messages may be chalk board or wipe down board.
- 8) The sign must be durable, sturdy and stable and shall be weighted sufficiently to withstand wind gusts or weather conditions. The sign must be constructed of substantial and quality materials.
- 9) The total size of an A-frame sign shall not exceed forty-eight inches (48") in height and thirty inches (30") in width.
- 10) A-frame signs must be removed from the right-of-way, sidewalk, other public property or private property at the end of each business day.
- 11) Notwithstanding the above, the Zoning Administrator shall have the authority to order that A-framed signs shall be removed in any case where the signage may produce distractions to motorists, threats to public safety, violent contrasts of materials or colors and intense and lurid colors or patterns, or details inconsistent with the ordinance or with the prevailing character of the surrounding neighborhood, the Historic District or the Entrance Corridor Overlay District.

(Ord. of 9-5-2000; Ord. of 5-4-2004; Ord. of 11-3-2009)

#### **H. Prohibited Signs:**

1. Off-premises signs, including billboards, unless otherwise specified in this ordinance.
2. Permanent pennants, banners, festoons, streamers, balloons and all other flutter, spinning, inflatable or similar type signs and advertising devices are prohibited except for the following: national flags, flags of a political subdivision of the United States and 2 decorative house flags per household. Flags of a bona fide civic, charitable, fraternal, and welfare organizations, during nationality recognized holiday periods, or during a special civic event, may be displayed by temporary permit as provided above in this Article, and further provided that the Administrator may approve special flags and flag poles when, in his opinion, they form an integral design feature of a building or group of buildings and not an ordinary advertising device.

3. Permanent advertising signs attached to fences in recreation areas are prohibited in all residential districts.
4. No sign which is not an integral part of the building design shall be fastened to and supported by or on the roof of a building and no projecting sign shall extend over or above the roof line or parapet wall of a building.
5. No sign shall be constructed erected, used, operated, or maintained which displays intermittent lights resembling, or seeming to resemble, the flashing lights customarily associated with danger or such as are customarily used by police, fire, or ambulance vehicles, or for navigation purposes.
6. No flashing signs shall be permitted in any district.
7. No sign shall be constructed, erected, or operated, or maintained which is so located and so illuminated as to provide a background of colored lights blending with traffic signal lights which may confuse a motorist when viewed from normal approaching position of a vehicle at a distance of 25 to 300 feet.
8. No sign shall be attached to trees, utility poles, or any other unapproved supporting structure.
9. No signs shall project over public right-of-way without express permission of the Town Council except for permitted flat signs which may project not more than 18 inches.  
(Ord. of 5-4-2004)

**I. Nonconforming Signs:**

Any sign which was lawfully in existence at the time of the effective date of this Ordinance which does not conform to the provisions herein, and any sign which is accessory to a lawful nonconforming principal use, shall be deemed a lawful nonconforming sign, and may remain, subject to the following:

1. Permitted signs for a conforming business or industrial use in a residential district shall consist of those signs permitted in the HR-C, Highway Retail Commercial District.
2. A nonconforming sign must be kept in good repair and condition. However, any sign which is declared to be unsafe or unlawful by any authorized Town official because of its physical condition may not be restored, repaired or rebuilt, but must be removed.

3. In any zoning district, where any sign does not comply with the provisions of this ordinance, such sign and any supporting structures may be maintained in their existing condition. Nonconforming signs can be repainted or refaced so long as the height and landscaping requirements are met in the underlying zoning district. Nonconforming signs in the Historic District are still subject to review by the Board of Historic and Architectural Review. Nonconforming signs may not be enlarged, extended, moved, modified, reconstructed or structurally altered except in accordance with this section. No nonconforming sign shall be enlarged, extended, moved, modified, or structurally altered without first obtaining the necessary permits from the Town of Smithfield and Isle of Wight County.
4. A nonconforming sign must be removed if the structure, building or use to which it is accessory is destroyed, or demolished to an extent exceeding 50 percent of the appraised value of the principal structure, building or use.
5. A nonconforming sign which is destroyed or damaged to an extent exceeding 50 percent of its appraised value may not be altered, replaced, or reinstalled unless it is in conformance with this Article unless such restoration, repair, or replacement and use is approved as a special exception by the Planning Commission. If the damage or destruction is 50 percent or less of the appraised value, the sign may be restored within 60 days of the damage, but shall not be enlarged in any manner.
6. Applications for unusual signs or displays which give rise to questions of interpretation of these regulations may be referred by the Administrator to the Board of Zoning Appeals for the purpose of interpretation by the Board and recommendation for action on the application by the Administrator. If, in the opinion of the Board, the application is not adequately covered by these regulations, the Board may make recommendations for amendment of this Ordinance.
7. Supporting structures for nonconforming signs may continue in use for a conforming sign if said supporting structures comply in all respects to the applicable requirements of this ordinance and other ordinances of the Town of Smithfield.  
(Ord. of 9-5-2000)

**J. Abandoned Signs:**

A sign, or message portion of the sign, including its supporting structure, anchors, brackets, or similar components, shall be removed or replaced with a blank "shell" of the same material as the rest of the sign by the property owner upon which the sign is located when the business it

advertises is no longer on the premises. Such sign, if not removed or properly replaced with a blank "shell" within sixty (60) days from the termination of occupancy by such business shall be considered to be in violation of this section, and the Planning and Zoning Administrator may cause the abandoned sign to be removed at the property owner's expense.

(Ord. of 9-5-2000)

**K. Sign Requirements in Zoning Districts:**

The following sign regulations shall apply to permitted signs in the respective zoning districts:

**1. Permitted signs in Residential Districts:**

<b>C-C</b>	Community Conservation District
<b>N-R</b>	Neighborhood Residential District
<b>S-R</b>	Suburban Residential District
<b>DN-R</b>	Downtown Neighborhood Residential District
<b>A-R</b>	Attached Residential District
<b>MF-R</b>	Multi-Family Residential District

The following accessory non-illuminated or externally illuminated signs shall be permitted in the Town's residential districts as listed hereinabove:

- a. Signs limited to 32 square feet in area for a church bulletin board or identifying a church, school, park, playground, library, museum, or other permitted public or semi-public use, recreational use or club. In the case of a detached sign, an additional area not exceeding 24 square feet may be devoted to architectural elements which serve as support or base for such sign and which are not part of the message portion of the sign.
- b. Detached signs shall:
  - (1) Have a maximum height of 8 feet; and not be located within 10 feet of any street right-of-way, other property line, alley or driveway intersecting a street.
  - (2) One detached sign per street entrance identifying a residential subdivision or manufactured home park, limited in area to 18 square feet. Two (2) such signs are permitted if erected in conjunction with a media (formal gateway entrance) and approved as part of the plan of development or subdivision application.

- (3) A name plate or directional sign, limited in area to two square feet, to identify the owner or occupant of a dwelling or building or a permitted home occupation.
  - (4) One sign not exceeding 32 square feet in area identifying a multi-family development, single-family attached development site, nursing home, day care centers, lodging house and similar permitted uses in the district. Such sign shall be attached flat against a main building or may be detached.
  - (5) Be landscaped in accordance with Section E.6 of this Article.
- c. Historic Preservation District (HP-O). In the HP-O District, the Board of Historic and Architectural Review shall approve the design compatibility of all signs in accordance with Article 10. All signs must meet the underlying zoning district sign regulations. The Board of Historic and Architectural Review may authorize an alternative signage plan or additional requirements that does not strictly adhere to the area, number, height and location criteria within the HP-O District if it is determined that the design is more consistent with the architectural character of the building to which it relates and other surrounding properties and as guided by the Town of Smithfield's Historic District Guidelines for signs.

## **2. Permitted Signs in the R-O, Residential Office District:**

The following accessory illuminated or non-illuminated signs shall be permitted in the R-O, Residential Office District.

- a. Non-illuminated signs permitted in all residential districts, provided that signs identifying uses which are permitted in the residential districts shall be subject to the regulations set forth in that section.
- b. One non-illuminated or externally illuminated detached sign for identification of a bank, office building, funeral home, studio, or its occupants or similar uses permitted in the R-O district. Such sign shall meet the following conditions:
  - (1) The detached sign shall be limited in area to 32 square feet.
  - (2) No detached sign shall exceed a height of 10 feet.

- (3) No detached sign shall be located within the area of a lot comprised of 30% of the total width or depth of the lot lying adjacent to a residential use.
  - (4) No detached sign shall be located within 10 feet of any street right-of-way line, other property line, alley or driveway intersecting a street.
  - (5) Landscaping in accordance with Section E.6 of this Article.
- c. A group of two or more contiguous stores or businesses per building shall combine permitted detached sign area to provide a single detached sign advertising the businesses and the combined sign shall:
- (1) Not exceed 50 square feet, with a maximum of 32 square feet of sign area per business;
  - (2) Not exceed a height of 10 feet;
  - (3) Be constructed of the same material for all businesses advertised; and
  - (4) Not be within 10 feet of any street right-of-way, other property line, alley or driveway intersecting a street.
  - (5) Be landscaped in accordance with Section E.6 of this Article.
- d. Flat signs shall be limited to 10 percent of the wall area on which the sign is located. No one sign shall exceed 18 square feet.
- e. Projecting awning, canopy or marquees sign, if they are not detached signs, limited to one for each business on the premises, with sign area limited to 12 square feet non-illuminated or externally illuminated. Projecting signs which extend over a public sidewalk shall be limited in area to 9 square feet.
- f. Directional signs limited in area to 4 square feet shall be permitted as accessory signs and not included in any computation of sign area. One per entrance not to exceed 3 feet in height nor located within 5 feet of any street right-of-way line.
- g. One A-frame sign shall be allowed per business. A-frame signs (Sandwich boards) shall be limited to forty-eight inches (48") in height and thirty inches (30") in width and shall not be illuminated. A-frame signs must be removed from the right-of-way, sidewalk or other public property at the end of each business day.

