



## ORDINANCE 2018- 11.02

### An Ordinance Repealing Town Code §§154.085, 154.086, portions of the Zoning Ordinance of the Town of Irvington

and

### Amending and Restating those same sections to clarify B-1 District uses and prohibitions

**WHEREAS**, the Irvington Town Council desires to repeal Town Code §§154.085, 154.086, which were adopted on September 12, 2013; and

**WHEREAS**, the Council desires to amend and restate §§154.085, 154.086; and

**WHEREAS**, these changes to the Zoning Chapter of the Town Code were recommended to Council by the Irvington Planning Commission; and

**WHEREAS**, these changes were discussed in a public hearing held on November 20, 2018, pursuant to VA Code Ann. § 15.2- 2204; and

**WHEREAS**, this Ordinance was read twice before enactment.

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

1. This Ordinance is adopted pursuant to VA Code Ann. §15.2-2204 and the authority granted to localities by VA Code Ann, §15.2-2280.
2. Town Code §§154.085 and 154.086, adopted September 12, 2013, are repealed. The attached language amending and restating §§154.085 and 154.086 is incorporated herein by this reference and enacted.
3. This Ordinance is effective upon passage.

## BUSINESS DISTRICT B-1

### “§154.085 STATEMENT OF INTENT.

“(A ) The B-1 District covers that portion of the Town shown on the Zoning Map, and which is intended for the conduct of general business to which the public requires direct and frequent access.

“(B ) The B-1 District uses are stated in §154.086. A conditional use permit is required for all uses in §154.086(B), and an additional conditional use permit is required in the event of expansion of or change to an existing permitted use. Uses specified in §154.086(C ) are prohibited.

### “§154.086 USE REGULATIONS.

“(A ) All uses allowed in R-1 and R-2 Districts are permitted.

“(B ) **Subject to (C) below**, all of the following uses are allowed with an **approved** conditional use permit:

- (1) Retail food stores that sell gasoline;
- (2) Bakeries;
- (3) Dry cleaners;
- (4) Laundries;
- (5) Wearing apparel stores;
- (6) Drug stores;
- (7) Post offices, county offices, town offices, and other similar public uses;
- (8) Barber and beauty shops;
- (9) Theaters and assembly halls;
- (10) Hotels, motels, inns, rooming and boarding houses, tourist homes;
- (11) Office buildings, newspaper office, bank;
- (12) Church;
- (13) Library;
- (14) Marina, boat and yacht sales and service agencies;
- (15) Service stations (with major repair under cover);
- (16) Clubs and lodges;
- (17) Plumbing and electrical supply (with storage under cover);
- (18) Furniture stores; and

(19) Restaurants whether serving or not serving alcoholic beverages. Off-street parking as required by this chapter.

“(C ) The following uses are not allowed , thus, a conditional use permit will not be approved.

- (1) Formula restaurants defined as: food service businesses required by contractual or other business arrangements to offer standardized menus, ingredients, food preparation, employee uniforms, interior décor, signage, or exterior design or which adopts a name, appearance or food preparation format which causes it to be substantially identical to another restaurant regardless of ownership or location.
- (2) Formula retail businesses defined as: a single source high traffic retailer, operated directly by or under contract with a manufacturer or distributor of merchandise or services for sale within, and required to adopt standardized layout, décor, uniforms, or similar standardized features.
- (3) Manufacturer outlets defined as: retail businesses whose main purpose is the quick turnover of after-market, overstock, defective, or past season merchandise. This includes stores offering merchandise of a single or multiple manufacturers that is offered at discount pricing.
- (4) The foregoing definitions apply to §154.086 only; in the event of a conflict between the foregoing definitions and those elsewhere in this chapter 154, these definitions control §154.086.

“(D) The public purposes for prohibiting the uses stated in (C ) include but are not limited to: (i) public demand, (ii) maintaining the unique community character and function of Irvington, including its unique look and feel, (iii) maintaining links of the unique town center to its waterfront and agriculture, (iv) preserving and protecting the historic designation of Irvington on the National Register of Historic Places, and (v) maintaining the human scale of the district. The prohibitions are reasonable and necessary to achieve the public purposes stated above because they prohibit uses that directly conflict with the concepts of uniqueness, human scale and historic status which are important to the public.”