

CHAPTER 19

PLANNING

- Art. I. In General, §§19-1--19-15
- Art. II. Planning Commission Generally, §§19-16--19-40
- Art. III. Comprehensive Plan, §§19-41--19-43

ARTICLE I. IN GENERAL

SECTION 19-1. ZONING AND SUBDIVISION ORDINANCES CONTINUED IN EFFECT.

Nothing in this Code or the ordinance adopting this Code shall affect any ordinance relating to zoning, particularly the zoning ordinance adopted April 13, 1976, or any amendment thereto, including ordinances amending the zoning map or zoning or rezoning specific property, or the land subdivision ordinance adopted June 14, 1977, or any amendment thereto, and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

Charter references--Planning and zoning ordinances authorized, §12; approval of plan or plat required before the laying out of property with streets or alleys thereon, §17.

Cross reference--Open storage of inoperative vehicles in certain zoning districts, §14-25.

State Law References--Land subdivision and development, Code of Virginia, §15.2-2240, *et seq.*; requirement that municipalities adopt ordinances to assure the orderly subdivision of land and its development, §15.2-2240 provisions to be included in subdivision ordinance, §15.2-2241; zoning, §15.2-2280, *et seq.*

SECTION 19-2. HISTORIC LANDMARKS DESIGNATED.

Pursuant to the provisions of §15.2-2306 of the Code of Virginia, the following buildings in the City are hereby designated as historic landmarks:

1. Glen Burnie, 801 Amherst Street.
2. The Steele House, 338 Amherst Street.
3. The Daniel Morgan Home, 226 Amherst Street.

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4. The Susan Beemer House, 110 West Boscawen Street.
5. Stonewall Jackson's Headquarters, 415 North Braddock Street.
6. The Stackhouse Home, 316 West Boscawen Street.
7. George Washington's Headquarters, Northeast Corner of S. Braddock and W. Cork Streets.
8. The Jacob Sperry Tanyard House, 204 South Kent Street.
9. Fair Mount, 311 Fairmont Avenue.
10. The Red Lion Tavern, 204 and 208 South Loudoun Street.
11. The Darlington House, 419 North Loudoun Street.
12. The Ginn and Glaize Houses, 112 and 108 East Piccadilly Street.
13. The Handley Library, northwest corner of N. Braddock and W. Piccadilly Streets.
14. Thorn Hill Manor, 407 South Washington Street.
15. Abram's Delight, Rouss Spring, 1360 S. Pleasant Valley Road.
(Ord. of 1-13-76; Ord. No. 2011-21, 10-11-11)

Cross references--Air pollution control, Ch. 3; building regulations, Ch. 6; erosion and sedimentation control, Ch. 9; traffic, Ch. 14; parks and recreation, Ch. 18;

State Law Reference--Preservation of historical sites and areas, Code of Virginia, §15.2-2360.

SECTIONS 19-3 - 19-15. RESERVED.

ARTICLE II. PLANNING COMMISSION GENERALLY

SECTION 19-16. CREATED.

Pursuant to the provisions of Title 15.2, Chapter 22, Article 2, of the Code of Virginia, there is hereby created a local planning commission to be known as the "city planning commission." (Ord. of 12-9-75, §17-1)

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State Law Reference--Duty of council to create planning commission, Code of Virginia, §15.2-2210.

SECTION 19-17. COMPOSITION; APPOINTMENT, QUALIFICATIONS, TERMS AND REMOVAL OF MEMBERS.

- (a) The planning commission shall consist of seven (7) members appointed by the city council, all of whom shall be residents of the City, qualified by knowledge and experience to make decisions on questions of community growth and development. At least one-half of the members so appointed shall be freeholders.
- (b) Of the members of the planning commission first appointed, one shall serve a term of one year, two (2) shall serve terms of two (2) years, two (2) shall serve terms of three (3) years, and two (2) shall serve terms of four (4) years. Subsequent appointments shall be for terms of four (4) years each.
- (c) The council shall also appoint one member of the council and one member of the administrative branch of the city government, to serve as advisory members of the planning commission with no vote, whose terms shall be coextensive with the term of office to which the persons have been elected.
- (d) Vacancies on the planning commission shall be filled by appointment for the unexpired terms only. Members of the commission may be removed for malfeasance in office. (Ord. of 12-9-75, §17-2)

State Law References--Local planning commissions, Code of Virginia, §15.2-2210, *et seq.*; Similar provisions, Code of Virginia, §15.2-2212.

