

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

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

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

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

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

1. That Article 2, General Regulations, is hereby amended by the inclusion of the following Section AA.:

AA. Public Buildings, New Construction.

1. The purpose of establishing these provisions is to protect the aesthetic and visual character of the new construction of primary and accessory structures intended as public buildings, located on government owned parcels, as defined herein, and to provide for and promote their orderly development. All new construction proposed, meeting the definitions below, shall be subject to the procedures, standards, and guidelines specified in the following Sections, in addition to those standards pertaining to the particular base zoning district and overlays in which the development occurs.

a. New Construction:

- i. For the purpose of this section, new construction includes the addition of additional square footage to an existing building, along with the construction of a new primary building and / or accessory building(s).
- ii. For the purpose of this section, new construction does not include exterior modification and / or changes to existing structures, both

primary and accessory.

b. Public Buildings:

- i. For the purpose of this section, public buildings include any building constructed on a Town, County, State, and/ or Federally owned parcel, for the intended purpose of providing a service to the public, as either a primary or accessory use.

2. No new construction of a primary building or accessory structure shall be authorized or constructed in the Town unless and until the general location, character, and extent thereof has been submitted to and approved by the Planning Commission, as being substantially in conformance with the Guidelines of the Entrance Corridor Overlay (ECO) District, and Entrance Corridor Guidelines. This provision applies to properties that meet the definition above but are located outside of the ECO.
3. All development plans shall be submitted and reviewed according to the following procedures:
  - a. A complete development plan shall be submitted to the Zoning Administrator.
  - b. Applicants shall be informed in writing of the outcome of their review including a list of required revisions, if necessary.
  - c. After the complete development plan and related materials have been submitted, it shall be reviewed and processed by the Planning Commission and other affected governmental agencies for conformity to this Article and other applicable Articles and regulations. The Planning Commission shall act upon a complete development plan and related materials as submitted by the applicant, or as modified by the development plan review process within thirty (30) days, unless extensive modification to the development plan or extenuating circumstances requires additional time.
  - d. Applicants shall be informed in writing of a final decision of the development plan.
4. Waivers
  - a. An applicant or owner may request a waiver, variation or substitution pursuant to the requirements and application of this article. A written request for a waiver, variation or substitution shall state the rationale and justification for such request together with such alternatives as may be

proposed by the applicant or owner.

- b. Such request shall be submitted to the Planning and Zoning Administrator with the filing of a preliminary or final site plan.
- c. The Planning Commission, at its sole discretion, may accept the request for waiver, variation or substitution for any requirement in a particular case upon a finding that the waiver, variation or substitution of such requirement would advance the purposes of this ordinance and otherwise serve the public interest in a manner equal to or exceeding the desired effects of the requirements of the ordinance. Alternatively, the Planning Commission may recommend a conditional modification to the request, or the Planning Commission may deny the request.
- d. Approval or conditional approval of a waiver, variation, or substitution shall be accompanied by a statement from the Planning Commission as to the public purpose served by such waiver, variation, or substitution, particularly in regard to the purpose and intent of this article, this ordinance, the subdivision ordinance, and the Comprehensive Plan.
- e. No such waiver, variation, or substitution shall be detrimental to the public health, safety, or welfare, orderly development of the area, sound engineering practice, or to properties located within the project impact area.

5. Appeal to Town Council

- a. Appeals of a decision of the Planning and Zoning Administrator in the administration of this article shall be to the Planning Commission as provided in Section 15.2-2311 (1997) of the Code of Virginia.
- b. Appeals of a decision of the Planning Commission by the applicant or a party in interest regarding a site plan, waiver, variation, or substitution shall be to the Town Council, provided that such appeal is filed with the Town Manager within ten (10) calendar days of the decision being appealed. The appeal shall be placed on the agenda of the Town Council at the next regular meeting. The Town Council may reverse or affirm, wholly or partly, or may modify the decision of the Planning Commission.

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

TOWN OF SMITHFIELD, VIRGINIA

Adopted: February 7, 2023

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Clerk