



TOWN OF SMITHFIELD

Wednesday, August 5th, 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, August 11th, 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 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, August 11th, 2020

- 1) **Community Development & Planning Director's Report:**
-On Thursday, April 30th, 2020, Town staff received an application for a comprehensive plan (future land use map) amendment, official zoning map amendment (rezoning), zoning ordinance text 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 to the applicants on Wednesday, July 29th, 2020, informing them that their application was complete. The same day, the applications were circulated to all reviewing agencies concerned, thereby initiating the mandatory thirty day administrative review process. At this time, the applications are anticipated to appear as a discussion item on the Tuesday, September 8th, 2020 Planning Commission meeting agenda.
- 2) **Upcoming Meetings and Activities:**
Tuesday, August 18th, 6:30 PM – Board of Historic & Architectural Review Meeting
Monday, August 24th, 3:00 PM – Town Council Committee Meetings
Tuesday, August 25th, 3:00 PM – Town Council Committee Meetings
Tuesday, September 1st, 6:30 PM – Town Council Meeting
Tuesday, September 8th, 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 – 207 Battery Park Rd, James River Mechanical, Inc., C/O Morgan Fitchett & Gregory Seely, applicants.** (Staff report and illustrations enclosed.)
- 6) **Presentation by Craig Wilson & Joel Webne of Summit Design & Engineering Services, PLLC on the 2020-2021 Smithfield Comprehensive Plan Update** (No enclosures.)
- 7) ***Public Hearing* SZO Section 2.Z Text Amendment – Town of Smithfield, applicant.** (Staff report and assorted attachments enclosed.)
- 8) ***Public Hearing* 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.)
- 9) **Approval of the Tuesday, July 14th, 2020 meeting minutes.** (Enclosed.)
- 10) **Adjournment**
- 11) **2020-2021 Planning Commission Group Photograph**

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) 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, August 11th, 2020, 6:30 PM

Applicant James River Mechanical, Inc.
C/O Morgan Fitchett
207 Battery Park Rd
Smithfield, VA 23430

Owner Morgan Fitchett
1314 Magruder Rd
Smithfield, VA 23430

Property 207 Battery Park Rd
TPIN 22-01-040A
0.87 ac N side Battery Park Rd
200' E Battery Park Rd & John Rolfe Dr

Zoning Entrance Corridor Overlay (ECO) & Light Industrial (I1)

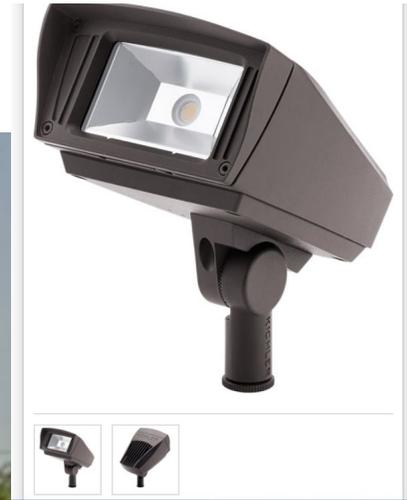
Adjacent Zoning Highway Retail Commercial (HRC), Multifamily Residential (MFR),
I1 & ECO

Project Description The applicant wishes to erect a thirty-five foot (35') tall ground set tapered aluminum flagpole to display an eight foot (8') by twelve foot (12') flag. The flagpole will be seven inches (7") thick at its largest diameter and feature one-hundred grit polish. It will be capped with an eight inch (8"), fourteen (14) gauge spun aluminum ball, anodized in gold. The flag will be hoisted with a single sheave truck of cast aluminum, and hung with two (2) bronze swivel snaps with covers. Two (2) bronze light-emitting diode (LED) accent landscape lights of twelve (12) watts will up-light the flag.

Recommendation Town staff recommends approval as submitted.

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

Two bronze light-emitting diode (LED) accent landscape lights of twelve (12) watts will up-light the flag.



Proposed location of a 35' ground set tapered aluminum flagpole to display an 8' x 12' flag.