### 3. Permitted Signs in the D, Downtown District

The following accessory illuminated or non-illuminated signs shall be permitted in the D, Downtown District:

- a. Non-illuminated signs permitted in all residential districts, provided that signs identifying uses which are permitted in the residential districts shall be subject to the regulations set forth in that section.
- b. One detached sign is permitted. Such sign shall:
  - (1) Have a maximum area of 16 square feet;
  - (2) Have a maximum height of 8 feet; and
  - (3) Not be located within 5 feet of any street right-of-way line, other property line, alley or driveway intersecting a street.
  - (4) Be landscaped in accordance with Section E.6 of this Article.
- c. A group of two or more contiguous stores or businesses per building shall combine permitted detached signs to provide a single detached sign advertising the businesses. Such sign shall:
  - (1) Have a maximum area of 32 square feet;
  - (2) Have a maximum height of 10 feet;
  - (3) Be constructed of the same material for all businesses advertised; and
  - (4) Not be located within 5 feet of any street right-of-way line, other property line, alley or driveway intersecting a street.
  - (5) Be landscaped in accordance with Section E.6 of this Article.
- d. Flat signs shall be limited to 10 percent of the wall area on which the sign is located. No one sign shall exceed 72 square feet. Signs on residential buildings used for commercial purposes shall not exceed 18 square feet.
- e. One non-illuminated or externally illuminated projecting awning, canopy, or marquee sign per business on the premises if there are no detached signs. Such sign shall not exceed 12 square feet. Projecting signs which extend over a public sidewalk shall be limited to a maximum area of 9 square feet.
- f. Directional signs limited in area to 4 square feet shall be permitted as accessory signs and not included in any computation of sign area. One per entrance not to exceed 3 feet in height nor located within 5 feet of any street right-of-way line.
- g. Historic Preservation District (HP-O). In the HP-O District, the Board of Historic and Architectural Review shall approve the design compatibility of all signs in accordance with Article 10. All signs must meet the underlying zoning district

sign regulations. The Board of Historic and Architectural Review may authorize an alternative signage plan or additional requirements that does not strictly adhere to the area, number, height and location criteria within the HP-O District if it is determined that the design is more consistent with the architectural character of the building to which it relates and other surrounding properties and as guided by the Town of Smithfield's Historic District Guidelines for signs.

- h. One A-frame sign shall be allowed per business. A-frame signs (Sandwich boards) shall be limited to forty-eight inches (48") in height and thirty inches (30") in width and shall not be illuminated. A-frame signs must be removed from the right-of-way, sidewalk or other public property at the end of each business day.

4. **Permitted Signs in the Highway Retail, HR-C, Commercial Industrial, C-I, and Planned Shopping Center, PS-C, Districts.**

The following accessory illuminated or non-illuminated signs shall be permitted in the HR-C, the C-I and the PS-C Districts:

- a. Non-illuminated signs permitted in all residential districts, provided that signs identifying uses which are permitted in the residential district shall be subject to the regulations set forth in that section.
- b. One detached sign is permitted. Such sign shall:
  - (1) Have a maximum area of 32 square feet;
  - (2) Have a maximum height of 15 feet;
  - (3) Not be located within 50 feet of any residential district; and
  - (4) Not be located within 10 feet of any street right-of-way line, other property line, alley or driveway intersecting a street.
  - (5) Be landscaped in accordance with Section E.6 of this Article.
- c. Flat signs, if there are no projecting signs, shall have a total area not more than 10 percent of the wall area on which the sign is located. No one sign shall exceed 150 square feet. Illuminated, neon or painted window signs inside of show windows shall be included in the computation of sign area, and in addition, shall be limited to 10 percent of the total glass area of the window in which they are placed.
- d. Projecting signs, if there are no awning, canopy, marquee or flat signs, shall have a maximum sign area of 16 square feet. Projecting signs which extend over a

public sidewalk shall be limited to a maximum area of 9 square feet. One projecting sign allowed per business on the premises.

- e. Marquee, canopy, or awning signs, if there are no projecting signs, one for each business on the premises, with a maximum sign area of 32 square feet.
- f. Directional signs limited in area to 4 square feet shall be permitted as accessory signs and not included in any computation of sign area. One per entrance not to exceed 3 feet in height nor located within 5 feet of any street right-of-way line.
- g. A group of two or more contiguous stores or businesses per building shall combine permitted detached signs to provide a single detached sign advertising the businesses. Such sign shall:
  - (1) Have a maximum area of 100 square feet, or a maximum of 32 square feet of sign area per business, whichever is less;
  - (2) Have a maximum height of 15 feet;
  - (3) Be constructed of the same material for all businesses advertised; and
  - (4) Not be located within 10 feet of any street right-of-way line, other property line, alley or driveway intersecting a street.
  - (5) Be landscaped in accordance with Section E.6 of this Article.
- h. Additional regulations for individual stores within shopping centers.
  - (1) Individual tenants within a shopping center of 25,000 square feet or more of gross leasable area shall be subject to the following restrictions:
  - (2) Individual tenants shall combine permitted detached signs to provide a single detached sign advertising the shopping center. One detached sign shall be allowed per street frontage. Such sign shall:
    - (a) Have a maximum sign area of 150 square feet;
    - (b) Have a maximum height of 15 feet;
    - (c) Advertise the name of the shopping center only; and
    - (d) Not be located within 20 feet of any street right-of-way line, other property line, alley or driveway intersecting a street.
  - (3) Individual free-standing signs for individual shopping center tenants shall not be permitted. For the purposes of this section, lawfully subdivided outparcels which have been depicted on the approved shopping center

- site plan shall be considered as separate parcels and may be signed as such.
- (4) Each individual tenant within a shopping center of 25,000 square feet or more of gross leasable area shall be permitted one marquee or canopy sign provided that such sign area shall not exceed a maximum area of 6 square feet.
  - (5) Each individual tenant within a shopping center of 25,000 square feet or more of gross leasable area shall be permitted a flat sign provided that the cumulative sign area, including the marquee signs, shall not exceed the maximum sign area allowable in the district.
- i. Additional regulations for gasoline stations: Automobile gasoline station signs must meet the following additional conditions:
- (1) Types of signs permitted shall be flat, canopy, detached, and pump island.
  - (2) Gasoline Pump Island signs are subject to the following additional conditions:
    - a. Two non-illuminated "self-serve" or "full-serve" signs per pump island not to exceed 2 square feet each; and
    - b. One fuel price or promotional information sign per fuel pump not to exceed two square feet.
    - c. Changeable area of the changeable message gasoline price signs shall not exceed seventy-five (75) percent of the total sign area.
    - d. A maximum of two canopy signs per gas station, not to exceed a total of 18 square feet.
    - c. See regulations for this zoning district for size requirements for flat and detached signs.
- j. One A-frame sign shall be allowed per business. A-frame signs (Sandwich boards) shall be limited to forty-eight inches (48") in height and thirty inches (30") in width and shall not be illuminated. A-frame signs must be removed from the right-of-way, sidewalk or other public property at the end of each business day.

**5. Permitted Signs in the I-1, Limited Industrial District:**

The following illuminated or non-illuminated signs shall be permitted in the I-1, Limited Industrial District:

- a. Non-illuminated signs permitted in all residential districts, provided that signs identifying uses which are permitted in the residential district shall be subject to the regulations set forth in that section.
- b. One detached sign shall be permitted. Such sign shall:
  - (1) Have a maximum area of 50 square feet;
  - (2) Have a maximum height of 20 feet;
  - (3) Not be located within 50 feet of any residential district; and
  - (4) Not be located within 10 feet of any street right-of-way line, other property line, alley or driveway intersecting a street.
  - (5) Be landscaped in accordance with Section E.6 of this Article.
- c. A group of two or more contiguous stores or businesses per building shall combine permitted detached signs to provide a single detached sign advertising the businesses. Such sign shall:
  - (1) Have a maximum area of 150 square feet, or a maximum of 50 square feet of sign area per business, whichever is less;
  - (2) Have a maximum height of 20 feet;
  - (3) Be constructed of the same material for all businesses advertised; and
  - (4) Not be located within 20 feet of any street right-of-way line, other property line, alley or driveway intersecting a street.
  - (5) Be landscaped in accordance with Section E.6 of this Article.
- d. Flat signs, if there are no projecting signs, shall have a total area not more than 10% of the wall area on which the sign is located. No one sign shall exceed 150 square feet. Illuminated, neon or painted window signs inside of show windows shall be included in the computation of sign area, and in addition, shall be limited to 10% of the total glass area of the window in which they are placed.
- e. One directional sign per entrance with a maximum area of 24 square feet and 8 feet in height. No directional sign shall be located within 10 feet of any street right-of-way line, other property line, alley or driveway intersecting a street.

