

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS
OF SMYTH COUNTY, VIRGINIA, HELD AT THE SMYTH COUNTY ADMINISTRATION
BUILDING ON TUESDAY, MAY 10, 2016

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**ORDINANCE TO AMEND THE CODE OF SMYTH COUNTY, VIRGINIA,
APPENDIX A - ZONING ORDINANCE BY:**

- **ADDING TOWNHOUSES TO ARTICLE IV, GENERAL PROVISIONS AND SUPPLEMENTARY REGULATIONS, SECTIONS 4-14.1 and 4-14.2;**
- **ADDING NEW AVAILABLE PERMITTED BY RIGHT USES AND SPECIAL USES BY PERMIT IN ARTICLE III, DISTRICT REGULATIONS:**
 - **SECTIONS 3-1.1, 3-1.2, AGRICULTURAL DISTRICT;**
 - **SECTIONS 3-2.1, 3-2.2, AGRICULTURAL/RURAL DISTRICT;**
 - **SECTION 3-3.2, RESIDENTIAL DISTRICT;**
 - **SECTIONS 3-4.1, 3-4.2, COMMERCIAL DISTRICT;**
 - **SECTIONS 3-5.1, 3-5.2, INDUSTRIAL DISTRICT;**
 - **SECTION 3-6.2 , CONSERVATION RECREATION DISTRICT;**
- **REMOVING REFERENCE TO RECREATIONAL DEVELOPMENTS IN THE CONSERVATION RECREATION DISTRICT; AND**
- **REPEALING AND ADDING NEW OR AMENDED DEFINITIONS TO ARTICLE X AND REPEALING PORTIONS OF DEFINITIONS AND THE NUMBERING SYSTEM.**

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WHEREAS, § 15.2-2200 *et. seq.* of the Code of Virginia (1950), as amended, permits localities by ordinance to adopt and amend a zoning ordinance; and,

WHEREAS, it is in the best interest of Smyth County to provide ample opportunity for development while maintaining the ability for citizens to comment; and,

WHEREAS, the Board of Supervisors in conjunction with the Smyth County Planning Commission has amended the Smyth County Zoning Ordinance from time to time;

WHEREAS, the Board of Supervisors established a Joint Board of Supervisors and Planning Commission Ordinance Committee to review and recommend amendments to the Zoning Ordinance to the Planning Commission and the Board of Supervisors; and,

WHEREAS, the Planning Commission, with a recommendation from the Joint Ordinance Committee and in accordance with Va. Code §§ 15.2-2285 and 15.2-2286, are

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of the opinion that the public necessity, convenience, general welfare, or good zoning practice warrant the consideration of the following Zoning Ordinance amendment;

WHEREAS, notice was published as per § 15.2-2204 of the Code of Virginia, (1950), as amended, on April 16 and April 23, 2016 for a joint public hearing held on April 28, 2016

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NOW THEREFORE, BE IT ORDAINED, by the Board of Supervisors of Smyth County, Virginia as follows:

1. That Smyth County Zoning Ordinance, Appendix A of the Smyth County Code, shall be amended and re-ordained to add new provisions on townhouses, add new or amended definitions and provide for additional permitted and special uses designated by district. The Smyth County Code Zoning Ordinance is amended and re-enacted by inserting the following language shown underlined and deleting the following language shown in strikethrough:

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ARTICLE 4 – GENERAL PROVISIONS AND SUPPLEMENTARY REGULATIONS

Sec. 4-14.1 Townhouses

Townhouses - Requirements. Single family dwelling units constructed in a row of attached units separated by property lines and with open space on at least two sides. Also, the following shall apply:

- (1) Townhouses shall be served by public sewer and water connections.
- (2) Each townhouse unit shall have at least two off-street parking spaces.
- (3) Minimum lot size for each unit shall be 1800 square feet.
- (4) End units shall have a minimum side yard width of 15 feet to be owned by the end units but with an easement for all connecting units to access the back of their units.
- (5) If the back lots of the townhouse units do not adjoin a public street, the back yards shall have a 15 foot easement along the property line.

(Ord. of 10-12-2001; Amend. 5-10-16)

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Sec. 4-14.2 Townhouses - Open space and amenities.

- (1) In any townhouse project resulting in the creation of any open space and amenities thereon, broadly defined, including but not limited to private streets not dedicated to public use, the maintenance and upkeep of such areas and elements shall be provided for by an arrangement acceptable to the county and in compliance with this article or applicable state statutes.
- (2) In any townhouse project consisting of open space and amenities related to the project in such manner that the condominium act is applicable, the project shall conform with the requirements of that act.
- (3) In any townhouse project consisting of open space and amenities related to the project in such manner that the condominium act is not applicable, the developer shall meet the following requirements:
 - (i) Establish a nonprofit entity according to the provisions of the Virginia Nonstock Corporation Act, Code of Virginia, § 13.1-801 et seq., whose membership shall be all individuals or corporations owning residential property within the townhouse project and whose purpose shall be to hold title in fee simple to, and be responsible for the maintenance and upkeep of, such open space.
 - (ii) Hold title to and be responsible for such open space until such time as conveyance to such a nonprofit entity occurs. Such conveyance shall occur when at least 75 percent of the townhouse units have been sold.
 - (iii) Provide proper agreements and covenants running with the land and in favor of the citizens of the county, requiring membership in such a nonprofit entity. Such agreements and covenants shall include, among other things, that any assessments, charges and cost of maintenance of the open space shall constitute a pro rata lien upon the individual townhouse lots, inferior in lien and dignity only to taxes and bona fide duly recorded first and second mortgages or deeds of trust on the townhouse lot.
- (4) The administrator shall notify the state real estate commission in writing requesting their determination as to the applicability of the condominium act for all proposed townhouse projects involving open space and amenities.
- (5) All open space shown on the approved site plan is binding as to location and use proposed.