Model EH357188

8" - 14 gauge spun aluminum ball
gold anodized

Single sheave truck, cast aluminum
revolving, non-fouling type

2 Bronze swivel snaps with covers
per halyard

1 Set of halyard: #10 poly

1 - 9" Cast aluminum cleat

Aluminum flash collar

3000 PSI concrete

Hardwood wedges
(supplied by others)

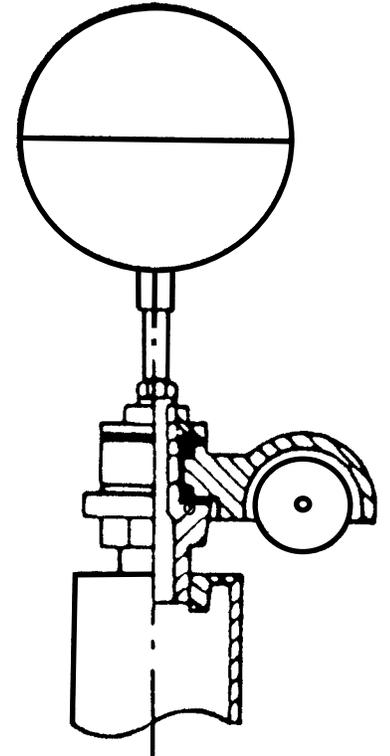
Dry sand tightly tamped
after aligning pole

Foundation sleeve -16 ga
hot dip galvanized steel

Steel centering wedges

1/4" Steel base plate

1/4" Steel support plate
welded to grounding spike



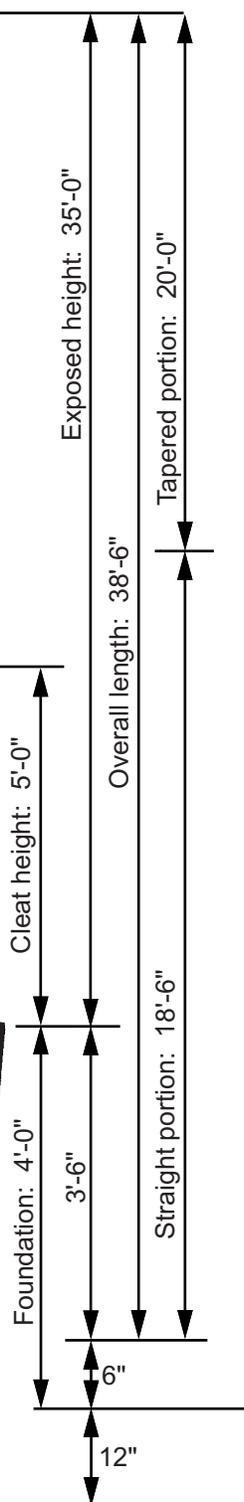
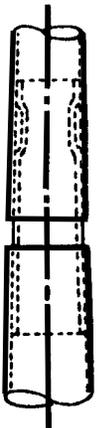
Truck Detail

Aluminum body
Stainless steel ball bearings
Aluminum sheave
Cast aluminum spindle

All shafts with overall
length of more than
38'-6" are shipped in
two sections.

Each section matched marked
for field assembly. Exposed
portion of jam sleeve must
be **well lubricated** prior to
assembly.

1-1/2" maximum shop
gap allowed for field fitting
(ram for tight joint)



The Flagpole Company
800.805.9728

Project:	Ground set tapered aluminum flagpole: ALLOY: 6063T6		Date:
Location:	Exposed height: 35'-0"	Overall height: 38'-6"	Revision:
Architect:	Ship in 1 section	Butt diameter: 7"	
Contractor:	Top diameter: 3-1/2"	Wall thickness: .188"	
Customer:	Finish: 100 grit polish		Job:

PLANNING COMMISSION STAFF REPORT: ORDINANCE AMENDMENT
PUBLIC HEARING: TUESDAY, AUGUST 11TH, 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.