- f. One industrial subdivision sign with a maximum area of 50 square feet and a maximum height of 15 feet giving the name and/or address or management of a planned industrial subdivision.
- g. One A-frame sign shall be allowed per business. A-frame signs (Sandwich boards) shall be limited to forty-eight inches (48") in height and thirty inches (30") in width and shall not be illuminated. A-frame signs must be removed from the right-of-way, sidewalk or other public property at the end of each business day.

**6. Permitted Signs in the I-2, Heavy Industrial District:**

The following accessory illuminated or non-illuminated signs shall be permitted in the I-2, Heavy Industrial District:

- a. Non-illuminated signs permitted in all residential districts, provided that signs identifying uses which are permitted in the residential district shall be subject to the regulations set forth in that section.
- b. One detached sign shall be permitted. Such sign shall:
  - (1) Have a maximum area of 75 square feet;
  - (2) Have a maximum height of 20 feet;
  - (3) Not be located within 50 feet of any residential district; and
  - (4) Not be located within 10 feet of any street right-of-way line, other property line, alley or driveway intersecting a street.
  - (5) Be landscaped in accordance with Section E.6 of this Article.
- c. A group of two or more contiguous stores or businesses per building shall combine permitted detached signs to provide a single detached sign advertising the businesses. Such sign shall:
  - (1) A maximum area of 150 square feet, with a maximum of 75 square feet of sign area per business;
  - (2) A maximum height of 20 feet;
  - (3) Be constructed of the same material for all businesses advertised; and
  - (4) Not be located within 20 feet of any street right-of-way line, other property line, alley or driveway intersecting a street.
  - (5) Be landscaped in accordance with Section E.6 of this Article.

- d. Flat signs, if there are no projecting signs, shall have a total area not more than 10 percent of the area of the wall on which the sign is located. No one sign shall exceed 150 square feet. Illuminated, neon or painted window signs inside of show windows shall be included in the computation of sign area, and in addition, shall be limited to 10 percent of the total glass area of the window in which they are placed.
- e. One directional sign per entrance with a maximum area of 24 square feet and 8 feet in height. No directional sign shall be located within 10 feet of any street right-of-way line, other property line, alley or driveway intersecting a street.
- f. One industrial subdivision sign with a maximum area of 50 square feet and a maximum height of 15 feet giving the name and/or address or management of a planned industrial subdivision.
- g. Historic Preservation District (HP-O). In the HP-O District, the Board of Historic and Architectural Review shall approve the design compatibility of all signs in accordance with Article 10. All signs must meet the underlying zoning district sign regulations. The Board of Historic and Architectural Review may authorize an alternative signage plan or additional requirements that does not strictly adhere to the area, number, height and location criteria within the HP-O District if it is determined that the design is more consistent with the architectural character of the building to which it relates and other surrounding properties and as guided by the Town of Smithfield's Historic District Guidelines for signs.
- h. One A-frame sign shall be allowed per business. A-frame signs (Sandwich boards) shall be limited to forty-eight inches (48") in height and thirty inches (30") in width and shall not be illuminated. A-frame signs must be removed from the right-of-way, sidewalk or other public property at the end of each business day.

(Ord. of 9-5-2000; Ord. of 5-4-2004; Ord. of 11-3-2009; Ord. of 6-1-2010)

**L. Special Sign Exceptions:**

- 1. **Cause for Exceptions:** In order to provide for adjustments in the relative locations of signs of the same or different classifications, to promote the usefulness of these regulations as instruments of fact finding, interpretation, application and adjustment, and to supply the necessary elasticity to their efficient operation, special sign exceptions may be granted by the Planning Commission, as permitted by the terms of these regulations, after notice and a public hearing as provided for in this ordinance.

2. **Considerations for Exceptions:** In considering an application for a special sign exception, the Planning Commission shall give due regard to the specific guidelines and standards of this Section and those listed elsewhere in this Ordinance, and in general to the nature and condition of adjacent uses and structures, and probable effect upon them of the proposed exception. The Planning Commission shall also take into account the special characteristics, design, location, construction, method of operation, effect on nearby properties, or any other aspects of the particular sign that may be proposed by the applicant.
3. **Adverse Effect:** If it should find, after the hearing, that the proposed sign will not adversely affect the health, safety, or welfare of persons residing or working on the premises or in the neighborhood, will not unreasonably impair the character of the district or adjacent districts, nor be incompatible with the general plans and objectives of the official Comprehensive Plan of the Town of Smithfield, nor be likely to reduce or impair the value of buildings or property in surrounding areas, but that such sign will be in substantial accordance with the general purpose and objectives of this Ordinance, then the Planning Commission may grant the exception and authorize the issuance, of a special sign exception permit.
4. **Conditions for Mitigation:** In those instances where the Planning Commission finds that the proposed sign may be likely to have an adverse effect as above, the Planning Commission shall determine whether such effect can be avoided by the imposition of any special requirements or conditions with respect to location, design, construction, equipment, maintenance or operation, in addition to those expressly stipulated in this Ordinance, and may grant a special sign exception subject to such reasonable conditions and limitations as the case may require, including but not limited to limitation as to size, type, color, graphic design, location or illumination.
5. **Application Fee:** A fee of \$150.00 shall be required of the applicant for a special sign exception.
6. **Appeal:** Appeal of any decision of the Planning Commission to the Board of Zoning Appeals can be made by filing with the Zoning Administrator a written request within 10 days of the decision of the Planning Commission. Such appeal shall not suspend the decision of the Planning Commission. The appeal shall proceed under the procedure as the original application to the Planning Commission with respect to notice of public hearing.

Article 10:  
**Sign Regulations**

**A. Purpose and Intent:**

The purpose of this Article is to regulate through content-neutral and nondiscriminatory measures the size, location, height and construction of all signs for public observance; to protect the public health, safety, convenience, and general welfare; to facilitate the creation of a convenient, attractive, and harmonious community, to protect property values; and to further urban design and economic development objectives. To these ends, these regulations are intended to promote signs that are:

1. Compatible with the landscape, streetscape, and architecture of surrounding buildings, including historic buildings, sites, and structures;
2. Legible and appropriate to the activity to which they pertain;
3. Not distracting to motorists;
4. Constructed and maintained in a structurally sound and attractive condition; and
5. Pertaining to a use or business that is in operation on the premises.

(Ord. of 2020-0?-??)

**B. Sign Permit Requirement:**

Except as provided hereinafter, no sign shall be erected, installed, used, altered, painted, relocated, replaced, or reconstructed until a sign permit has been issued by the Administrator and approved by the Board of Historic and Architectural Review (BHAR) and/or the Planning Commission, if applicable, and a building permit has been issued by Isle of Wight County, if necessary. For the purposes of this Ordinance, all signs are considered accessory uses, and, unless specifically qualified, shall be located on the same parcel as the principal use to which they pertain.

(Ord. of 2020-0?-??)

**C. Sign Permit Procedures:**

1. **Applicability:** Unless otherwise noted, a sign permit shall be required for all signs.
2. **Filing of Application and Fees:** Applications for sign permits shall be filed on a form provided by the Administrator, contain the information required herein, and be accompanied by a fee to be established by the Town Council. [A fee schedule for sign](#)

[permits and special sign exceptions is on file in the Community Development and Planning Department.](#)

3. **Information Required:** All applications for sign permits shall be submitted on standard Town application forms, and the applicant shall provide additional written or graphic exhibits incorporating the following information:
  - a. The names, addresses, email addresses, and telephone numbers of the sign erector, sign owner, and property owner.
  - b. The position of the sign on the property, with distances in relation to adjacent lot lines, buildings, sidewalks, setbacks, streets, and intersections shown on a legal plat produced by a Virginia-licensed land surveyor and/or civil engineer.
  - c. A landscaping plan for proposed detached signs.
  - d. The type of sign proposed, including a general description of structural design and construction materials to be used.
  - e. The purpose of the proposed sign.
  - f. Drawings of the proposed sign which shall contain specifications indicating the height, perimeter, and area dimensions, means of support, method of illumination, colors, and any other significant aspect of the proposed sign.
  - g. Any other information requested by the Administrator in order to carry out the purpose and intent of these regulations.

(Ord. of 2020-0?-??)

#### D. **Sign Definitions:**

For the purposes of this Article, certain terms and words pertaining to signs are hereby defined. The general rules of interpretation contained in this Article are applicable to these definitions.

1. The following definitions are intended to distinguish the most basic sign types:

**Abandoned Sign:** An existing sign that draws attention to a purpose that is no longer extant, or which has become neglected and dilapidated.

**Awning Sign:** A sign painted, printed, cut, or sewn onto a valance or awning.

**Canopy Sign:** A sign attached to or displayed on a canopy. For the purposes of this Article, a canopy is a permanent, roof-like structure of rigid materials either supported by and extending from a building or freestanding (i.e. marquees or porte cocheres).

**Detached Sign:** A sign not attached to a building, which is affixed to the ground. A sign permanently attached to a flat surface such as a fence or wall that is not a part of a building shall be considered a detached sign.

**Directional Sign:** A sign that draws attention to general site information, instructions, directives, or restrictions that are primarily oriented towards pedestrians and motor vehicle operators who have entered or are passing a property from the right-of-way (ROW). These signs shall not draw attention to any commercial purpose.