SECTION 19-18. COMPENSATION OF MEMBERS.

All members of the planning commission shall serve as such without compensation. (Ord. of 12-9-75, §17-3)

State Law Reference--Compensation and expenses of members of planning commission, Code of Virginia, §15.2-2212.

SECTION 19-19. ELECTION AND TERMS OF CHAIRMAN AND VICE-CHAIRMAN.

The planning commission shall elect from the appointed members a chairman and a vice-chairman, whose terms shall be for one year. (Ord. of 12-9-75, §17-7)

State Law Reference--Similar provisions, Code of Virginia, §15.2-2217.

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SECTION 19-20. GENERAL DUTIES.

To effectuate this article, the planning commission shall:

1. Exercise general supervision of, and make regulations for, the administration of its affairs.
2. Prescribe rules pertaining to its investigations and hearings.
3. Supervise its fiscal affairs and responsibilities under rules and regulations as prescribed by the city council.
4. Keep a complete record of its proceedings and be responsible for the custody and preservation of its papers and documents.
5. Make recommendations and an annual report to the council concerning the operation of the commission and the status of planning within its jurisdiction.
6. Prepare, publish and distribute reports, ordinances and other material relating to its activities.
7. Prepare and submit an annual budget in the manner prescribed by the council.
8. If deemed advisable, establish an advisory committee or committees.
(Ord. of 12-9-75, §17-11)

State Law Reference--Similar provisions, Code of Virginia, §15.2-2221.

SECTION 19-21. MEETINGS GENERALLY.

- (a) The planning commission shall fix the time for holding regular meetings, but it shall meet at least every two (2) months.
- (b) Special meetings of the planning commission may be called by the chairman or by two (2) members upon written request to the secretary. The secretary shall mail to all members, at least five (5) days in advance of a special meeting, a written notice fixing the time and place of the meeting and the purpose thereof.
- (c) Written notice of a special meeting is not required if the time of the special meeting has been fixed at a regular meeting, or if all members are present at the special meeting or file a waiver of notice. (Ord. of 12-9-75, §17-4)

State Law Reference--Similar provisions, Code of Virginia, §15.2-2214.

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SECTION 19-22. QUORUM; MAJORITY VOTE.

A majority of the members shall constitute a quorum, and no action of the planning commission shall be valid unless authorized by a majority vote of those present and voting. (Ord. of 12-9-75, §17-5)

State Law Reference--Similar provisions, Code of Virginia, §15.2-2215.

SECTION 19-23. RULES AND RECORDS.

The planning commission shall adopt rules for the transaction of business and shall keep a record of its transactions, which shall be a public record. (Ord. of 12-9-75, §17-8)

State Law Reference--Similar provisions, Code of Virginia, §15.2-2217.

SECTION 19-24. PHYSICAL FACILITIES; APPROPRIATION OF FUNDS FOR EXPENSES.

The council may provide the planning commission with facilities for the holding of meetings and the preservation of plans, maps, documents and accounts, and may appropriate funds needed to defray the expenses of the commission. (Ord. of 12-9-75, §17-6)

State Law Reference--Similar provisions, Code of Virginia, §15.2-2216.

SECTION 19-25. AUTHORITY TO CREATE AND FILL OFFICES, APPOINT STAFF AND CONTRACT WITH CONSULTANTS.

If authorized by the city council, the planning commission may create and fill such offices as it deems necessary, appoint such employees and staff as it deems necessary for its work and contract with consultants for such services as it requires. (Ord. of 12-9-75, §17-9)

State Law Reference--Similar provisions, Code of Virginia, §15.2-2217.

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SECTION 19-26. RECOMMENDATIONS OF PROGRAMS FOR PUBLIC STRUCTURES AND IMPROVEMENTS.

The planning commission may recommend, from time to time, to the appropriate public officials, programs for public structures and improvements and for the financing thereof. (Ord. of 12-9-75, §17-12)

SECTION 19-27. ASSISTANCE FROM OTHER CITY AGENCIES.