At it's Tuesday, July 14th, 2020 meeting, the Planning Commission reached a favorable consensus on the application's return for a public hearing at its next regularly-scheduled meeting, so long as the following changes to the text amendment were made:

- (A) The proposed SZO Section 2.Z.1.c must be removed.
- (B) "...except upon the issuance of an SUP by the Town Council" must be added to the end of the proposed SZO Section 2.Z.1.e.
- (C) "...to include the transient occupancy tax" must be added to the end of the proposed SZO Section 2.Z.1.f.
- (D) Language must be incorporated into the proposed text amendment in which existing short-term rentals operating prior to the date of adoption of the proposed SZO Section 2.Z and which conflict with the standards contained therein may be approved administratively by Town staff following the operators' submittal of satisfactory evidence to the Town that they were operating prior to the date of adoption of the proposed Section 2.Z.
- (E) Town staff must consult with the Virginia Department of Health (VDH) to ascertain whether or not they have any role in the process of permitting and inspecting short-term rentals.

Town staff have incorporated the desired language from item "D" above into the proposed SZO Section 2.Z.2. Additionally, Town staff have consulted with VDH and found that short-term rentals are excluded from their definitions for both hotels and bed and breakfast facilities, and are therefore exempt from permitting and inspection by the VDH. Lastly, items "A" through "C" have been incorporated into the proposed language.

Recommendation:

Town staff recommend a favorable report to the Town Council.

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

REDLINED ARTICLE 2

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 other 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, except upon the issuance of an SUP by the Town Council.
- 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, in addition to the transient occupancy tax.
- 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. Existing short-term rentals which conflict with the standards of this Section, and which were in operation sixty (60) days prior to the date of adoption of the same, may be administratively approved by Town staff, provided that the applicant submit satisfactory evidence to the Town that their short-term rental was in operation at that time. If uncertainty arises between the applicant and the Administrator as to whether or not satisfactory evidence has been submitted to the Town, the Planning Commission shall determine the validity of the evidence.
3. 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-??-??)

REDLINED ARTICLE 13

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.

Town of Smithfield

COMMUNITY DEVELOPMENT & PLANNING DEPARTMENT

PO Box 246, 310 Institute St., Smithfield, VA 23431

Telephone # 1(757)365-4200, Fax # 1(757)357-9933

Short-Term Rental Affidavit

STATE OF VIRGINIA

COUNTY OF ISLE OF WIGHT

(Owner) (Address) (TPIN)

By signing below, I certify the following:

1. I am the owner of record for this property, and/ or I have consent from the owner of record.
2. 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, shall accompany this affidavit.** Such insurance coverage must remain in place at all times while any part of the property is being offered for short-term rental.
3. As the operator of a short-term rental, I am responsible and liable for all taxes that may be owed, including transient occupancy tax.
4. I have **obtained a business license** from the Town.
5. This address is serviced by a Virginia-licensed waste management facilities operator.
6. I shall not permit short-term rentals **to exceed 104 nights** per calendar year.
7. At all times, **no more than ten (10) overnight guests** shall occupy any short-term rental unit, **or no more than two (2) per bedroom** at any one time, whichever is greater.
8. Accessory buildings and structures shall not be used or occupied as short-term rentals, except upon the issuance of a Special Use Permit by the Town Council.
9. To protect the citizens of the Town from excessive noise, I certify all short-term rentals shall comply with Chapter 38 of the Town Code.
10. 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.).
11. Any conflict with the terms and conditions noted above or with the standards contained in Smithfield Zoning Ordinance (SZO) Section 2.Z.1 have been resolved as a result of my successful acquisition of a special use permit from the Town Council, pursuant to SZO Section 2.Z.1.k, or otherwise, pursuant to SZO Section 2.Z.2.

I declare under penalty of perjury that the foregoing is true and correct.

DATED this the _____ day of _____, 20_____

(Signature of Affiant)

SWORN to and subscribed before me, this the _____ day of _____, 20_____

SEAL

NOTARY PUBLIC

PLANNING COMMISSION STAFF REPORT: ORDINANCE AMENDMENT

PUBLIC HEARING: TUESDAY, AUGUST 11TH, 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.

At its Tuesday, July 14th, 2020 meeting, the Planning Commission reached a favorable consensus on the application's return for a public hearing at its next regularly-scheduled meeting.

