

## Motion of the Irvington Planning Commission on CUP Process 11-9-21 as Amended

In order to simplify our town administrative procedures, for the benefit of our residents, Town staff, Town Council and Planning Commission we recommend the adoption of a CUP approval process that requires only a joint public hearing, one reading before the Planning Commission, at least seven days prior to and one reading before the Town Council. This is the minimum required by VA Code, 15.2-2204 which is incorporated in Town Code 154.017 Conditional Use Permit. Further we recommend that the schedule for the noted meetings and readings be set by the Mayor, Town Clerk and Zoning Administrator and presented to the Town Council without the need for an approving vote.

It is our understanding that this can be done simply by the Town Council approving this procedure without the need for changing the Town Code.

If the Town Council desires to approve CUPs with a motion as opposed to a resolution you can update section 31.22 of the Town Code as follows:

**From:** In regulating its proceedings, the Town Council shall act only by ordinance or resolution, and each such ordinance or resolution shall be confined to one subject.

**To:** In regulating its proceedings, the Town Council shall act only by ordinance, resolution or motion and each such ordinance, resolution or motion shall be confined to one subject.

These changes to the process should save many weeks and much effort and is in the best interests of all.

**Passed unanimously by PC 11/9/21**

**(Julie Harris, Tom Chapman, Brian Forrester, Phil Robinson, Steve Kimmeth and Al Pollard Jr.)**

**Appendix:**

**Background:**

Historically the Town only required one reading for approval of CUPs. At some point 30.15 was invoked on the basis that CUPs have the effect of an ordinance. Since CUPs apply only to one location it seems more reasonable that CUPs do not, "have the effect of an ordinance" and should not require two readings.

**§ 30.15 PASSAGE GENERALLY; READING AT TWO MEETINGS OF TOWN COUNCIL REQUIRED; EXCEPTION AS TO EMERGENCY ORDINANCES; AMENDMENTS.**

No ordinance or resolution having the effect of an ordinance, unless it be an emergency, shall be passed until it has been read at two meetings of the Town Council not less than one week apart, one of which shall be a regular meeting and the other of which may be either an adjourned or called meeting; provided, that the requirement of a second reading by the affirmative vote of any two members of the Council may be confined to the reading or the title only. Any ordinance or resolution read at one such meeting may be amended and passed as amended provided the amendment does not materially change the ordinance.

(1961 code, 2-1)

**§ 31.22 ACTION TO BE BY SEPARATE ORDINANCE OR RESOLUTION.**

In regulating its proceedings, the Town Council shall act only by ordinance or resolution, and each such ordinance or resolution shall be confined to one subject. (1961 code, 5 2-16)

## Workflow Chart for Streamlined CUP Approval Process

Zoning Administrator works with applicant to assure all required information is submitted and forwards the CUP application to all Town Council and Planning Commission members at least one week prior to Public Hearing.

Staff works with Mayor to establish Public Hearing Date and Issue required notices

Joint Public Hearing on CUP application is held  
(Ideally this hearing would be held just before either the Regularly monthly meeting of either the PC or TC)

Planning Commission hears CUP application as part of monthly Meeting, a minimum of seven days after Joint Public Hearing and Makes recommendation to Town Council or tables for more information

Town Council hears CUP application as part of monthly meeting and takes approves or tables for more information