



ORDINANCE 2021-01

REPEAL, RE-ENACT TOWN CODE 154.051

USE REGULATIONS IN R-1/R-2 ZONING DISTRICT

WHEREAS, the Irvington Town Council (“Council”) proposes to repeal and re-enact Town Code §154.051 regarding use regulations in R-1/R-2 zoning districts; and

WHEREAS this Ordinance 2021-01 will eliminate the requirement in zoning districts R-1/R-2 for conditional use permit for private docks as well as swimming pools outside the Resource Protection Area (“RPA”); and

WHEREAS, a notice of joint public hearing on this Ordinance 2021-01 was advertised April 29 and May 6, 2021, pursuant to VA Code Ann. §15.2-2204; and

WHEREAS, a joint public hearing on Ordinance 2021-01 was held on May 11, 2021 and the public also had the opportunity to speak about the ordinance at meetings held on April 8 and May 13, 2021; and

WHEREAS, the Planning Commission recommended the passage of this ordinance to Council on May 11, 2021; and

WHEREAS, this Ordinance 2021-01 was read twice before approval, at the April 8 and May 13, 2021 Council meetings.

BE IT ENACTED AND ORDAINED BY THE TOWN OF IRVINGTON, VIRGINIA, AS FOLLOWS:

1. Council hereby repeals Town Code §154.051, Use Regulations.
2. Council hereby re-enacts Town Code §154.051 Use Regulations as follows:

“§ 154.051. USE REGULATIONS.

“(A) In Residential Districts R-1 and R-2, structures to be erected on land to be used shall be for one or more of the following uses the major difference being acreage requirements (see §154.052).

“(B) A zoning permit has been obtained from the Zoning Administrator.

“(C) Off-street parking in Residential Districts R-1 and R-2 is required.

“(D) Sewage/disposal/wastewater treatment systems which incorporate a drainfield as an integral part of the system requires Health Department approval.

“(E) Permitted uses:

“(1) One single-family dwelling per lot as defined in §154.004;

“(2) In Residential District R-1, one two-family dwelling per lot, the part of which must be joined by a conventional room whose width is at least two-thirds of its length. Two-family dwellings are prohibited in Residential District R-2;

“(3) Agricultural with conditional use permits, but not to include the raising of animals, including horses, pigs, cattle, fowl or the like;

“(4) Schools;

“(5) Churches;

“(6) Parks and playgrounds;

“(7) Home occupations as defined, conducted by the occupants with conditional use permits;

“(8) Off-street parking as required by this chapter;

“(9) Accessory buildings and structures and uses permitted as defined hereafter, however garages or other accessory structures such as carports, porches and stops attached to the main building should be considered part of the main building. No accessory building or structures may be closer than ten feet to any property line or private right of way or 100 feet from mean high water line of a lot on a creek except docks and bulkheads. Accessory building, other than carports or garages shall not exceed 300 square feet nor 15 feet in height. Total square footage of all accessory buildings other than swimming pools, and tennis courts, shall not exceed 25% of the rear yard area. Accessory structures or buildings may not be used for rental or similar purposes. No accessory building or structure may be fitted with kitchen and sleeping accommodations;

“(a) Swimming pools inside the Resource Protection Area (RPA”), with conditional use permits;

“(b) Swimming pools outside the RPA, no conditional use permit required;

“(10) Boat docks/piers for private use, no conditional use permit required; and

“(11) Farm winery. See §154.070 for special requirements.”

3. This Ordinance is effective upon passage.

BE IT FURTHER ORDAINED BY THE TOWN OF IRVINGTON, VIRGINIA that the Town of Irvington shall place this Ordinance 2021-01 in the Minutes of its May 13, 2021 meeting.

Certification

I, Albert D. Bugg, III, Mayor, do hereby certify that Ordinance 2021-01 was adopted at the May 13, 2021 meeting at which a quorum was present and voting. The Vote was:

IN FAVOR

OPPOSED

Jackie Brown
R. Wayne Nunnally
Anthony Marchetti
Dudley M. Patteson
Bonnie Schaschek
Frances Westbrook

Albert D. Bugg, III, Mayor

ATTEST:

Sharon Phillips, Town Clerk