Recommendation:

Town staff recommend a favorable report to the Town Council.

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

REDLINED ARTICLE 3.A

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)

REDLINED ARTICLE 3.C

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).

REDLINED ARTICLE 3.F

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-??-??)

REDLINED ARTICLE 3.G

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)

REDLINED ARTICLE 3.H

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-??-??)

The Smithfield Planning Commission held its regular meeting on Tuesday, July 14th, 2020 at 6:30 p.m. at the Smithfield Center.

Members present:

Randy Pack – Chairman

Charles Bryan – Vice Chairman

Mike Swecker

Julia Hillegass

Michael Torrey

Members absent:

Thomas Pope

Lilton Marks

Staff members present:

John Settle – Community Development & Planning Director

William H. Riddick, III – Town Attorney

Tammie Clary - Planner

There were approximately three (3) citizens present. Chairman Pack welcomed everyone to the meeting. All in attendance stood for the Pledge of Allegiance.

Community Development & Planning Director's Report:

Mr. John Settle stated that the SUP for True Value was conditionally approved by the Town Council as recommended by the Planning Commission. Town staff received an application for a future land use map amendment, an official zoning map amendment, a special use permit, and a Planning Commission waiver for 19474 & 19502 Battery Park Road. It is a series of properties collectively known as the Mallory Point/Scott Farm property. The specifics of the project would include 1,106 new residential units which would be 410 single family dwellings, 144 duplex units, 224 townhomes, 218 quadplex units, and 110 ten-plex units. The application was received in April. Pursuant to Article 4, staff has a determination of completeness process where staff reviews the applicant's submittal for completion. Staff has been through the send/receive process twice now with the latest revised determination of completeness sent on July 1st, 2020. The applicant is close to having a complete application. At that point, it will be circulated to VDOT, public works, and the Town's consulting engineers, etc.

Upcoming Meetings and Activities:

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

Tuesday, July 21st, 6:30 PM – Board of Zoning Appeals Meeting

Monday, July 27th, 3:00 PM – Town Council Committee Meetings

Tuesday, July 28th, 3:00 PM – Town Council Committee Meetings

Tuesday, August 4th, 6:30 PM – Town Council Meeting

Tuesday, August 11th, 6:30 PM – Planning Commission Meeting

Public Comments:

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

There were no public comments.

Planning Commission Comments:

There were no Planning Commission comments.

Entrance Corridor Overlay Design Review Application – 13490 Benns Church Blvd. Hope Presbyterian Church Trustees, c/o Duane Crosby, applicant:

The Community Development and Planning Director explained that 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. Town staff recommends approval as submitted.

The applicant did not attend the meeting.

Mrs. Hillegass made a motion to approve the application as presented. Mr. Swecker seconded the motion. Chairman Pack asked if there was any further discussion.

Vice Chairman Bryan asked if the lights would affect road traffic. Mr. Settle explained that the ordinance addresses excessive up-lighting and lighting that spills onto adjacent properties. Staff determined that neither would be the case for this application.

With no further discussion, Chairman Pack called for the vote.

On call for the vote, five members were present. Mrs. Hillegass voted aye, Mr. Swecker voted aye, Mr. Torrey voted aye, Vice Chairman Bryan voted aye, and Chairman Pack voted aye. There were no votes against the motion. The motion passed.

Major Site Plan Application – Lots 2, 3, 4, & 13A N. Church Street – Hampton Roads Sanitation District, c/o Kenneth Turner, applicant:

Mr. Settle explained that the applicants wish to install an eight inch and ten inch sanitary sewer force main along N. Church Street from Surry to Berry Hill Road 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 will require a land use permit prior to the commencement of any work. Due to the proximity of N. Church Street in the completion of the connection to the Smithfield interceptor, there will be a single lane closure and a flagging operation on N. Church Street to ensure safety. Town staff recommends approval under the condition that the applicants satisfy all of the comments given on their application by VDOT.

The applicant was available for questions from the Planning Commissioners.

Vice Chairman Bryan asked about the duration of the project.

