

Article 1:  
**ZONING ORDINANCE CONSTITUTION**

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**A. Title**

The regulations embraced in this and the following Articles constitute Chapter \_\_\_\_ of the \_\_\_\_ Code of the Town of Smithfield, which shall be designated "The Zoning Ordinance of the Town of Smithfield, Virginia," and may be so cited.

**B. Purpose and Intent**

The Zoning Ordinance of the Town of Smithfield, Virginia (hereinafter "ordinance") is intended to promote the health, safety and general welfare of the public and to implement the adopted Comprehensive Plan for the orderly and controlled development of the Town.

To accomplish these ends, the ordinance is designed to achieve the following goals and objectives:

1. To promote the health, safety, morals, and general welfare of the citizens of the Town of Smithfield and to create and maintain conditions under which the citizens and their environment can exist in a productive and enjoyable harmony while fulfilling the social, economic, and other requirements of present and future generations;
2. To facilitate the creation of a convenient, attractive and harmonious community; to provide for adequate light, air, convenience of access and safety from fire, flood and other dangers; and to reduce or prevent congestion in the public streets;
3. To provide for Town growth that is consistent with the efficient and economic use of public funds and environmental quality;
4. To recognize the needs of housing, industry and business in the Town's future growth;
5. To promote the creation and expansion of land uses that will be developed with adequate highway, utility, health, education and recreational facilities;

6. To provide residential areas with healthy surroundings for family life;
7. To protect against destruction of or encroachment of incompatible uses and buildings upon the Town's historic areas and tourism corridors;
8. To encourage economic development activities that provide desirable employment and a broad tax base;
9. To promote the conservation of sensitive environmental areas and the preservation of the Town's waterfront resources;
10. To encourage the preservation of stream valleys, steep slopes, lands of natural beauty, dense forestation, scenic vistas, and other similar areas and to ensure that development in such areas is well-controlled;
11. To protect against the following: overcrowding of land; undue intensity of noise; air and water pollution; undue density of population in relation to community facilities existing or available; obstruction of light and air; danger and congestion in travel and transportation; and loss of life, health, or property from fire, flood, panic or other dangers;
12. To promote housing of such type, size and cost as will allow Town residents of various economic conditions to reside in safe, sanitary dwelling units;
13. To encourage innovative and desirable approaches to designed development; and to promote the distinctive sense of urban and suburban places as well as the sense of community within the Town;
14. To implement the goals and objectives of the Chesapeake Bay Preservation Act; and
15. To accomplish all other objectives and exercise all other powers set forth in Article 7, Chapter 22, Title 15.2 of the Code of Virginia.

**C. Severability**

Should any article, section or any provision of this ordinance be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so held to be unconstitutional or invalid.

**D. Conflicting Ordinances**

Whenever any provision of this ordinance imposes a greater requirement or a higher standard than is required in any State or Federal statute or any other Town ordinance or regulation, the provision of this ordinance shall govern. Whenever any provision of any State or Federal statute or other Town ordinance or regulation imposes a greater requirement or a higher standard than is required by this ordinance, the provision of such State or Federal statute or other Town ordinance or regulation shall govern. The text of this ordinance shall be applied to any parcel covered by a previous grant of zoning with proffered conditions except where the imposition of the requirements of this ordinance would be in conflict with a specified proffered condition which would supersede the requirements of this ordinance.

**E. Interpretation of Minimum Requirements**

In interpreting and applying the provisions of this ordinance, they shall be considered the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, or general welfare. It is not the intent of this ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where this ordinance imposes a greater restriction upon the use or dimensions of buildings and premises, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants, or agreements, the provisions of this ordinance shall govern, except where expressly qualified by this ordinance.

**F. Effective Date**

The "Zoning Ordinance of the Town of Smithfield, Virginia" as herein presented, was adopted on September 1, 1998 and became effective at 7:30 PM on September 1, 1998, at which time the "Zoning Ordinance of the Town of Smithfield", adopted July, 1993, as amended, was repealed. Upon its effective date, this ordinance became Chapter CDA:1 of the 1997 Code of the Town of Smithfield, Virginia. Unless otherwise qualified herein, the term effective date when used in this ordinance shall be deemed to be September 1, 1998 or the effective date of an applicable amendment thereto.

A certified copy of the Zoning Ordinance of the Town of Smithfield, Virginia, as may be amended from time to time, shall be filed in the Office of the Planning and Zoning Administrator for the Town of Smithfield.