(Ord. of 10-12-2001; Amend. 5-10-16)

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ARTICLE III. - DISTRICT REGULATIONS

3-1.1 Uses Permitted by Right in the A District. Uses permitted by right in the Agricultural District shall be established in compliance with this article, Article IV, supplementary regulations, and other applicable Smyth County Ordinances. Uses permitted by right are limited to one or more of the following uses:

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- (a) Agriculture.
- (b) Single-family dwelling.
- (c) Manufactured home.
- (d) Accessory dwelling.
- (e) Home occupation.
- (f) Recreational dwelling.
- (g) Temporary forestry operations, including necessary temporary uses or buildings such as temporary sawmill, but not stationary sawmill.
- (h) Public and semi-public uses including:
 - (1) Cemetery.
 - (2) Church.
 - (3) Community center.
 - (4) Fire department and rescue squad establishments.
 - (5) Park, playground, or ball field.
 - (6) Public school.
 - (7) Recreational trail, including hiking, riding, or bicycling.
- (i) Public utility facilities, including water and sewer lines, tanks, pump stations; electric, telephone and cable television facilities, but excluding communications towers and electric generating or booster facilities.
- (j) General country store or convenience store.
- (k) Personal service business.
- (l) Professional office.
- (m) Lodge or country inn.
- (n) Bed and breakfast establishment.
- (o) Animal clinic.
- (p) Antique and/or craft shop.
- (q) Vineyard and/or winery.
- (r) Hunting club.
- (s) Commercial greenhouse or nurseries.
- (t) Group homes.
- (u) Service business, general contractor, minor

(Ord. of 10-12-2001; Amend. 5-10-16)

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3-1.2. Uses Permitted with Special Use Permit in the A District. Special uses in the Agricultural District may be permitted following a public hearing and approval as set forth in Article VI. Special uses are limited to one or more of the following uses:

- (a) Restaurant.
- (b) Retail store and shop, other than antique or craft shop.
- (c) Agricultural equipment sales and service.
- (d) Kennel.
- (e) Fruit and vegetable packing plant.
- (f) Commercial stables.
- (g) Campground ~~or~~ and recreational vehicle park.
- (h) Communication tower.
- (i) Electric generating or booster facilities.
- (j) Roadside market.

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- (k) Mining, quarrying, and mineral extraction.
- (l) Solid waste/recycling convenience station, excluding landfills and transfer stations.
- (m) Recreation facilities, including, game room, summer camp, fairgrounds, and other similar uses.
- (n) Service business, general contractor, major
- (o) Emergency communication network (ECN) towers.
- (p) Commercial rodeo rings or arenas.
- (q) Accessory buildings above 150 square feet in size, without a main building.
- (r) Auction house.
- (s) Permanent forestry operations.
- (t) Group care facility.
- (u) Auditorium.
- (v) Automotive sales.
- (w) Automotive servicing and parts.
- (x) Automotive sales and service.
- (y) Boardinghouse
- (z) Broadcasting/ radio or Television Station
- (aa) Brewery
- (bb) Cab service
- (cc) Campground
- (dd) Catering facility
- (ee) Commercial bus station
- (ff) Commercial bus terminal
- (gg) Distillery
- (hh) Ecotourism, major
- (ii) Ecotourism, minor
- (jj) Event center
- (kk) Laboratory, medical and analytical
- (ll) Livestock market
- (mm) Meat processing facility
- (nn) Microbrewery
- (oo) Microdistillery
- (pp) Nanobrewery
- (qq) Recreational vehicle park
- (rr) Recreational vehicle sales, service, and rental
- (ss) Shooting range, indoor
- (tt) Shooting range, outdoor
- (uu) Stonecutting, monument ~~manufacturing~~.
- (vv) Taxidermy
- (ww) Tire recapping ~~or~~ retreading
- (xx) Townhouse

(Ord. of 10-12-2001; Amend. 5-10-16)

3-2.1. Uses Permitted by Right in the A/R District. Uses permitted by right in the Agricultural/Rural District shall be established in compliance with this article, Article IV,

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supplementary regulations, and other applicable Smyth County Ordinances. Uses permitted by right are limited to one or more of the following uses:

- (a) Agriculture.
- (b) Single-family dwelling.
- (c) Manufactured home.
- (d) Accessory dwelling.
- (e) Two-family dwelling.
- (f) Home occupation.
- (g) Recreational dwelling.
- (h) Temporary forestry operations, including necessary temporary uses or buildings such as temporary sawmill, but not stationary sawmill.
- (i) Public and semi-public uses including:
 - (1) Cemetery.
 - (2) Church.
 - (3) Community center.
 - (4) Fire department and rescue squad establishments.
 - (5) Library.
 - (6) Museum.
 - (7) Park, playground, or ball field.
 - (8) Post office.
 - (9) Public school.
 - (10) Recreational trail, including hiking, riding, or bicycling.
- (j) Public utility facilities, including water and sewer lines, tanks, pump stations; electric, telephone and cable television facilities, but excluding communications towers and electric generating or booster facilities.
- (k) General country store or convenience store.
- (l) Personal service business.
- (m) Professional office.
- (n) Lodge or country inn.
- (o) Bed and breakfast establishment.
- (p) Animal clinic.
- (q) Fruit packing plant.
- (r) Vineyard and/or winery.
- (s) Hunting club.
- (t) Antique or craft shop.
- (u) Commercial greenhouse or nursery.
- (v) Group homes.
- (w) Service business, general contractor, minor

(Ord. of 10-12-2001; Amend. 5-10-16)

3-2.2. Uses Permitted with Special Use Permit in the A/R District. Special uses in the Agricultural/Rural District may be permitted following a public hearing and approval as set forth in Article VI. Special uses are limited to one or more of the following uses:

- (a) Private school, childcare center or eldercare center.
- (b) Restaurant.
- (c) Retail stores and shops, other than antique or craft shop.