The applicant, Mr. Kenneth Turner, explained that it is a nineteen mile pipeline project that entails three pump stations from Surry to the connection in Smithfield. It will take approximately twenty-four months to complete the project in accordance with the requirements of the consent order issued to HRSD. They are starting on the first nine miles this month along the Dominion Power right-of-way from Surry to Route 10. When that section is completed, they plan to come to the Smithfield end of the project and work north. The timeframe for working along the Dominion Power line is approximately 6 months. There may be several pipeline crews who may start sooner. They are still acquiring all the easements for Isle of Wight County. The Smithfield portion of the project includes the parking lot at Smithfield Foods and across the adjacent property owner's land. He would anticipate two months or less once they get started on the Smithfield portion.

Mr. Torrey asked if it would be a directional drill.

The applicant stated there would be sixteen directional drills from Surry to Smithfield for the overall project. They cross environmentally sensitive areas. None are in the Town of Smithfield. Smithfield will be open cut excavation.

Vice Chairman Bryan made a motion to approve the application as submitted with the condition that the applicant satisfies all conditions given by VDOT before staff's issuance of a zoning permit. Mrs. Hillegass seconded the motion. Chairman Pack called for the vote.

On call for the vote, five members were present. Mrs. Hillegass voted aye, Mr. Swecker voted aye, Mr. Torrey voted aye, Vice Chairman Bryan voted aye, and Chairman Pack voted aye. There were no votes against the motion. The motion passed.

Public Hearing: Smithfield Zoning Ordinance (SZO) Section 2.U Text Amendment – Town of Smithfield, applicant:

Mr. John Settle explained that, 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 its Tuesday, June 9th, 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.* Town staff recommends a favorable report to the Town Council.

Chairman Pack asked the Planning Commission if the new language explained it. The Town Attorney stated that it is completely subjective. In order to enforce it, the Planning Commission may need to define it further. Mr. Settle explained that any violation of the ordinance constitutes revocation of the applicant's special use permit. Mrs. Hillegass stated that Town Council will be able to add any conditions they want in the special use permit. Mr. Settle explained that when a special use permit is sent to Town Council they will have a lot of information so they could impose conditions if they choose to. He suggested that it could be changed to say that "professional offices with client visits to the home in any residential dwelling would be required to have a special use permit." The Town Attorney recommended some language to make the professional office/home occupation applicant responsible for not burdening the adjacent property owners. Applicants would not need a special use permit unless they would exceed normal, everyday expected traffic.

Mr. Settle recommended changing the language to state: "Professional office/home occupations may enjoy client visits to the property following the successful acquisition of a special use permit from the Town Council."

Chairman Pack opened the public hearing. He asked if anyone would like to speak for or against the Zoning Ordinance Amendment. Hearing none, he closed the public hearing.

Mrs. Hillegass made a motion to recommend approval to Town Council provided that the words "in excess of what is normally associated with a single family home" is omitted. Mr. Torrey seconded the motion. Chairman Pack called for the vote.

On call for the vote, five members were present. Mrs. Hillegass voted aye, Mr. Swecker voted aye, Mr. Torrey voted aye, Vice Chairman Bryan voted aye, and Chairman Pack voted aye. There were no votes against the motion. The motion passed.

Public Hearing: SZO Articles 3.L, 3.R & 10 Text Amendment – Town of Smithfield, applicant:

Mr. John Settle explained that, 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 migrate 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 sensible 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 the Tuesday, June 9th, 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 Planning Commission’s requested changes have been made through SZO Sections 10.C.2 & 10.G.4.f(1). Town staff recommends a favorable report to the Town Council.

Mr. Settle also noted that several new changes appeared in the staff report, all of which were located in the proposed revisions to Article 3.R. These changes were purely technical, and served to direct the future reader to the appropriate language in the new Article 10.

Chairman Pack opened the public hearing. He asked if anyone would like to speak for or against the text amendment changes. Hearing none, he closed the public hearing.