**Flat Sign:** A sign painted on or mounted to a wall or cornice on an exterior wall of a building and supported throughout its length by such wall or building, not extending more than eighteen inches (18") from the building or wall.

**General Advertising Sign:** A sign which draws attention to a product, commodity, or service not necessarily available on the premises. Such a sign may be referred to as a billboard.

**Projecting Sign:** A sign which is attached to and projects more than eighteen inches (18") from the face of a wall of a building.

**Roof Sign:** A sign which is an integral part of the building design and is attached to, painted on, or supported by the roof of a building.

**Temporary Sign:** A sign which is not permanently attached to a building or the ground. A temporary sign typically draws attention to brief activities such as grand openings, promotions of products and services, special and seasonal sales, and special civic or cultural events such as fairs, plays, concerts, and meetings. Such a sign may be referred to as an A-frame, balloon, banner, feather, festoon, flag, inflatable, pennant, pinwheel, ribbon, streamer, tinsel, or vehicular sign. National and state flags, and flags belonging to any political subdivision thereof, are excluded from this definition.

**Window Sign:** A sign painted onto or physically affixed to the window of a building, including upper floor windows and the glazing of doors, or signs legible from the ROW through a building window.

2. The following definitions are intended to distinguish features which may be present in multiple sign types:

**Animation:** Any form of movement, including (but not limited to) digital animation, revolution, and/or vertical or horizontal motion, through electrical, mechanical, and/or windblown means, or through changes in lighting.

**Changeable Copy:** A part of a sign that is designed so that characters, letters, or illustrations can be changed or rearranged without altering the face or surface of the sign.

**Double-Faced:** A sign with two (2) parallel or nearly parallel faces, oriented back to back, and located no more than two feet (2') from each other.

**External Illumination:** Artificial light originating from spotlights or floodlights not attached to the sign itself and directed towards the sign.

**Internal Illumination:** Artificial light originating from within the sign itself.

3. The following definitions are general and technical in nature and apply to most (if not all) sign types:

**Sign:** Any device, structure, fixture, painting, emblem, or visual that uses words, graphics, colors, illumination, symbols, numbers, or letters for the purpose of communicating a message. This includes sign faces as well as any supporting structure.

**Sign Area:** That area which outlines the outer extremities of all letters, figures, characters, and delineations, or within an area including the outer extremities of the framework or background of the sign, whichever includes the larger area. The support for the sign background, whether it be columns, a pylon, or a building or part thereof, shall not be included in the sign area. Only one (1) side of a double-faced sign shall be included in the computation of sign area, but only if the faces are not more than two feet (2') apart. For other signs with more than one (1) face and which are more than two feet (2') apart, each side shall be included in the computation of sign area. The area of a cylindrical or spherical sign shall be computed by multiplying one-half (1/2) of the circumference of the sign by its height.

**Sign Height:** The vertical distance from grade at the ROW, or the average lot grade at the front setback line, whichever produces the greater vertical distance, to the highest point of the sign.

**Wall Area:** The area of a vertical building plane, calculated by multiplying the width of the plane by its height. The height of this plane shall be measured from average finished grade to the highest soffit present. The roof of a structure, if on a different plane than the wall, shall not be included in the calculation of wall area.

(Ord. of 2020-0?-??)

#### **E. General Requirements for All Signs:**

The following regulations shall apply generally to all signs and are in addition to the regulations that apply to signs in each district:

1. **Sign Information and Sign Erection:** All signs shall be erected within ninety (90) days from the date of issuance of the sign permit; otherwise, the sign permit shall become null and void and a new sign permit shall be required. Each sign requiring a sign permit shall be clearly marked with the sign permit number and name of the person or firm placing the sign on the premises. Fees for sign permits shall be in accordance with this Article or as amended from time to time by the Town Council.
2. **Number of Signs:** Except as otherwise provided, these regulations shall be interpreted to permit one (1) sign of each permitted type, in accordance with applicable regulations,

for each street frontage, for each permitted use on the premises. For the purpose of this regulation, sign types are flat, detached, roof, and projecting signs.

3. **Responsibility:** The owner and/or tenant of the premises and the owner and/or erector of the sign shall be held responsible for any violation of these regulations. Where a sign has been erected in accordance with these regulations, the sign company shall be relieved of further responsibility under these regulations after final approval of the sign by the Administrator.
4. **Maintenance:** All signs shall be maintained in good working condition and appearance. Lights for illuminated signs shall be maintained in good working order.
5. **Removal:** The Administrator shall remove or cause to be removed any sign erected or maintained in conflict with these regulations if the owner or lessee of either the site or the sign fails to correct the violation within thirty (30) days after receiving a written notice of violation from the Administrator. Removal of a sign by the Administrator shall not affect any proceedings instituted prior to the removal of such sign.
6. **Landscaping:** All landscaping plans for any proposed detached signs shall be prepared by a qualified landscaped designer, nurseryman, horticulturalist, or Virginia Certified Landscape Architect. Qualifications and/or certification shall be shown on the site plan or plat and must include the name, address, and phone number of the person(s) who prepared the landscaping plan. The landscaping plan shall be submitted before any sign permit is issued. All landscaping shall be completed within sixty (60) days of the date of issuance of the sign permit. A landscaped planting area shall be provided around the base of any detached sign. The planting area shall contain a minimum of two (2) times the area of the sign, be a minimum of four feet (4') in width, be protected from vehicular encroachment, the detached sign shall be located approximately in the center of the planting area, and the detached sign must be landscaped with a combination of low-growing shrubs and groundcovers (other than grass), including a minimum of four (4) shrubs. The quality and type of all new plant materials installed on a site shall be in accordance with the specifications of the American Association of Nurserymen, provided that the transplanting of trees and shrubs may be done in accordance with accepted horticultural and silvicultural practices. The planting and placement of trees shall be done in accordance with the standardized landscape specifications of the Virginia Society of Landscape Designers and the Virginia Chapter of the American Society of Landscape Architects. The landscaping shall be maintained in good condition and appearance.
7. **Changeable Message Signs:** For permanent signs with changeable message panels or zip tracks, the changeable message area of the sign shall not exceed twenty-five percent

(25%) of the total sign area, except for gasoline price signs which shall not exceed seventy-five percent (75%) of the total sign area.

8. **Structural and Safety Characteristics:** Structural features, safety features, and electrical systems shall be in accordance with the requirements of the applicable codes and ordinances. No sign shall be approved for use unless the structural plans have been reviewed, a permit has been issued, and the plans are in compliance with all applicable requirements of this Ordinance and related technical codes. All signs which are electrically illuminated shall require a separate electrical permit and inspection by the Isle of Wight County Building Official.
9. **Residential District Signage:** Non-illuminated signs permitted in all residential districts shall be permissible in any other zoning district, provided that signs drawing attention to uses which are permitted in the residential districts shall be subject to the regulations set forth in that Subsection. For the purposes of this regulation, the more restrictive language in the more intensive zoning district shall be applied.
10. **Window Signs:** Limited to fifty percent (50%) of the total glass area of the window in/on which they are placed.
11. **External Illumination Standards:** External lighting shall be limited to light fixtures utilizing white, not colored, lighting and shall not be blinking, fluctuating, or moving. Concealed and/or screened spotlights or floodlights shall provide external lighting. Spotlighting of signs shall be restricted to not more than one (1) 150-watt light per sign faces up to forty (40) square feet and no more than two (2) 150-watt lights per sign faces over forty (40) square feet. Light fixtures shall be concealed, and in the case of detached signs, the sign base and/or proposed landscaping shall be designed to shield the light from on-coming motorists and to conceal the light fixture.
12. **Internal Illumination Standards:** Internal lighting shall be limited to an internal white light contained within translucent letters and internal illuminated sign boxes, provided the background or field on which the copy and/or logos are placed, is opaque. The illuminated area shall be restricted to the sign face only.

(Ord. of 2020-0?-??)

**F. Exempt Signs:**

The following signs are exempted from the provisions of these regulations and may be erected or constructed without a sign permit but in accordance with the structural and safety requirements of the building code:

1. **Government Signs and Signals:** Signs erected and maintained pursuant to and in the discharge of any federal, state, county, or Town government function, or as may be required by law, ordinance, or governmental regulation, including official traffic signs and signals, warning devices, and other similar signs.
2. **Changing of Message Content:** Changing a copy on a bulletin board, poster board, display encasement, or changeable copy sign.
3. **Non-Illuminated Signs Warning Trespassers:** Non-illuminated signs drawing attention to the warning of trespassers or the posting of the property, without limitations on number or placement, limited in area to two (2) square feet.
4. **Signs Mounted or Painted on Vehicles:** Signs mounted or painted on trucks, buses, trailers, or other vehicles shall be permitted while in use in their normal courses of business and at the drivers' residences.
5. **Directional Signs:** Detached or flat signs located outside of the Downtown (D) district, and designed as outdoor means of drawing attention to information concerning the location of individual establishments or offices within an office, retail, multifamily residential, or industrial complex, provided that such signs do not exceed six (6) square feet in area.
6. **Operation Signs:** Any sign that is no larger than nine (9) square feet in area, typically illuminated, animated, and/or flashing, for the purpose of drawing attention to the availability of the business' goods and/or services.
7. **Sign Collections:** Signs that are permanently installed, not visible from the ROW or adjacent properties, and are a part of a collection belonging to a sign collector.