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- (d) Flea market or roadside market.
- (e) Automotive sales and service.
- (f) Agricultural equipment sales and service.
- (g) Kennel.
- ~~(h) Commercial stables.~~
- ~~(j) Campground or recreational vehicle park.~~
- ~~(i) Communication tower.~~
- ~~(k) Electric generating or booster facilities.~~
- ~~(l) Group home.~~
- ~~(m) Rest home.~~
- ~~(n) Multi-family dwelling.~~
- ~~(o) Townhouses, in accordance with the applicable provisions in the Smyth County Subdivision Ordinance.~~
- ~~(p) Manufactured home park, in accordance with Chapter 50 of the Smyth County Code.~~
- ~~(q) Mining, quarrying, and mineral extraction.~~
- ~~(r) Solid waste/recycling convenience station, excluding landfills and transfer stations.~~
- ~~(s) Recreation facilities, including golf course, game room, summer camp, fairgrounds, and other similar uses.~~
- ~~(t) Junkyards and automobile graveyards, defined in Article X and regulated in Article IV.~~
- ~~(u) Service business, general contractor, major~~
- ~~(v) Emergency communication network (ECN) towers.~~
- ~~(w) Commercial rodeo rings or arenas.~~
- ~~(x) Accessory buildings above 150 square feet in size, without a main building.~~
- ~~(y) Auction house.~~
- ~~(z) Permanent forestry operations.~~
- ~~(aa) Mini-warehouse.~~
- ~~(bb) Group care facility.~~
- ~~(cc) Auditorium.~~
- ~~(dd) Automotive sales.~~
- ~~(ee) Automotive servicing and parts.~~
- ~~(ff) Boardinghouse.~~
- ~~(gg) Broadcasting radio or Television Station~~
- ~~(hh) Brewery~~
- ~~(ii) Cab service~~
- ~~(ji) Campground~~
- ~~(kk) Catering facility~~
- ~~(ll) Commercial bus station~~
- ~~(mm) Commercial bus terminal~~
- ~~(nn) Distillery~~
- ~~(oo) Ecotourism, major~~
- ~~(pp) Ecotourism, minor~~
- ~~(qq) Event center~~
- ~~(rr) Laboratory, medical and analytical~~
- ~~(ss) Livestock market~~
- ~~(tt) Meat processing facility~~
- ~~(uu) Microbrewery~~
- ~~(vv) Microdistillery~~

- Deleted: (h) Commercial slaughterhouse.¶
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- ~~(ww)~~ Nanobrewery
- ~~(xx)~~ Recreational vehicle park
- ~~(yy)~~ Recreational vehicle sales, service, and rental
- ~~(zz)~~ Shooting range, indoor
- ~~(aaa)~~ Shooting range, outdoor
- ~~(bbb)~~ Stonecutting, monument ~~manufacturing~~
- ~~(ccc)~~ Taxidermy
- ~~(ddd)~~ Tire recapping ~~or~~ retreading

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(Ord. of 10-12-2001; Amend. 5-10-16)

3-3.1. Uses Permitted by Right in the R District. Uses permitted by right in the Residential District shall be established in compliance with this article, Article IV, supplementary regulations, and other applicable Smyth County Ordinances. Uses permitted by right are limited to one or more of the following uses:

- (a) Single-family dwelling.
- (b) Manufactured home, if doublewide in width or larger, and with a masonry type skirting.
- (c) Home occupation.
- (d) Church.
- (e) Group homes.

3-3.2. Uses Permitted with Special Use Permit in the R District. Special uses in the Residential District may be permitted following a public hearing and approval as set forth in Article VI. Special uses are limited to one or more of the following uses:

- (a) Schools (public and private), childcare, or elder care center.
- (b) Public recreational facilities (parks, playgrounds, ball fields).
- (c) Community centers.
- (d) Townhouse, ~~as defined in the Smyth County Subdivision Zoning Ordinance.~~
- (e) Two-family or multi-family dwelling units.
- (f) Bed and breakfast.
- (g) Emergency communication network (ECN) towers.
- (h) Accessory buildings above 150 square feet in size, without a main building.
- (i) Group care facility.
- (j) ~~Auditorium.~~
- (k) ~~Automotive sales.~~
- (l) ~~Automotive servicing and parts.~~
- (m) ~~Automotive sales and service.~~
- (n) ~~Boardinghouse~~
- (o) ~~Broadcasting/ radio or Television Station~~
- (p) ~~Cab service~~
- (q) ~~Catering facility~~
- (r) ~~Commercial bus station~~
- (s) ~~Ecotourism, major~~
- (t) ~~Ecotourism, minor~~
- (u) ~~Event center~~
- (v) ~~Laboratory, medical and analytical~~
- (w) ~~Microbrewery~~