Chairman Pack asked about Section 10.G.4.d(1) on page 10:10 which states that event facilities signs “shall not exceed four square feet.” He asked what defines event facility signs. Mr. Settle explained that event facility signage would be a sign for an event occurring at a venue. He used the Smithfield Center as an example. If at any point, a temporary sign exceeds the provisions of the temporary sign section of the ordinance Town staff simply issues a permit to the applicant. Chairman Pack asked if the signs should be six square feet instead of four square feet. He stated that it would add consistency in the ordinance. Mr. Settle stated that he could change it. Chairman Pack asked about personal expressions signs. The ordinance currently states “personal expression signs shall be exempt from the standards for the months of August through November.” Mr. Settle explained that personal expression signs are mainly political signs. They cannot be called political signs due to the Reed v. Town of Gilbert case. The selected months were added since they are generally campaign season. The Reed v. Town of Gilbert case established that signage could not be regulated based upon their content.

With no further discussion, Mrs. Hillegass made a motion to recommend the changes to Town Council under the condition that the maximum allowable area for “event facility signs” in SZO Section 10.G.4.d(1) is increased to six square feet. Mr. Torrey seconded the motion. Chairman Pack called for the vote.

On call for the vote, five members were present. Mrs. Hillegass voted aye, Mr. Swecker voted aye, Mr. Torrey voted aye, Vice Chairman Bryan voted aye, and Chairman Pack voted aye. There were no votes against the motion. The motion passed.

Discussion Item – SZO Articles 2.Z Text Amendment – Town of Smithfield, applicant:

Mr. Settle explained that, 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, are supplied in the supporting documents.

Chairman Pack stated that he liked the revisions. He wanted to add that the property is certified by the Virginia Department of Health with an annual inspection. The Town Attorney stated that the Virginia Department of Health does not do that.

The Town Attorney asked about the Virginia Waste Management Facilities Operator certification. In most instances, he asked if most collections by the Town through Bay Disposal would comply. Mr. Settle stated that it would. It was added that since trash collection is something citizens can opt-out of, staff fears that not requiring certified garbage collection for short-term rentals and homestays may incentivize prospective short-term lessors to opt-out of local garbage collection as a cost-saving measure. Staff finds violations for trash and debris rather frequently.

Mrs. Hillegass asked if staff knows how many short-term rentals are in the Town currently. Mr. Settle stated that staff suspects there are no less than three. There could be more. Mrs. Hillegass asked if there were any plans to administratively approve short term rentals. Virginia Beach is spending a lot of time reviewing the applications. Mr. Settle stated that the changes to the ordinance would require an SUP if the proposed short-term rental was not a homestay, and/or if it conflicted with any of the proposed development standards. He suggested that he could change the language, for the next meeting, to allow existing short-term rentals to be administratively approved. The

Town Attorney stated that the Town would not have the abundance of short-term rentals that Virginia Beach has.

Mrs. Hillegass asked about accessory structures such as a room over the garage. Chairman Pack read the proposed ordinance which states: “accessory buildings and structures shall not be used or occupied as short-term rentals.” He knows of one in Smithfield. Mr. Settle stated that there is a provision which states “any of the above provisions may be waived by the Town Council upon the issuance of an SUP. Additionally, if there is any uncertainty as to interpretation of these standards between the applicant and the administrator, the administrator may require a SUP.” Chairman Pack asked if it could just be administratively approved. Mr. Settle stated that he could add “as long as the operator provides sufficient evidence that they were operating before the date of the ordinance, Town staff can administratively approve it.” Chairman Pack asked why the Town would want to discourage an accessory structure with an apartment to rent out. Mr. Settle stated that it gets very close to becoming an accessory dwelling or an accessory apartment. There is a different process for those. If someone asked for and received an SUP for short term rentals and sold the property, the new buyer might operate it as an accessory apartment/dwelling.

Mr. Torrey asked what the annual process would be for compliance with the ordinance. Mr. Settle stated that the SUP would cost \$400.00. Staff usually waives the site plan fee which is \$300.00. At the end of the process, the applicant must get a \$75.00 zoning permit. The business license fee is based on their gross annual receipts. The Town Attorney stated that if it is an Airbnb/homestay where the owner lives there then they would not have to get the special use permit. They would have to have a business license only. Chairman Pack stated that the SUP gives the Town additional control to make sure that it is not abused.