Upon request of the planning commission, the city council or other public officials may, from time to time, for the purpose of special surveys under the direction of the commission, assign or detail to it any members of the staffs of the city administrative departments, or the council or other public officials may direct any such department employee to make for the planning commission special surveys or studies requested by the commission. (Ord. of 12-9-75, §17-13)

State Law Reference--Similar provisions, Code of Virginia, §15.2-2217.

SECTION 19-28. LIMITATION ON EXPENDITURES.

Notwithstanding §19-25, the expenditures of the planning commission, exclusive of gifts or grants, shall be within the amounts appropriated for such purposes by the city council. (Ord. of 12-9-75, §17-10; Ord. No. 040-95, 9-12-95)

State Law Reference--Similar provisions, Code of Virginia, §15.2-2217.

SECTIONS 19-29 - 19-40. RESERVED.

ARTICLE III. COMPREHENSIVE PLAN

SECTION 19-41. PREPARATION AND RECOMMENDATION TO COUNCIL.

The planning commission shall prepare and recommend to the city council a comprehensive plan for the physical development of the City, in accordance with Title 15.2, Chapter 22, Article 3, Code of Virginia. (Ord. of 12-9-75, §17-15)

State Law Reference--Similar provisions, Code of Virginia, §15.2-2223.

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SECTION 19-42. ADOPTING ORDINANCE NOT AFFECTED BY CODE.

Nothing in this Code or the ordinance adopting this Code shall affect any ordinance approving or adopting a comprehensive or master plan and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

SECTION 19-43. LEGAL STATUS AFTER APPROVAL AND ADOPTION.

- (a) Whenever the planning commission shall have recommended a comprehensive plan or part thereof for the City, and such plan shall have been approved and adopted by the city council, it shall control the general or approximate location, character and extent of each feature shown on the plan. Thereafter, unless such feature is already shown on the adopted plan or part thereof, or is deemed so under subsection (d) of this section, no street or connection to an existing street, park or other public area, public building or public structure, public utility facility or public service corporation facility other than a railroad facility, whether publicly or privately owned, shall be constructed, established or authorized, unless and until the general location or approximate location, character and extent thereof has been submitted to and approved by the planning commission as being substantially in accord with the adopted comprehensive plan or part thereof. In connection with any such determination, the commission may, and at the direction of the city council shall, hold a public hearing after notice as required by Section 15.1-431 of the Code of Virginia.
- (b) The planning commission shall communicate its finding to the city council, indicating its approval or disapproval with written reasons therefor. The city council may overrule the action of the commission by a vote of a majority of the membership thereof. Failure of the commission to act within sixty (60) days of such submission, unless such time shall be extended by the city council, shall be deemed approval. The owner or owners or their agents may appeal the decision of the commission to the city council within ten (10) days after the decision of the commission. The appeal shall be by written petition to the city council setting forth the reasons for the appeal. An appeal shall be heard and determined within sixty (60) days from its filing. A majority vote of the city council shall overrule the commission.
- (c) Widening, narrowing, extension, enlargement, vacation or change of use of streets or public areas shall likewise be submitted for approval, but paving, repair, reconstruction, improvement, drainage or similar work and normal service extensions of public utilities or public service corporations shall not require approval, unless involving a change in location or extent of a street or public area.
- (d) Any public area, facility or use as set forth in subsection (a) above, which is identified within, but not the entire subject of, a submission under either

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§15.1-475 of the Code of Virginia, for subdivision or §15.1-491(h) of the Code of Virginia, for development, or both, may be deemed a feature already shown on the adopted comprehensive plan, and, therefore, excepted from the requirement for submittal to and approval by the planning commission or the city council; provided, that the council has, by ordinance or resolution, defined standards governing the construction, establishment or authorization of such public area, facility or use or has approved it through acceptance of a proffer made pursuant to §15.1-491(a) of the Code of Virginia.

(Ord. of 12-9-75, §17-16)(Ord. No. 040-95, 9-12-95)

State Law References--Comprehensive plans, Code of Virginia, §15.2-2223, *et seq.*;
Similar provisions, Code of Virginia, §15.2-2232.