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- (x) Microdistillery
- (y) Nanobrewery
- (z) Recreational vehicle sales, service, and rental
- (aa) Service business, general contractor, major
- (bb) Service business, general contractor, minor
- (cc) Stonecutting, monument manufacturing
- (dd) Taxidermy
- (ee) Vineyard and/or Winery

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(Ord. of 10-12-2001; Amend. 5-10-16)

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3-4.1. Uses Permitted by Right in the C District. Uses permitted by right in the Commercial District shall be established in compliance with this article, Article IV, supplementary regulations, and other applicable Smyth County Ordinances. Uses permitted by right are limited to one or more of the following uses:

- (a) Personal service businesses.
- (b) Professional office.
- (c) Retail stores.
- (d) Dry cleaners and laundromat.
- (e) Banks and other financial institutions.
- (f) Restaurants.
- (g) Furniture, home appliance, and home decorating stores.
- (h) Automobile sales and service.
- (i) Feed and seed store.
- (j) Commercial greenhouse, garden supply and plant sales.
- (k) Convenience stores and gasoline sales.
- (l) Hotels and motels and bed and breakfast inns.
- (m) Theaters.
- (n) Health/fitness clubs.
- (o) Recreation facilities, including bowling, miniature golf course, and game room.
- (p) Mini-warehouse.
- (q) Funeral home.
- (r) Roadside market.
- (s) Fire department and rescue squad facilities.
- (t) Medical services and supply sales.
- (u) Accessory dwelling.
- (v) Construction sales and service.
- (w) Animal clinic.
- (x) Automobile body shop with inside vehicle storage.
- (y) Machinery sales and service including farm and construction machinery.
- (z) Call center and/or data processing facility.
- (aa) Public and semi-public uses including:
 1. Cemetery.
 2. Church.
 3. Community center.
 4. Fire department and rescue squad establishments.
 5. Library

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- 6. Museum.
- 7. Park, playground, or ball field.
- 8. Post office.
- 9. School.
- 10. Recreational trail, including hiking, riding, or bicycling.
- (bb) Flea market.
- (cc) Antique/craft shop.
- (dd) Auction house.
- (ee) Garage.
- (ff) Private school.
- (gg) Auditorium
- (hh) Automotive sales
- (ii) Automotive Servicing and Parts
- (jj) Broadcasting/radio or Television Station
- (kk) Brewery
- (ll) Cab service.
- (mm) Catering facility
- (nn) Commercial bus station
- (oo) Commercial bus terminal
- (pp) Distillery
- (qq) Laboratory, medical and analytical
- (rr) Microbrewery
- (ss) Microdistillery
- (tt) Nanobrewery
- (uu) Recreational vehicle sales, service and rental
- (vv) Service business, general contractor, major
- (ww) Service business, general contract, minor
- (xx) Stonecutting, monument ~~manufacturing~~
- (yy) Taxidermy
- (zz) Tire recapping ~~or~~ retreading
- (aaa) Vineyard ~~and/or~~ Winery

(Ord. of 10-12-2001; Amend. 5-10-16)

3-4.2. Uses Permitted with Special Use Permit in the C District. Special uses in the Commercial District may be permitted following a public hearing and approval as set forth in Article VI. Special uses are limited to one or more of the following uses:

- (a) Kennels.
- (b) Amusement or Entertainment Establishments.
- (c) Sales of Major Recreational Equipment.
- (d) Sales of Manufactured or Modular Housing.
- (e) Storage Warehouses.
- (f) Wholesale Distribution and Sales.
- (g) Truck Stops.
- (h) Communications Tower.
- (i) Electric Generating or Booster Station.
- (j) Childcare or Eldercare center.

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- (k) Light Manufacturing.
- (l) Petroleum, fuel oil, or propane storage for purposes of distribution.
- (m) Medical care facility.
- (n) Emergency Communication Network (ECN) Towers.
- (o) Accessory Buildings above 150 square feet in size, without a Main Building
- (p) Adult Bookstore or Adult Video Store.
- (q) Adult Drive-In Theater.
- (r) Adult Entertainment Establishment.
- (s) Adult Mini-Motion Picture Theater.
- (t) Adult model studio.
- (u) Adult Motion Picture Arcade.
- (v) Adult Motion Picture Theater.
- (w) Adult Retail Store.
- (x) Massage Parlor.
- (y) Group Care Facility.
- (z) Boardinghouse.
- (aa) Campground.
- (bb) Campground and recreational vehicle park.
- (cc) Ecotourism, major.
- (dd) Ecotourism, minor.
- (ee) Event center.
- (ff) Livestock market.
- (gg) Meat processing facility.
- (hh) Recreational vehicle park.
- (ii) Shooting range, indoor.
- (ij) Shooting range, outdoor.
- (kk) Townhouse

(Ord. of 10-12-2001; Amend. 5-10-16)

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3-5.1. Uses Permitted by Right in the Industrial District. Uses permitted by right in the Industrial District shall be established in compliance with this article, Article IV, supplementary regulations, and other applicable Smyth County Ordinances. Uses permitted by right are limited to one or more of the following uses:

- (a) Food, tobacco, and beverage products manufacturing, excluding animal slaughtering and processing.
- (b) Textile mills, knitting mills, and apparel manufacturing.
- (c) Leather and associated product manufacturing.
- (d) Wood products manufacturing, excluding stationary sawmills.
- (e) Paper products manufacturing, excluding pulp, paper, and paperboard mills.
- (f) Printing establishments.
- (g) Pharmaceutical and medicine manufacturing.
- (h) Plastics and rubber products manufacturing.
- (i) Non-metallic mineral product manufacturing, excluding concrete, cement, lime, or gypsum manufacturing or processing.
- (j) Fabricated metal products.
- (k) Machinery manufacturing.

