

Article 3.H:
D, Downtown District

Article 3.H:**D, Downtown****(Downtown Mixed Use District)****A. Purpose and Intent:**

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

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

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

B. Permitted Uses:

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

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

2. Retail sales establishments (exclusive of automobile dealerships and sales establishments, lumber and millwork retail sales and storage yards, 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 2020-09-01)

C. Uses Permitted by Special Use Permit:

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

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

10. Convenience or quick-service food stores (with or without automotive services).
 11. Theaters.
 12. Parking garages and structures.
 13. Public and private schools.
 14. Laundromats.
 15. Commercial recreation establishments (limited to indoor uses).
 16. Civic, fraternal, and/or social organization halls.
 17. Repair service establishments, for any given repair service which employs more than three (3) persons on the premises in a single shift and that all repair services are performed indoors.
 18. Waterfront retail business activities associated with the uses in this article, including boat docks and piers, yacht clubs, marinas and boat service facilities, storage and shipment of waterborne commerce, fish and shellfish receiving, seafood packing and shipping and recreational activities. Waterfront retail business uses shall require on-site parking in accord with Article 8, Parking and Loading Regulations.
 20. Child day care facilities.
 21. Farmers' markets and temporary stands for sale of produce and seasonal merchandise.
 22. Visitor centers and public restroom facilities.
 23. Churches and places of worship.
 24. Payday lending establishments, check-cashing establishments and pawn shops.
 25. Waiver of landscape and open space requirements.
 26. Waiver for increase in building height over 35 feet.
 27. Waiver of floor area ratio regulation.
 28. Waiver of yard requirements.
 29. Waiver of density for elderly housing.
 30. Waiver of Maximum density for residential uses.
 31. Waiver of Parking and Loading Requirements
 32. Event facilities (principal uses).
 33. Boating, country, and/or hunt clubs.
- (Ord. of 9-2-2008, 4-5-2011, Ord. of 2019-09-03)

D. Lot Size Requirements:

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

E. Bulk Regulations:

1. Maximum building height:
 - a. Residential and business uses: 35 feet
 - b. Public and semi-public buildings: 45 feet
 - c. Church spires: 90 feet

2. Minimum yard requirements
 - a. Front yard: Not regulated; provided

Front yard dimensions shall conform to within twenty percent (20%) of the setback of the average of the existing adjacent structures on the same side of the street as the primary structure.
 - b. Side yard: 5 feet; except
 - (1) Side yard shall be at least 10 feet or as otherwise required by buffer yard criteria where adjacent to any residential district, and
 - (2) Side yard shall be at least 10 feet where adjacent to a public right-of-way, an alley and which is recorded as an ingress/egress easement.
 - c. Rear yard: Not regulated; except rear yard shall be at least 10 feet where adjacent to any residential district.

3. Maximum floor area ratio: 2.0

4. Maximum residential density:
 - a. 12 dwelling units per net developable acre for mixed use structures.
 - b. 12 dwelling units per net developable acre for multifamily dwellings and housing for the elderly.

- c. 8 dwellings units per net developable acre for single family attached dwellings.
- d. 4 dwelling units per net developable acre for single family detached dwellings.
(Ord. of 5-4-2004)

F. Open Space:

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

G. Net Developable Area Calculation:

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

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

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

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

4. No D District lot shall be designed or employed for use in which an area more than twenty-five percent (25%) of the prescribed minimum lot area is comprised of one or more of the following physical land units: (a) slopes 30% or more, (b) wetlands, (c) 100-year floodplains, and (d) water features.
(Ord. of 8-1-2001)

H. Additional Regulations

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

- c. When on-site parking is to be provided on a lot in the D District, such off-street parking shall comply with the Parking and Loading requirements per Article 8.
 - d. On-site parking in accord with Article 8 shall be required for waterfront retail and waterfront business uses (as granted by special permit) in the D District.
6. Establishments offering outdoor dining shall be subject to the provisions regulating such uses in the Town Ordinance.
7. Refer to the Floodplain Zoning Overlay District, where applicable.
8. Refer to the Chesapeake Bay Preservation Area Overlay District.
9. Refer to Landscaping and Screening, Article 9, for screening and buffer yard provisions.
10. Refer to the Smithfield Historic District Design Guidelines and the HP-O District for additional design standards and criteria, where applicable. For properties located within the HP-O District, no site plan shall be approved by the Planning Commission prior to the issuance of a Certificate of Appropriateness.
11. Refer to the Signage regulations in Article 10, where applicable.
12. Any subdivision or lot which is proposed to be developed on shrink/swell soils shall require a geotechnical report to be submitted with the preliminary plat and plans. Such report shall be prepared by a registered professional engineer and shall address the feasibility of development on the subject soils. No subdivision plat or site plan shall be approved for final recordation until a foundation engineering report has been reviewed by the Town. All recorded plats for lots containing shrink/swell soils shall bear the following note: *“This lot contains shrink/swell soils which require special engineering design for foundations and structural elements. No structure will be approved for issuance of a building permit until a foundation engineering design prepared by a certified professional engineer has been approved for the proposed structure.”*
13. Subject to special use permit approval, the outdoor area devoted to storage, loading and display of goods shall be limited to a maximum of 15% of the total lot area and as otherwise designated on an approved site plan. Outdoor storage, loading and display areas in excess of 15% may be approved under special circumstances when the applicant can demonstrate need and provide expanded and enhanced screening, buffers and landscaping.

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

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