Mr. Torrey asked about the wording of “no more than two contracts in a seven-day period.” He explained that he does not feel it needs to be limited to two contracts per week. Mr. Settle explained that, in most cases, places would be leased for the weekend and possibly a couple of days out of the week. It prevents someone from having a constant carousel of renters. The proposed language limits short-term leases to no more than 104 nights in any calendar year. Mr. Settle asked if the Board would like to remove the proposed Section 2.Z.1.c altogether. Mr. Torrey felt it could be removed.

Vice Chairman Bryan asked about fire safety. Mr. Settle stated that he would check with the Virginia Department of Health to see what the requirements are for fire safety.

Chairman Pack stated that the proposed Section 2.Z.1.f states: “the operator of the short-term rental shall remain liable for all taxes that may be owed.” He would like to see the inclusion of the transient occupancy tax which is currently 6%. It will be a reminder to the operators that they have to pay occupancy taxes. Mr. Settle stated that he would make the change.

The Town Attorney suggested that the wording of the proposed Section 2.Z.1.e be modified to say, “accessory buildings/structures shall not be used or occupied as short-term rentals unless the primary residence is occupied by the property owner.” Chairman Pack suggesting adding “and

one per property.” There was much discussion among the members of the Planning Commission as to the proposed wording of this Section. Chairman Pack stated that he was okay with it as written because it does provide a way around it. The whole point of having an SUP option is to allow the Town to go into unique circumstances and restrict as appropriate but still allowing the homeowner to do it without abusing it. The Town Attorney stated that, for clarity purposes, it should say “except upon the issuance of a special use permit.” Councilman Pack agreed.

Mr. Settle clarified that, by next month, staff will return showing the following changes: the elimination of the proposed Section 2.Z.1.c, the amendment of the proposed Section 2.Z.1.e to include “except upon the issuance of an SUP by the Town Council”, the amendment of the proposed Section 2.Z.1.f to say “to include the transient occupancy tax”, language must be incorporated into the proposed text amendment in which existing short-term rentals operating prior to the date of adoption of the proposed SZO Section 2.Z and which conflict with the standards contained therein may be approved administratively by Town staff following the operators’ submittal of satisfactory evidence to Town staff that they were operating prior to the date of adoption of the proposed SZO Section 2.Z, and Town staff must consult with VDH to ascertain whether or not they have any role in the process of permitting and inspecting short-term rentals. If they are found to have involvement in this process, the proposed SZO Section 2.Z must be updated to reflect this.

Vice Chairman Bryan asked about the fire safety issue again. The Town Attorney explained that if someone rents a house in the Outer Banks they are not inspected except when the Certificate of Occupancy was issued. It is never inspected again for anything; not health, not fire, not anything. Chairman Pack stated that the management company takes care of some of that just as a good business practice.

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 the changes noted by Mr. Settle were incorporated into the proposed language.

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:

Mr. John Settle reported that, 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 the text amendment is included in the supporting documents.

Chairman Pack asked if there were any questions on the amendments.

The Planning Commission reached a favorable consensus on the application’s return for a public hearing at the next regularly-scheduled Planning Commission meeting.

Approval of the Tuesday, June 9th, 2020 Meeting Minutes:

The Town Attorney recommended the minutes be approved as presented. Mrs. Hillegass made a motion to approve the minutes. Mr. Torrey seconded the motion. Chairman Pack called for the vote.

On call for the vote, five members were present. Mr. Torrey voted aye, Mrs. Hillegass voted aye, Mr. Swecker voted aye, Vice Chairman Bryan voted aye, and Chairman Pack voted aye. There were no votes against the motion. The motion passed.

2020-2021 Planning Commission Group Photograph:

Chairman Pack recommended waiting until August since two members were absent. The group photograph will be rescheduled.

The meeting adjourned at 7:42 p.m.

Mr. Randy Pack - Chairman

Mr. John Settle – Community Development
& Planning Director