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- (l) Computer and electronic products.
- (m) Electrical equipment, appliance, and component manufacturing.
- (n) Transportation equipment, including assembly of automotive components.
- (o) Furniture and related product manufacturing.
- (p) Construction sales and service.
- (q) Contractor equipment storage yards.
- (r) Storage warehouses.
- (s) Wholesale distribution and sales.
- (t) Truck terminal.
- (u) Call center and/or data processing facility.
- (v) Church.
- (w) Brewery
- (x) Cab service.
- (y) Catering facility
- (z) Commercial bus station
- (aa) Commercial bus terminal
- (bb) Distillery
- (cc) Laboratory, medical and analytical
- (dd) Microbrewery
- (ee) Microdistillery
- (ff) Nanobrewery
- (gg) Service business, general contractor, major
- (hh) Service business, general contractor, minor
- (ii) Taxidermy
- (jj) Tire recapping or retreading
- (kk) Vineyard and/or Winery

(Ord. of 10-12-2001; Amend. 5-10-16)

3-5.2. Uses Permitted with Special Use Permit in the Industrial District. Special uses in the Industrial District shall be permitted following a public hearing and approval as set forth in Article VI. Special Uses are limited to one or more of the following uses:

- (a) Paper, pulp, and paperboard mills.
- (b) Stationary sawmills.
- (c) Petroleum and coal products manufacturing, including asphalt materials.
- (d) Chemical manufacturing, including processing and storage.
- (e) Concrete, cement, lime, or gypsum manufacturing or processing.
- (f) Primary metal manufacturing, including steel mills, foundries, and smelting activities.
- ~~(g) Commercial slaughterhouse.~~
- (g) Mining, quarrying, mineral extraction and processing.
- (h) Electric generating and booster facilities.
- (i) Communication towers.
- (j) Childcare or eldercare center.
- (k) Incineration facility.
- (l) Emergency communication network (ECN) towers.
- (m) Accessory buildings above 150 square feet in size, without a main building.
- (n) Mini-warehouse.

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- (o) Auditorium
- (p) Automotive sales
- (q) Automotive servicing and parts
- (r) Automotive sales and service
- (s) Boardinghouse
- (t) Broadcasting/radio or Television Station
- (u) Ecotourism, major.
- (v) Ecotourism, minor.
- (w) Event center.
- (x) Livestock market.
- (y) Meat processing facility.
- (z) Recreational vehicle sales, service and rental
- (aa) Shooting range, indoor.
- (bb) Shooting range, outdoor.
- (cc) Stonecutting, monument manufacturing,
- (dd) Townhouse

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(Ord. of 10-12-2001; Amend of 4-9-2014; Amend 5-10-16)

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3-6.1. Uses Permitted by Right in the C/R District. Uses permitted by right in the Conservation/Recreation District shall be established in compliance with this article, Article IV, supplementary regulations, and other applicable Smyth County Ordinance. Uses permitted by right are limited to the following uses:

- (a) Agriculture.
- (b) Single-family dwelling.
- (c) Recreational dwelling.
- (d) Wildlife refuges and conservation areas.
- (e) Home occupation, as defined.
- (f) Church.
- (g) Recreational trail.
- (h) Group homes.

3-6.2. Uses Permitted with Special Use Permit in the C/R District. Special uses in the Conservation/Recreation District shall be permitted following a public hearing and approval as set forth in Article VII. Special Uses are limited to one or more of the following uses:

- (a) Recreational facilities, such as parks, ~~campgrounds~~, golf courses.
- (b) Bed and breakfast establishments.
- (c) Commercial stables.
- (e) Community centers.
- (f) ~~Recreational developments in accordance with the definition and provisions contained in the Smyth County Subdivision Zoning Ordinance.?~~
- (f) Restaurant.
- (g) Emergency communication network (ECN) towers.
- (h) Accessory buildings above 150 square feet in size, without a main building.
- (i) Group care facility.
- (j) Auditorium
- (k) Cab service.

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- (l) Campground.
- (m) Campground and recreational vehicle park.
- (n) Catering facility
- (o) Commercial bus station
- (p) Distillery
- (q) Ecotourism, major.
- (r) Ecotourism, minor.
- (s) Event center.
- (t) Microbrewery
- (u) Microdistillery
- (v) Nanobrewery
- (w) Recreational vehicle park
- (x) Recreational vehicle sales, service, and rental
- (y) Shooting range, indoor
- (z) Shooting range, outdoor
- (aa) Stonecutting, monument manufacturing,
- (bb) Taxidermy
- ~~(cc)~~ Townhouse
- ~~(dd)~~ Vineyard and/or Winery

(Ord. of 10-12-2001; Amend. 5-10-16)

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ARTICLE X. - DEFINITIONS

(Current definitions titles included; definitions omitted for brevity.)