(Ord. of 2020-0?-??)

**G. Temporary Signs:**

1. With the exception of recurring signage, temporary sign permits are only required for signage that conflicts with the standards contained in this Section- the Administrator reserves the right to deny the applicant such permit if, in his opinion, the proposed

signage may endanger private or public property, health, safety, welfare, and/or the character of the community. Temporary signs not visible from the ROW are exempt from this Section.

2. For the purposes of this Section, certain terms and words pertaining to temporary signs are hereby defined. The general rules of interpretation contained in this Section are applicable to these definitions. The definitions contained in Section D of this Article are also applicable to this Section.

**A-Frame Signs:** Signs consisting of two (2) faces that are joined at the top and typically installed in front of (or on the sidewalk in front of) businesses.

**Agricultural Signs:** Signs drawing attention to the seed company, variety, and/or dealer used in the raising of crops or to produce, utensils, or other agricultural products and services for sale.

**Dealership Signs:** Signs typically installed at automobile, boat, recreational vehicle and/or trailer dealerships, and drawing attention to the products and services offered on the premises.

**Event Facility Signs:** Signs installed at event facilities and which draw attention to events to be held on the premises such as fairs, plays, concerts, conferences, weddings, meetings, parties, and other similar events.

**Personal Expression Signs:** Signs that draw attention to an opinion, interest, position, or other non-commercial message.

**Recurring Signs:** Temporary signs erected periodically throughout the year and drawing attention to non-commercial purposes such as charities, heritage tours, humanitarian events, and other similar purposes.

**Short-Term Sign:** Signs permissible only on properties that are under construction and/or for sale or lease, and which draw attention to the construction activities taking place on the premises and/or the sale or leasing of the property on which they are located.

**Temporary Window Signage:** Papers, posters, and other forms of signage that are temporarily secured in/on a window.

3. The following regulations shall apply generally to all temporary signs and are in addition to the regulations that apply to specific temporary sign types:
  - a. Temporary signs shall not be internally or externally illuminated.
  - b. With the exception of A-frame signs, temporary signs shall not be located within any ROW.

- c. Temporary signs shall not be attached to trees, utility poles, road or highway signage, or any other unapproved supporting structure.
  - d. Unless otherwise noted, temporary signs may not be erected for a continuous or cumulative period of six (6) months in any calendar year.
  - e. Temporary signs on private property may be removed by the Administrator if the violation is not corrected within seven (7) days of the date of written notice sent to the violator.
4. The following sign regulations shall apply to the assorted temporary signs defined above:
- a. A-Frame signs shall:
    - (1) Not exceed twelve (12) square feet in area.
    - (2) Not obstruct pedestrian travel on the sidewalk to such an extent that the Town Engineer shall find the sign's placement unsafe.
    - (3) Be located directly in front of the business to which they pertain.
    - (4) Be constructed of durable materials to prevent displacement by wind.
    - (5) Be removed from their positions at the conclusion of each business day.
    - (6) Be permissible off-premises following the sign owner's submittal to the Administrator written consent of the property owner on whose property they are placed. In the case where A-frame signs are placed on sidewalks in front of establishments other than those to which they belong/pertain, written consent of the owner/operator of that establishment must be submitted by the sign owner to the Administrator-however, the Administrator reserves the right to deny the sign owner the ability to place such sign on the sidewalk if he finds such sign's placement detrimental to public safety.
  - b. Agricultural signs shall:
    - (1) Not exceed thirty-two (32) square feet in area.
    - (2) Be located immediately adjacent to an active farming operation.
    - (3) Be located on or immediately adjacent to a farmers' market.
  - c. Dealership signs shall:
    - (1) Not exceed two-hundred (200) square feet of cumulative sign area.
  - d. Event facility signs shall:
    - (1) Not exceed four (4) square feet in area.
    - (2) Be located on event facility property.
    - (3) Not exceed one (1) sign per road frontage, regardless of the number of events, and regardless of the event to which a sign pertains.

- (4) Not be erected for a period earlier than six (6) days prior to the event to which they pertain, and must be removed within one (1) day following the event's conclusion- no sign may be erected for a period exceeding seven (7) days. The seven (7) day time period may be extended following a written request to the Administrator, showing reasonable cause.
  - (5) Be exempt from these standards if erected by event facilities operating on Town property.
- e. Personal expression signs shall:
- (1) Not exceed thirty-two (32) square feet in area.
  - (2) Not be erected on vacant lots.
  - (3) Be exempt from these standards for the months of August through November.
- f. Recurring signs shall:
- (1) Not exceed **six (6)** square feet in area.
  - (2) Be permitted following the issuance of a temporary sign permit, after the filing of a temporary sign permit application with the Administrator- such application shall include an illustration of the proposed signs, the proposed locations of all signs, the written consent and contact information of the owner(s) or their representatives of the properties on which they are to be located, and the dates the signs will be erected.
- g. Short-term signs shall:
- (1) Be permissible only on properties that are under construction and/or for sale or lease.
  - (2) Not exceed thirty-two (32) square feet in area on commercial properties or residential subdivisions (exceeding nine (9) lots) for sale, and in such cases, shall not be erected for a period exceeding two (2) years.
  - (3) Not exceed ten (10) square feet in area for single-family residential lots under construction and/or for sale or lease.
  - (4) Not exceed one (1) sign per road frontage.
- h. Temporary window signage shall:
- (1) Not obscure more than fifty percent (50%) of the total glass area of the window in/on which they are placed.
  - (2) Not cause the cumulative obscuration of the window to exceed fifty percent (50%) in the case where permanent signage is already present in/on the window.

5. Temporary sign permits are required for the erection of temporary signs located off-premises from the purposes to which they pertain. Such permits must include written documentation that the property owner(s) has/have consented to the sign's placement on their property. However, off-premises temporary sign permits are not required for posting on properties fronting on certain intersections located within the Town, so long as the following conditions are met:
  - a. The applicant furnishes the Administrator with the name, mailing address, telephone number, and email address of the owner(s) or their representative(s) of the property on which the temporary sign is to be located.
  - b. Consent is given by said party to the applicant.
  - c. No existing permanent signage is obstructed by the proposed temporary signs.
  - d. The proposed temporary signs do not adversely impact traffic sight distances.
  - e. The proposed temporary signs are installed at any of the following intersections:
    - (1) Battery Park Rd & Nike Park Rd
    - (2) Battery Park Rd, Holt St & S Church St
    - (3) Bennis Church Blvd & Turner Dr
    - (4) Bennis Church Blvd & S Church St
    - (5) Courthouse Hwy & Waterworks Rd
    - (6) Route 10, W Main St & Main St

(Ord. of 2020-0?-??)

#### **H. Prohibited Signs:**

1. Off-premises signs, including billboards, unless otherwise specified in this Ordinance.
2. Permanent signs attached to fences in private recreational areas are prohibited in all residential districts.
3. Roof and/or projecting signs which extend over or above the ridgeline, roof line, or parapet wall of a building.
4. No sign shall be constructed, erected, used, operated, or maintained which displays intermittent lights resembling, or seeming to resemble, the flashing lights customarily associated with danger or such as are customarily used by police, fire, or ambulance vehicles, or for navigation purposes.
5. No flashing signs shall be permitted in any district.

6. No sign shall be constructed, erected, operated, or maintained which is so located and so illuminated as to provide a background of colored lights blending with traffic signal lights, or which may confuse a motorist when viewed from a normal approaching position of a vehicle at a distance of twenty-five feet (25') to three-hundred feet (300').
7. No sign shall be attached to trees, utility poles, road or highway signage, or any other unapproved supporting structure.
8. Unless otherwise provided in this Article, no signs shall be located in or project over the ROW without the express permission of the Town Council, except for permitted flat signs, which may project no more than eighteen inches (18").
9. With the exception of outparcels depicted on approved shopping center site plans, separate detached signs for individual shopping center tenants within shopping centers of 25,000 square feet or more of gross leasable area shall not be permitted.

(Ord. of 2020-0?-??)

#### **I. Nonconforming Signs:**

Any sign which was lawfully in existence at the time of the effective date of this Ordinance which does not conform to the provisions herein, and any sign which is accessory to a lawful nonconforming principal use, shall be deemed a legal nonconforming sign, and may remain, subject to the following:

1. Permitted signs for a conforming business or industrial use in a residential district shall consist of those signs permitted in the Highway Retail Commercial (HRC) District.
2. A nonconforming sign must be kept in good repair and condition. However, any sign which is declared to be unsafe or unlawful by any authorized Town or County official because of its physical condition must be removed and may not be restored, repaired, or rebuilt.
3. In any zoning district where any sign does not comply with the provisions of this Article, such sign and any supporting structures may be maintained in their existing condition. Nonconforming signs can be repainted or refaced so long as the height and landscaping requirements are met in the underlying zoning district. Nonconforming signs in the HPO are still subject to review by the BHAR. Nonconforming signs may not be enlarged, extended, moved, modified, reconstructed, or structurally altered except in accordance

with this Article. No nonconforming sign shall be enlarged, extended, moved, modified, or structurally altered without first obtaining a sign permit from the Town and County, if applicable.