- ~~Section 10 1.~~— Accessory Building or Structure.
- ~~Section 10 2.~~— Accessory Use.
- ~~Section 10 2.1.~~— Adult Book Store and Adult Video Store.
- ~~Section 10 2.2.~~— Adult Drive-In Theater.
- ~~Section 10 2.3.~~— Adult Entertainment Establishment.
- ~~Section 10 2.4.~~— Adult Mini-Motion Picture Theatre.
- ~~Section 10 2.5.~~— Adult Model Studio.
- ~~Section 10 2.6.~~— Adult Motion-Picture Arcade.
- ~~Section 10 2.7.~~— Adult Motion Picture Theater.
- ~~Section 10 2.8.~~— Adult Retail Store.
- ~~Section 10 2.9.~~— Adult Use.
- ~~Section 10 3.~~— Agricultural Equipment Sales and Service.
- ~~Section 10 4.~~— Agriculture.
- ~~Section 10 5.~~— Animal Clinic.
- ~~Section 10 5.1.~~— Antique/Craft Shop.
- ~~Section 10 5.2.~~— Arena.
- ~~Section 10 5.3.~~— Auction House.

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Auditorium. An open, partially enclosed, or fully enclosed facility used or intended to be used primarily for spectator sports, entertainment events, expositions, and other public gatherings. Typical uses include convention and exhibition halls, sports arenas, and amphitheaters.

Section 10-6.—Auto Body Shop.

Section 10-7.—Automobile Graveyard.

Automotive Sales. The use of any building, land area or other premise for the display and sale of new or used automobiles, trucks or vans, or trailers, including any warranty repair work or other repair service conducted as an accessory use.

Section 10-8.— Automotive Sales and Service. Any establishment with primary purpose of selling, cleaning, servicing, or repairing motor vehicles, excluding auto body shop. The combination of a use involving both automotive sales and automotive servicing and parts as defined herein.

Automotive Servicing and Parts. The use of any building, land area or other premise for the sale and installation of parts such as tires, batteries, mufflers, and brakes; routine maintenance such as oil change and lubrication; or other incidental repair; but excludes the outdoor storage of damaged vehicles and an auto body shop.

Section 10-9.—Bed and Breakfast Inn.

Boardinghouse. A building where, for compensation, lodging and meals are provided for at least five and up to 14 persons.

Brewery. A facility that produces and sells more than 10,000 barrels of ales, beer or other malt liquors per year (as defined within §4.1-100, Code of Virginia, as amended), and which requires a license from the Virginia Department of Alcoholic Beverage Control. For the purposes of this definition, a barrel shall mean a container designed to hold thirty-one gallons.

Broadcasting/Radio or Television Station. A broadcasting facility licensed by the Federal Communications Commission, which may include transmitting and receiving equipment, studios, offices, utility buildings, and other necessary accessories needed to operate the facility.

Section 10-10. - Building.

Section 10-10.1. - Building, Principal.

Cab Service. A business operating two (2) or more taxicabs, limousines, or vans.

Section 10-11.— Call Center and/or Data Processing Facility.

Section 10-12.— Campground.

Campground and Recreational Vehicle Park. The combination of a use involving both campground and recreational vehicle park as defined herein.

Catering Facility. An establishment in which the principal use is the preparation of food and meals on the premises, and where such food and meals are delivered to another location for consumption.

~~Section 10-13.—Childcare Center.~~

Commercial Bus Station. Facility for the pick-up and discharge of passengers and freight for buses; includes ticket sales and may include administrative offices.

Commercial Bus Terminal. A facility which includes equipment and garage for the maintenance, storage, and refueling of buses.

~~Section 10-14.— Commercial Greenhouse.~~

~~Section 10-15.— Commercial Slaughterhouse.~~

~~Section 10-16.— Commercial Stables.~~

~~Section 10-17.— Communication Tower.~~

~~Section 10-17.1.— Emergency Communications Network Tower (ECN).~~

~~Section 10-18.— Community Center.~~

~~Section 10-19.— Construction Sales and Service.~~

~~Section 10-20.— Convenience Store or General Country Store.~~

~~Section 10-21.— Country Inn.~~

Distillery. A facility that typically produces more than 5,000 gallons per year of distilled alcoholic beverages or spirits (as defined within §4.1-100 of the Code of Virginia, (1950), as amended), and may include the intake of grains, fruits, sugars, or other products, their fermentation, distilling, aging, and bottling. Products may include liquors, liqueurs, brandies, etc. Such facilities may include a tasting room or retail space to sell the products to patrons on site.

~~Section 10-22.— Dwelling, Accessory.~~

~~Section 10-23.— Dwelling, Multi-Family.~~

~~Section 10-24.— Dwelling, Single-Family.~~

~~Section 10-25.— Dwelling, Two-Family.~~

~~Section 10-26.— Dwelling, Unit.~~

Ecotourism means the use, for commercial purposes or by organizations exempted from taxation by Internal Revenue Code section 501(c)(3), of property for activities conducted in a natural woodland, water, mountain, field or other similar natural setting, including but not limited to ziplines, rope courses, geo-caching, orienteering, rock climbing, rappelling, trails for walking/running/equestrian use, fishing, kayaking, spelunking, and canoeing. A written narrative and site plan shall be submitted with any zoning application for proposed ecotourism for review and determination of whether the proposed use is minor ecotourism, major ecotourism, or commercial recreation.

Ecotourism, Major means all ecotourism other than minor ecotourism.

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Ecotourism, Minor means ecotourism that meets the following limitations: requires no more than two structures, which may be used for functions such as restroom facilities, concessions, ticket sales, storage, or other such uses associated with the ecotourism activity; with total square footage of such structures in combination not to exceed 3,000 square feet.

~~Section 10 27.— Eldercare Center.~~

~~Section 10 28.— Electric Generating or Booster Facilities.~~

~~Section 10 28.1.— Entertainment Establishment.~~

Event Center. A location, which may include on-site kitchen/catering facilities, where indoor and outdoor activities such as weddings, receptions, banquets, and other such gatherings are held by appointment.

~~Section 10 29.— Family.~~

~~Section 10 29.1.— Feed and Seed Store.~~

~~Section 10 30.— Flea Market.~~

~~Section 10 30.1.— Forestry Operations, Permanent.~~

~~Section 10 30.2.— Forestry Operations, Temporary.~~

~~Section 10 31.— Fruit and/or Vegetable Packing Plant.~~

~~Section 10 31.1.— Game Room.~~

~~Section 10 31.2.— Garage.~~

~~Section 10 32.— General Country Store.~~

~~Section 10 32.1.— Group Care Facility.~~

~~Section 10 33.— Group Home.~~

~~Section 10 34.— Health/Fitness Club.~~

~~Section 10 35.— Home Occupation.~~

~~Section 10 36.— Hunting Club.~~

~~Section 10 37.— Incineration Facility.~~

~~Section 10 38.— Junkyard.~~

~~Section 10 39.— Kennel.~~

~~**Laboratory—Medical and Analytical.** A facility for testing, analysis, and/or research. Examples of this use include medical labs, soils and materials testing labs, and forensic labs.~~

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~~Section 10 40.— Landfill.~~

~~Section 10 40.1.— Library.~~

~~Section 10 40.2.— Light Manufacturing.~~

~~**Livestock Market.** A commercial establishment wherein livestock is collected for sale and auctioned off.~~

~~Section 10 41.— Lodge or Country Inns.~~

~~Section 10 42.— Lot.~~

~~Section 10 42.1.— Lot Line(s).~~

~~Section 10 43.— Lot of Record.~~

~~Section 10 43.1.— Machinery Sales and Service.~~

~~Section 10 44.— Manufactured Home.~~

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Section 10-45.—Manufactured Home Park.

Section 10-45(A)— Massage Parlor.

Meat Processing Facility. A building where game or domestic animals are killed and/or processed and meets state or federal standards.

Section 10-45.1.— Medical Care Facility.

Section 10-45.2.—Medical Supplies and Services.

Microbrewery. A brewery which produces or packages more than 500 but less than 10,000 barrels of beer or ale annually for wholesale distribution and/or retail sales, and which meets all Virginia Alcohol Beverage Control laws and regulations. Retail sales may occur directly to the consumer through a tap room, attached restaurant, or off-premise sales.

Microdistillery. A distillery where production does not exceed 5,000 gallons per year, generally referred to as a craft, boutique or artisan distillery. Such facilities may include an on-site tasting room or retail space to sell products to patrons on site.

Section 10-46.— Mini-Warehouse.

Section 10-46.1.—Mining, Quarrying and Mineral Extraction.

Section 10-46.2.— Motel/Hotel.

Section 10-47.— Manufactured Home Graveyard.

Section 10-47.1.— Museum.

Nanobrewery. A brewery wherein up to 500 barrels of beer is manufactured and packaged per year. Such facilities may include a tasting room or retail space to sell the products to patrons on site.

Section 10-48.— Nonconforming Feature.

Section 10-49.— Nonconforming Use.

Section 10-49.1.— Nursery.

Section 10-50.— Owner.

Section 10-50.1.— Park.

Section 10-51.— Personal Service Business.

Section 10-52.— Print Shop.

Section 10-53.— Printing Establishment.

Section 10-53.1.— Private School.

Section 10-54.— Professional Office.

Section 10-55.— Public Utility.

Section 10-56.— Recreation Facilities.

Section 10-57.— Rest Home.

Section 10-58.— Retail Stores and Shops.

Section 10-59.— Recreational Dwelling.

Section 10-60.— **Recreational Vehicle.** A motor vehicle, as a camper or mobile home, used for traveling and recreational activities. A vehicular type portable structure (marine or terrain) without a permanent foundation that can be towed, hauled, or driven, and that is primarily

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designed as a temporary living accommodation for recreational camping and travel use, including, but not limited to:

- (1) Camping trailers, motor homes, mini motor homes, travel trailers, truck campers and van campers;
- (2) Motorcycles, jet skis, all-terrain vehicles, stock cars, boats, snowmobiles, or such item used primarily for recreational purposes; and
- (3) Utility trailers and other trailers designed to transport materials other than people, including, but not limited to other recreational vehicles and other forms of cargo.

~~Section 10-61.~~ Recreational Vehicle Park.

Recreational Vehicle Sales, Service and Rental. A business to sell, service and/or rent recreational vehicles as defined herein.

~~Section 10-62.~~ Roadside Market.

~~Section 10-62.1.~~ Rodeo Ring.

~~Section 10-63.~~ Sawmill, Stationary.

~~Section 10-64.~~ Sawmill, Temporary.

~~Section 10-65.~~ **Service Business.** An establishment providing domestic and business related services, including but not limited to, the service, repair, and rental of home and office equipment such as radios, televisions, video equipment, computers, home appliances, furniture, yard and garden equipment, tools, bicycles, locks, office machines, and other similar equipment; and other home and office services such as package delivery services, telecommunications service, building repair and maintenance services, including janitorial, pest control, and carpet cleaning service.