4. A nonconforming sign must be removed if the structure, building, or use to which it is accessory is demolished to an extent exceeding fifty percent (50%) of the appraised value of the principal structure, building, or use.
5. A nonconforming sign which is damaged (and not willfully destroyed) to any extent may be repaired, replaced, or reinstalled to its identical preexisting nonconforming condition.
6. Applications for unusual signs or displays which give rise to questions related to the interpretation of these regulations may be referred by the Administrator to the Board of Zoning Appeals (BZA) for the purpose of interpretation by the BZA and recommendation for action on the application by the Administrator. If, in the opinion of the BZA, the application is not adequately covered by these regulations, the BZA may make recommendations on the amendment of this Article.
7. Supporting structures for nonconforming signs may continue in use for conforming signs if said supporting structures comply in all respects to the applicable requirements of this Ordinance and other Ordinances of the Town of Smithfield.

(Ord. of 2020-0?-??)

**J. Abandoned Signs:**

A sign, or message portion of the sign, including its supporting structure, anchors, brackets, or similar components, shall be removed (or replaced with a blank "shell" of the same material as the rest of the sign) by the owner of the property upon which the sign is located when the use affiliated with the sign is no longer on the premises. Such sign, if not removed or properly replaced with a blank "shell" within sixty (60) days of the termination of such use, shall be considered to be in violation of this Section, and the Administrator may cause the abandoned sign to be removed at the property owner's expense.

(Ord. of 2020-0?-??)

**K. Sign Requirements in Zoning Districts:**

The following sign regulations shall apply to permitted signs in their respective zoning districts:

1. The following accessory non-illuminated or externally illuminated signs shall be permitted in the Town's residential districts (Attached Residential (AR), Community Conservation (CC), Downtown Neighborhood Residential (DNR), Multifamily Residential (MFR), Neighborhood Residential (NR), and Suburban Residential (SR)):
  - a. Signs drawing attention to a church, school, park, playground, library, museum, or other permitted public or semi-public use, recreational use, or club are limited to thirty-two (32) square feet in area.
  - b. Detached signs shall be subject to the following standards:
    - (1) Signs shall be no taller than eight feet (8'), and shall not be located within ten feet (10') of any ROW, property line, or driveway intersecting a ROW.
    - (2) One (1) sign drawing attention to a residential subdivision or manufactured home park shall be permitted per ROW entrance, limited in area to eighteen (18) square feet. Two (2) of such signs are permitted if erected in conjunction with a formal gateway entrance and approved as a part of a subdivision plan.
    - (3) A name plate or directional sign shall be permitted, limited in area to two (2) square feet, and drawing attention to the owner or occupant of a dwelling, building, or permitted home occupation.
    - (4) One (1) sign not exceeding thirty-two (32) square feet in area and drawing attention to a multifamily development, single-family attached residential development, nursing home, daycare center, lodging house, or similar permitted uses in the districts shall be permitted.
    - (5) An additional area not exceeding twenty-four (24) square feet may be devoted to architectural elements which serve as supports or bases for such sign and which are not a part of the message portion of the sign.
  - c. One (1) flat sign attached to a principal building, not exceeding thirty-two (32) square feet in area, and drawing attention to a multifamily development, single-family attached residential development, nursing home, daycare center, lodging house, or similar permitted uses in the districts shall be permitted.
2. The following accessory illuminated or non-illuminated signs shall be permitted in the Residential Office (RO) district:

- a. One (1) non-illuminated or externally illuminated detached sign drawing attention to a bank, office building (or occupants thereof), funeral home, studio, or similar uses permitted in the RO district shall be permitted. Such signs shall:
    - (1) Be limited in area to thirty-two (32) square feet.
    - (2) Not exceed a height of ten feet (10').
    - (3) Be located within the area of a lot comprised of thirty percent (30%) of the total width or depth of the lot, if such lot is adjacent to a residential use.
    - (4) Not be located within ten feet (10') of any ROW, property line, or driveway intersecting a ROW.
  
  - b. A group of two (2) or more contiguous stores or businesses per building shall combine permitted detached sign area to provide a single detached sign advertising the businesses. The combined sign shall:
    - (1) Not exceed an area of fifty (50) square feet, with a maximum area of thirty-two (32) square feet per business.
    - (2) Not exceed a height of ten feet (10').
    - (3) Be constructed of the same material for all businesses advertised.
    - (4) Not be within ten feet (10') of any ROW, property line, alley, or driveway intersecting a ROW.
  
  - c. Flat signs shall be limited to ten percent (10%) of the wall area on which the sign is located. No one (1) sign shall exceed an area of eighteen (18) square feet.
  
  - d. One (1) non-illuminated or externally illuminated projecting, awning, or canopy sign is permissible for each business on the premises, with sign area limited to twelve (12) square feet. No projecting sign may extend over a public ROW unless expressly permitted by the Town Council- such signs shall be limited to nine (9) square feet in area.
3. The following accessory illuminated or non-illuminated signs shall be permitted in the Downtown (D) district:
- a. One (1) detached sign shall be permitted. Such sign shall:
    - (1) Have a maximum area of sixteen (16) square feet.
    - (2) Have a maximum height of eight feet (8').

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- (3) Not be located within five feet (5') of any ROW, property line, or driveway intersecting a ROW.
    - b. A group of two (2) or more contiguous stores or businesses per building shall combine permitted detached sign area to provide a single detached sign advertising the businesses. The combined sign shall:
      - (1) Have a maximum area of thirty-two (32) square feet.
      - (2) Have a maximum height of ten feet (10').
      - (3) Be constructed of the same material for all businesses advertised.
      - (4) Not be located within five feet (5') of any ROW, property line, or driveway intersecting a ROW.
    - c. Flat signs shall be limited to ten percent (10%) of the wall area on which the sign is located. No one (1) sign shall exceed seventy-two (72) square feet. Signs on residential buildings that have been rehabilitated for commercial purposes shall not exceed eighteen (18) square feet.
    - d. One (1) non-illuminated or externally illuminated projecting, awning, or canopy sign is permissible for each business on the premises, with sign area limited to twelve (12) square feet. Projecting signs no larger than nine (9) square feet in area may extend over a public sidewalk, so long as no part of the sign extends beyond the face of the curb, and the bottom of the sign is at least eight feet (8') above the surface of the sidewalk.
    - e. Detached or flat directional signs limited to four (4) square feet in area shall be permitted as accessory signs and not included in any computation of sign area. One (1) such sign no taller than three feet (3') is permissible per building or vehicle entrance, and shall not be located within five feet (5') of any ROW, property line, or driveway intersecting a ROW.
  4. The following accessory illuminated or non-illuminated signs shall be permitted in the Commercial/Industrial (CI), Highway Retail Commercial (HRC), and Planned Shopping Center (PSC) districts:
    - a. One (1) detached sign shall be permitted. Such sign shall:
      - (1) Have a maximum area of thirty-two (32) square feet.
      - (2) Have a maximum height of fifteen feet (15').
      - (3) Not be located within fifty feet (50') of any residential district.

- (4) Not be located within ten feet (10') of any ROW, property line, or driveway intersecting a ROW.
- b. A group of two (2) or more contiguous stores or businesses per building shall combine permitted detached sign area to provide a single detached sign advertising the businesses. The combined sign shall:
  - (1) Have a maximum area of one-hundred (100) square feet, or a maximum of thirty-two (32) square feet of area per business, whichever is less.
  - (2) Have a maximum height of fifteen feet (15').
  - (3) Be constructed of the same material for all businesses advertised.
  - (4) Not be located within ten feet (10') of any ROW, property line, or driveway intersecting a ROW.
- c. Flat signs, if there are no projecting signs, shall have a total area of not more than ten percent (10%) of the wall area on which the sign is located. No one (1) sign shall exceed 150 square feet. Illuminated, neon, or painted signs located in/on windows shall be included in the computation of sign area.
- d. One (1) projecting sign not exceeding sixteen (16) square feet in area is permissible for each business on the premises if there are no awning or canopy signs present. No projecting sign may extend over a public ROW unless expressly permitted by the Town Council- such signs shall be limited to nine (9) square feet in area.
- e. One (1) canopy and/or awning sign not exceeding thirty-two (32) square feet in area is permissible for each business on the premises if there are no projecting signs present. No awning or canopy sign may extend over a public ROW unless expressly permitted by the Town Council.
- f. The following are additional regulations for individual stores within shopping centers of 25,000 square feet or more of gross leasable area:
  - (1) Individual tenants shall combine permitted detached signs to provide a single detached sign advertising the shopping center. The combined sign shall:
    - (a) Have a maximum area of 150 square feet, or a maximum of thirty-two (32) square feet of area per business, whichever is less.