Service Business, General Contractor, Major

A place of business with more than five employees providing either domestic and business-related services or used for general contracting, as follows:

A *service business* provides domestic or business-related services, including but not limited to, the service, repair, and rental of home and office equipment such as radios, televisions, video equipment, computers, home appliances, furniture, yard and garden equipment, tools, bicycles, locks, office machines, and other similar equipment; and other home and office services such as package delivery services, telecommunications service, building repair and maintenance services, including janitorial, pest control, and carpet cleaning service.

A *general contractor* provides materials or labor, for repairs, improvements and additions to residential or commercial buildings (including accessory buildings), where such services are done for compensation. Services that are provided by general contractor and repair shops include, but are not limited to, the installation, repair and maintenance of air conditioning and heating, carpentry, electrical, plumbing, painting, roofing, water well and septic tanks.

Service Business, General Contractor, Minor

A place of business five or less employees providing either domestic and business-related services or used for general contracting, as follows:

A *service business* provides domestic or business-related services, including but not limited to, the service, repair, and rental of home and office equipment such as radios, televisions, video equipment, computers, home appliances, furniture, yard and garden equipment, tools, bicycles, locks, office machines, and other similar equipment; and other home and office services such as package delivery services, telecommunications service, building repair and maintenance services, including janitorial, pest control, and carpet cleaning service.

A *general contractor* provides materials or labor, for repairs, improvements and additions to residential or commercial buildings (including accessory buildings), where such services are done for compensation. Services that are provided by general contractor and repair shops include, but are not limited to, the installation, repair and maintenance of air conditioning and heating, carpentry, electrical, plumbing, painting, roofing, water well and septic tanks.

Shooting Range, Indoor. A facility designed or used for shooting at targets with rifles, pistols, shotguns, or archery equipment, and which is completely enclosed within a building or structure.

Shooting Range, Outdoor. A facility designed or used for shooting at targets with rifles, pistols, shotguns, or archery equipment, and which is not completely enclosed within a building or structure.

Section 10-66.— Special Use.

Section 10-66.1.— Specified Anatomical Areas.

Section 10-66.2.— Specified Sexual Activities.

Stonecutting, Monument Manufacturing. An establishment that performs the cutting, etching, and grinding of masonry material for the purpose of sales to a retail outlet. Incidental retail sales are permitted.

Section 10-67.— Storage Warehouse.

Section 10-68.— Solid Waste/Recycling Convenience Station.

Section 10-69.— Street.

Section 10-70.— Structure.

Section 10-71.— Subdivision.

Taxidermy. The business of preparing and mounting the skins of animals.

Tire Recapping or Retreading. Also known as "recap," or a "remold", is a re-manufacturing process for tires that replace the tread on worn tires. Retreading is applied to casings of spent tires that have been inspected and repaired.

Section 10-72. Townhouse. As defined in the Smyth County Subdivision Ordinance. **Townhouse.** One of a series of single-family dwellings designed to be offered for sale or sold as a unit, separated from one another by continuous vertical walls without openings from foundation through the roof. The lots or assigned land area, utilities and other improvements for each "Townhouse" would be designed to permit individual and separate ownership of such lots and dwelling units.

- Section 10-71.1.— Truck Stop.
- Section 10-71.2.— Truck Terminal.
- Section 10-73.— Variance.
- Section 10-73.1.— Vested Rights.

Section 10-73.2. Vineyard and/or Winery. Property devoted to growing fruits for further processing into consumable wine products. Such facilities may include a tasting room or retail space to sell the products to patrons on site.

Section 10-73.3.— Wildlife Refuge.
(Ord. of 10-12-2001; Amend. 5-10-16)

2. That should any section or provision of this ordinance be decided to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of any other section or provision of this ordinance or of the Smyth County Code.

3. That this ordinance shall be effective from and after the date of its adoption.

On motion of Supervisor X to adopt the ordinance, seconded by Supervisor X and carried by the following roll call and recorded vote:

- Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.
- Vice Chair, Park District Supervisor M. Todd Dishner
- Saltville District Supervisor Roscoe D. Call
- Rye Valley District Supervisor Rick K. Blevins
- Royal Oak District Supervisor G. Blake Frazier
- Atkins District Supervisor Charles E. Atkins
- North Fork District Supervisor Phil Stevenson

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Section 8-6. - Duties of Administrator on Zoning Amendments, Zone Map Changes (Rezoning), Special Use Permits, Variances, and Appeals. ¶

<#>Filing Fees. Filing fees for the above applications shall be based upon reasonable costs to pay for the expenses involved. The fees shall be as follows:¶

¶	Zoning Permit . . .	No Fee¶	
	Zoning Amendment (Text Change) .	\$75.00	\$250.00 ¶
	Rezoning (Change to Zoning Map) .		\$75.00
			\$250.00¶
	Special Use Permit . . .	\$75.00	\$250.00¶
	Variance . . .	\$75.00	\$250.00¶
	Appeal . . .	\$75.00	\$250.00¶

¶ If the decision of the Board of Zoning Appeals is substantially in favor of the appellant, the \$75.00 \$250.00 Fee shall be refunded to the appellant.¶

(Ord. of 10-12-2001; Amend. April 12, 2016)¶

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[4-14-16 Version](#)

AYES:

NAYS:

ABSENT:

Adopted: [May 10, 2016](#)

Deleted: April 12,

A COPY TESTE:

Michael L. Carter
County Clerk to the Board of Supervisors

cc: [Jeff Campbell](#), County Attorney

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PROPOSED FOR 4-28-16 HEARING