- (b) Have a maximum height of fifteen feet (15').
      - (c) Be constructed of the same material for all businesses advertised.
      - (d) Advertise the name of the shopping center.
      - (e) Not be located within twenty feet (20') feet of any ROW, property line, or driveway intersecting a ROW.
    - (2) Each individual tenant shall be permitted one (1) awning, canopy, or projecting sign, provided that such signs' areas shall not exceed six (6) square feet, and that all tenants utilize the same sign type.
    - (3) Each individual tenant shall be permitted one (1) flat sign provided that the cumulative sign area shall not exceed the maximum flat sign area allowable in the CI, HRC, and PSC districts.
  - g. The following are additional regulations for gasoline sales establishments:
    - (1) Pump islands may feature as many signs as deemed necessary by the Administrator, so long as none exceed three (3) square feet in area.
    - (2) Two (2) canopy signs no larger than eighteen (18) square feet in area each shall be permitted.
5. The following accessory illuminated or non-illuminated signs shall be permitted in the Limited Industrial (L1) district:
- a. One (1) detached sign shall be permitted. Such sign shall:
    - (1) Have a maximum area of fifty (50) square feet.
    - (2) Have a maximum height of twenty feet (20').
    - (3) Not be located within fifty feet (50') of any residential district.
    - (4) Not be located within ten feet (10') of any ROW, property line, or driveway intersecting a ROW.
  - b. A group of two (2) or more contiguous stores or businesses per building shall combine permitted detached sign area to provide a single detached sign advertising the businesses. The combined sign shall:
    - (1) Have a maximum area of 150 square feet, or a maximum of fifty (50) square feet of area per business, whichever is less.

- (2) Have a maximum height of twenty feet (20').
    - (3) Be constructed of the same material for all businesses advertised.
    - (4) Not be located within twenty feet (20') of any ROW, property line, or driveway intersecting a ROW.
  - c. Flat signs, if there are no projecting signs, shall have a total area of not more than ten percent (10%) of the wall area on which the sign is located. No one (1) sign shall exceed 150 square feet. Illuminated, neon, or painted signs located in/on windows shall be included in the computation of sign area, and in addition, shall be limited to ten percent (10%) of the total glass area of the window in/on which they are placed.
  - d. One (1) industrial subdivision sign with a maximum area of fifty (50) square feet and a maximum height of fifteen feet (15') and drawing attention to the name, address, and/or management of a planned industrial subdivision shall be permitted.
6. The following accessory illuminated or non-illuminated signs shall be permitted in the Heavy Industrial (I2) district:
- a. One (1) detached sign shall be permitted. Such sign shall:
    - (1) Have a maximum area of seventy-five (75) square feet.
    - (2) Have a maximum height of twenty feet (20').
    - (3) Not be located within fifty feet (50') of any residential district.
    - (4) Not be located within ten feet (10') of any ROW, property line, or driveway intersecting a ROW.
  - b. A group of two (2) or more contiguous stores or businesses per building shall combine permitted detached sign area to provide a single detached sign advertising the businesses. The combined sign shall:
    - (1) A maximum area of 150 square feet, with a maximum of seventy-five (75) square feet of sign area per business, whichever is less.
    - (2) A maximum height of twenty feet (20').
    - (3) Be constructed of the same material for all businesses advertised.
    - (4) Not be located within twenty feet (20') of any ROW, property line, or driveway intersecting a ROW.

- c. Flat signs, if there are no projecting signs, shall have a total area of not more than ten percent (10%) of the wall area on which the sign is located. No one (1) sign shall exceed 150 square feet. Illuminated, neon, or painted signs located in/on windows shall be included in the computation of sign area, and in addition, shall be limited to ten percent (10%) of the total glass area of the window in/on which they are placed.
  
- d. One (1) industrial subdivision sign with a maximum area of fifty (50) square feet and a maximum height of fifteen feet (15') and drawing attention to the name, address, and/or management of a planned industrial subdivision shall be permitted.

(Ord. of 2020-0?-??)

**L. Sign Requirements in Zoning Overlays:**

The following sign regulations shall apply to all signs in their respective zoning overlays:

- 1. In the Historic Preservation Overlay (HPO), the Administrator may permit any sign permitted in a residential district and any non-illuminated flat sign not exceeding thirty-two (32) square feet in area in a business or industrial district, if, in the opinion of the Administrator, such sign will not impair the character of the district. The BHAR shall approve the design compatibility of all illuminated signs, or any sign exceeding thirty-two (32) square feet in area. The Administrator reserves the right to refer any application for new signage to the BHAR for review and decision. All signs must meet the underlying zoning district sign regulations. The BHAR may authorize an alternative signage plan or additional requirements that do not strictly adhere to the area, number, height, and location criteria within the HPO if it is determined that the design is more consistent with the architectural character of the building to which it relates and other surrounding properties, as guided by the Smithfield Historic District Design Guidelines.
  
- 2. Accessory illuminated or non-illuminated signs in the Entrance Corridor Overlay (ECO) shall be subject to the following standards:
  - a. The Administrator may permit any sign permitted in a residential district and any sign not exceeding 150 square feet in area in a business or industrial district, if, in the opinion of the Administrator, such sign will not impair the character of the district. The Planning Commission shall approve the design compatibility of all signs exceeding 150 square feet in area, as guided by the Smithfield Entrance Corridor Design Guidelines. The Administrator reserves the right to refer any

application for new signage to the Planning Commission for review and decision. All signs must meet the underlying zoning district sign regulations.

- b. Signs shall not obstruct any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress, or egress for any building or structure.
- c. No sign shall be higher than the roofline or parapet wall of any building for which the sign is proposed. A sign may be attached to the fascia of a pitched roof or structure, but may not be located so as to extend above the upper edge of the fascia of said roof. Also, a sign may be attached to the fascia (or located on the sloping roof of) a structure, but may not be located so as to extend more than four feet (4') above the lower edge of said sloping roof.
- d. Detached signs shall be encased within a structure that is architecturally related to and compatible with the primary building and overall architectural design of the development.
- e. A unified system of signage and graphics shall be required for each individual development within the ECO. The establishment of an integrated signage system for existing development within the ECO is strongly encouraged. These systems shall be reviewed for materials, colors, shapes, sizes, and compatibility with architecture, letter style, graphic display, and establishment of unity of design for the development.
- f. Materials, colors, and shapes of proposed signs shall be compatible with the related building(s) of the development in which they are located. Size and proportions shall not be a dominant feature of the site and shall be judged by sizes and proportions of signs on adjacent and nearby properties that are compatible with Town character.
- g. If applicable, prior to the erection of any sign, a comprehensive sign plan shall be submitted to the Administrator or the Planning Commission, for review and decision- the plan shall provide the location and size of all proposed signage within the development, as well as proposed colors, sizes, lighting, location, etc.

(Ord. of 2020-0?-??)

**M. Special Sign Exceptions:**

1. **Cause for Exceptions:** In order to provide for adjustments in the relative locations of signs of the same or different classifications, to promote the usefulness of these regulations as instruments of fact finding, interpretation, application, and adjustment, and to supply the necessary elasticity to their efficient operation, Special Sign Exceptions (SSEs) may be granted by the Planning Commission, as permitted by the terms of these regulations, and after notice and a public hearing as provided for in this Ordinance.
2. **Consideration of Exceptions:** In considering an application for an SSE, the Planning Commission shall give due regard to the specific guidelines and standards of this Section and those listed elsewhere in this Ordinance, the general nature and condition of adjacent uses and structures, and the probable effect upon them of the proposed SSE. The Planning Commission shall also take into account the special characteristics, design, location, construction, method of operation, effect on nearby properties, or any other aspects of the particular sign that may be proposed by the applicant.
3. **Adverse Effect:** If it should find, after the hearing, that the proposed sign will not adversely affect the health, safety, or welfare of persons residing or working on the premises or in the neighborhood, unreasonably impair the character of the district or adjacent districts, be incompatible with the general objectives of the Smithfield Comprehensive Plan, nor be likely to reduce or impair the value of buildings or property in surrounding areas, but that such sign will be in substantial accordance with the general purpose and objectives of this Ordinance, then the Planning Commission may grant the exception and authorize the issuance of an SSE sign permit.
4. **Conditions for Mitigation:** In those instances where the Planning Commission finds that the proposed sign may be likely to have an adverse effect as noted above, the Planning Commission shall determine whether such effect can be avoided by the imposition of any special requirements or conditions with respect to location, design, construction, equipment, maintenance, or operation, in addition to those expressly stipulated in this Ordinance, and may grant an SSE subject to such reasonable conditions and limitations as the case may require, including but not limited to, limitations on size, type, color, location, or illumination.
5. **Application Fee:** A fee to be established by the Town Council shall be required of the applicant for an SSE.
6. **Appeal:** An appeal of any decision of the Planning Commission to the BZA can be made by filing a written request to the Administrator within ten (10) days of the decision of the

Planning Commission. Such appeal shall not suspend the decision of the Planning Commission. An SSE appeal shall proceed to the BZA under the same procedure as the original application to the Planning Commission with respect to public notice and the requirement of a public hearing.

(Ord. of 2020-0?-??)

**PLANNING COMMISSION STAFF REPORT: ORDINANCE AMENDMENT**  
**\*DISCUSSION ITEM: TUESDAY, JULY 14<sup>TH</sup>, 2020\***  
**SMITHFIELD ZONING ORDINANCE (SZO) ARTICLE 2: SHORT-TERM RENTALS**

Currently, there is nothing to address short-term rentals in any Town Ordinance. With current trends and the influx of Internet-based short-term rental housing markets, homeowners/occupants have the ability to rent their entire house or portions (rooms), for a short period of time. These short-term rentals are usually for a week or weekend. We are aware that there are some short-term rentals currently being operated in Town. This text amendment will function as an avenue for these short-term rentals to legitimize their businesses. Additionally, by requiring a business license for all short-term rentals, residents will be allowed to openly report income for taxation purposes.

To better serve and protect Town residents, Town staff propose the following text amendment to Article 2, creating Section Z. This text amendment to the SZO is intended to achieve the following:

- (1) The assurance of compliance with existing public and private legal infrastructure by requiring the operator to obtain a Town business license, assure service by a Virginia-licensed waste management facilities operator, and continued compliance with any other section of the Town Code and any private restrictions and covenants (i.e. owners' associations, etc.).
- (2) The creation of development standards by limiting the total number of rentable nights per calendar year to 104 nights, the total length of stay to no more than thirty days, and the prohibition of short-term rentals in accessory buildings and structures, among other standards.
- (3) The provision of an avenue for legitimization for those currently operating short-term rentals in the Town by requiring them to obtain a business license, enabling those operators to report their earnings as taxable income, which consequently expands the Town's tax base.
- (4) The empowerment of decision-making bodies (i.e. the Planning Commission and Town Council) by establishing them as stakeholders in the decision-making process—this is done through the proposed language in which short-term rentals not classified as “homestays” are required to apply for a Special Use Permit. This also ensures that there is necessary oversight above the administrative level in this permitting process.
- (5) The creation of necessary avenues for recourse, if violations are discovered.

In order to reach this end, this text amendment imposes provisions that are consistent with other localities, as well as best planning practices suggested by the Virginia State Bar. In order to ensure that these provisions are met, prospective operators will be required to complete, sign, and notarize an affidavit assuring all applicable provisions are adhered to. To remove ambiguity, the terms “short-term rental” and “homestay” will be added to the definitions in Article 13, Section B. A red lined version of the proposed language of this text amendment, as well as a draft version of the proposed short-term rental affidavit, accompany this staff report.

*For inquiries, contact John Settle at 1-(757)-365-4200 or [jsettle@smithfieldva.gov](mailto:jsettle@smithfieldva.gov).*

2. All event facilities, and the parcel(s) upon which they are located, must meet the following standards:
  - a. Access to and from the event facility shall not occur via a shared or common driveway.
  - b. To the greatest degree possible, the permanent component(s) of a proposed event facility should be placed on a parcel so as to avoid areas identified by any Town Ordinance or publication (Comprehensive Plan, etc.) as a viewshed.
  - c. Where proposed, temporary tents are allowed for the duration of the event, or a period not to exceed seven (7) consecutive days, whichever is less. The seven (7) day time period may be extended following a written request to the Zoning Administrator or their designee, showing reasonable cause.
  - d. To protect the citizens of the Town from excessive noise, event facilities must comply with Chapter 38 of the Town Code.
  - e. In any zoning district in which this use is permitted, the maximum number of attendees for any given event is limited to the maximum live load according to the Virginia Uniform Statewide Building Code (VUSBC) for the building in or at which the event is to occur. Outdoor events may exceed this restriction. The maximum number of attendees includes, but is not limited to, any event staff, caterers, photographers, and/or vendors.
3. An application for a new event facility must include the following items:
  - a. The applicant must demonstrate that all performance standards would be met by their proposal through the submission of a site plan.
  - b. All applicable requirements in this Article, as well as Articles 3, 6, 8, 9, 10, and 11 must be met.

(Ord. of 2019-09-03)

## **Z. Short-Term Rentals**

1. These regulations are established to allow the short-term rental of rooms to transient persons in all residential settings, while at the same time preserving the residential character of the neighborhoods in which the dwellings are located. For the purpose of this section, short-term rentals include short-term rentals and homestays. In any zoning

district in which residential uses exist or are permitted, accessory short-term rentals (hereinafter referred to as "homestays") are permitted by-right- short-term rentals as principal uses are permissible by special use permit (SUP) only. Short-term rentals in any mixed-use building or structure shall also require an SUP. In all cases, the following conditions must be met:

- a. A copy of the declarations page, a certificate of insurance, or a binder of insurance (if newly applied for) showing general, personal, or premises liability insurance in the name of the owner/operator, covering the rental of the property to transient persons, with coverage of not less than \$500,000 must be furnished to the Town. Such insurance coverage must remain in place at all times while any part of the property is being offered for short-term rental.
- b. Short-term rentals shall be permitted for not more than 104 nights per calendar year.
- c. A short-term rental shall have no more than two (2) rental contracts during any consecutive seven (7) day period.
- d. At all times, no more than ten (10) over-night guests shall occupy any short-term rental, or no more than two (2) per bedroom at any one time, whichever is greater.
- e. Accessory buildings and structures shall not be used or occupied as short-term rentals.
- f. All operators engaging in short-term rentals are required to obtain and maintain a business license from the Town, and the operator of the short-term rental shall remain liable for all taxes that may be owed.
- g. Nothing in this section shall be construed to supersede or limit contracts or lease agreements between or among individuals or private entities related to the use of real property, including recorded declarations and covenants, the provision of condominium instruments of a condominium created pursuant to the Condominium Act (Va. Code § 55-79.39 et seq.), the declaration of a common interest community as defined in Va. Code § 55-528, the cooperative instruments of a cooperative created pursuant to the Virginia Real Estate Cooperative Act (Va. Code § 55-424 et seq.), or any declaration of a property owners' association created pursuant to the Property Owners' Association Act (Va. Code § 55-508 et seq.).
- h. The short-term rental must be serviced by a Virginia-licensed waste management facilities operator.
- i. To protect the citizens of the Town from excessive noise, short-term rentals must comply with Chapter 38 of the Town Code.
- j. The operator of the short-term rental must submit to the Town a signed and notarized short-term rental affidavit assuring compliance with all of the above provisions.
- k. Any of the above provisions may be waived by the Town Council, upon the issuance of an SUP. Additionally, if there is any uncertainty in interpretation

between the applicant and the Administrator as to any of the provisions of this section, the Administrator may require an SUP.

2. If the operator is found to have violated any of the provisions of this section, the following penalties shall apply:
  - a. The revocation of the operator's business license.
  - b. Any additional penalties as prescribed in this or any other Town Ordinance.

(Ord. of 2020-??-??)

**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.

**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.

**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.



## PLANNING COMMISSION STAFF REPORT: ORDINANCE AMENDMENT

**\*DISCUSSION ITEM: TUESDAY, JULY 14<sup>TH</sup>, 2020\***

### SMITHFIELD ZONING ORDINANCE (SZO) ARTICLE 3: GROUND SOURCE WELLS

Due to Smithfield Town Code (STC) Section 82-45, as well as the nature of ground source heating, ventilation, and air conditioning (HVAC) systems that require wells for operation, Town residents, prospective residents, and contractors are encountering situations where they cannot replace or install their ground source HVAC systems without first obtaining a Special Use Permit (SUP) from the Town Council. STC Section 82-45 reads:

*Where a public water supply is available in the town it shall be unlawful to connect a residential or commercial structure to a private well or other water supply except as may be approved by the town manager on a temporary basis or by approval of a special use permit in accordance with the provisions of the town's zoning ordinance.*

In order to ease the burdens and frustrations of prospective applicants, Town staff have generated a text amendment to Articles 3.A, 3.B, 3.C, 3.D, 3.E, 3.F, 3.G, and 3.H of the SZO, which would allow residents in all residential zoning districts to utilize wells for ground source HVAC systems, by right, without having to obtain an SUP from the Town Council.

The language proposed in this text amendment would appear in tandem with the irrigation well use that appears in Section B, "Permitted Uses", in Articles 3.A, 3.B, 3.C, 3.D, 3.E, 3.F, and 3.G of the SZO. Additional language proposed in this text amendment would add wells for ground source HVAC systems to Section I, "Additional Regulations", in Articles 3.A, 3.B, 3.C, 3.D, 3.E, 3.F, and 3.G.

Lastly, for reasons unclear to Town staff, irrigation wells were not included as a permitted use in the Downtown zoning district. This is a mixed-use district with a high concentration of residential properties. This text amendment would add irrigation wells and wells for ground source HVAC systems to Article 3.H, Section B, "Permitted Uses", in addition to Section I, "Additional Regulations".

A red lined version of this text amendment is included in the pages immediately following this staff report.

*For inquiries, contact John Settle at 1-(757)-365-4200 or [jsettle@smithfieldva.gov](mailto:jsettle@smithfieldva.gov).*

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.

(Ord. of 2020-??-??)

**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.

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 ?-??-2020)

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.

(Ord. of 2020-??-??)

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)

**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-??-??)

**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.

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)

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-??-??)

**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)

**D. Maximum Density:**

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

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)

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-??-??)

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 ?-?-2020).

**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-??-??)

**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.

- 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-??-??)

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.**  
(Ord. of 2019-09-03; **Ord. of 2020-??-?**)

**C. Uses Permitted by Special Use Permit:**

1. Retail sales provided that there shall be no exterior or store-front displays.
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, family care residences, and group homes serving mentally retarded and developmentally disabled persons.
13. Accessory apartments.
14. Personal service establishments.
15. Home occupations.
16. Payday lending establishments, check-cashing establishments and pawn shops.
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)

**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:**

- 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)

2. Retail sales establishments (exclusive of automobile dealerships and sales establishments, lumber and millwork retail sales and storage yards, and other uses which require outdoor storage of retail goods).
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.  
(Ord. of 10-7-2003, 4-5-2011, Ord. of 2019-09-03; Ord. of 2020-??-??)

**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.

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-??-??)