

COMMON COUNCIL



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I, Kari J. Van Diest, Deputy Clerk of the Common Council, hereby certify on this 13th day of June, 2014, that the following Ordinance is a true and exact copy of one and the same adopted by the Common Council of the City of Winchester, assembled in regular session on the 10th day of June 2014.

ORDINANCE TO AMEND AND REENACT ARTICLES 1, 6, 7, 8, 9, 10, 13, AND 15.1 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO DEFINITIONS, PERMITTED USES, AND USES REQUIRING A CONDITIONAL USE PERMIT FOR ALTERNATIVE FINANCIAL INSTITUTIONS

WHEREAS, the City of Winchester is entrusted by the Commonwealth with protecting the public health, safety, and welfare within the community through the application of such tools as the Zoning Ordinance; and

WHEREAS, the Zoning Ordinance is further designated with the responsibility of promoting the objectives of the Comprehensive Plan and overall sustainability of the community; and

WHEREAS, Winchester Common Council previously identified an interest in establishing a conditional use requirement for uses that pertain to short-term loans and other high-rate lenders due to disproportionate negative impacts on low-income and elderly populations.

NOW, THEREFORE, BE IT ORDAINED that the Common Council of the City of Winchester hereby amends and re-adopts the following Zoning Ordinance provisions:

AN ORDINANCE TO AMEND AND REENACT ARTICLES 1, 6, 7, 8, 9, 10, 13, AND 15.1 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO DEFINITIONS, PERMITTED USES, AND USES REQUIRING A CONDITIONAL USE PERMIT FOR ALTERNATIVE FINANCIAL INSTITUTIONS

TA-14-118

*Ed. Note: The following text represents excerpts of the Zoning Ordinance that are subject to change. Words with strikethrough are proposed for repeal. Words that are **boldfaced and underlined** are proposed for enactment. Existing ordinance language that is not included here is not implied to be repealed simply due to the fact that it is omitted from this excerpted text.*

- 1-2-7.1** **ALTERNATIVE FINANCIAL INSTITUTION: Any check cashing establishment, motor vehicle title lender, or payday lender, as defined in this Chapter.**
- 1-2-18.1** **CHECK CASHING ESTABLISHMENTS: Any person or establishment engaged in the business of cashing checks, drafts or money orders for compensation, and registered with the State Corporation Commission pursuant to Code of Virginia, §6.2-2100 et. seq. This shall not include Incidental Check Cashing Services, as defined.**
- 1-2-18.2** **CHECK CASHING SERVICES, INCIDENTAL: Cashing of checks, drafts or money orders for compensation, other than “check cashing establishments.” This use shall be permitted by-right with a permitted use, provided that such use (i) is secondary and accessory to a permitted use, (ii) is located internal to the primary structure occupied by the permitted uses(s), and (iii) is operated by the primary user.**
- 1-2-67.1** **MOTOR VEHICLE TITLE LENDER: Any establishment engaged in the business of lending money secured by a non-purchase interest in a motor vehicle, and registered with the State Corporation Commission pursuant Code of Virginia §6.2-2200 et. seq.**
- 1-2-67.42 MUSEUM OR ART GALLERY: An organized and permanent nonprofit institution, open to the public, which is essentially educational or aesthetic in purpose, with professional staff, and which is devoted to the procurement, care, study, and display of objects of lasting interest or value. (05/12/98, TA-98-01, Ord. No. 013-98)
- 1-2-73.2** **PAYDAY LENDER: Any establishment, other than a bank, credit union, or savings and loan, engaged in the business of making short-maturity loans on the security of (i) a check, (ii) any form of assignment of an interest in the account of an individual at a depository institution, or (iii) any form of assignment of income payable to an individual other than loans based on income tax refunds, and required to be registered with the State Corporation Commission pursuant to Code of Virginia §6.2-1800 et. seq.**
- 1-2-73.23 PET DAYCARE CENTER: An establishment that provides daily care, supervision, and grooming of up to fifty (50) animals at any one time; and, which does not provide for overnight accommodation of animals, as would otherwise be associated with a *kennel* or *animal shelter*. (8/12/08, Case TA-08-04, Ord. No. 2008-33)
- 1-2-86.2 ~~SHORT TERM LOAN ESTABLISHMENT: a business engaged in providing short term loans of money of an original term of less than 31 days, with or without security given by the borrower or with or without a co-maker, guarantor, endorser or surety, to members of the general public as an element of its operation and which is not a bank or a savings and loan association. Short term loan establishments shall include businesses offering what is, or is~~

marketed as, payday loans, signature loans, title (to vehicles, boats or other personal property, but not real estate) loans, cash advances, check cashing loans, small loans and other similar loans; but, does not include pawnshops. (4/3/10, Case TA-10-21, Ord. No. 2010-06)

**ARTICLE 6
RESIDENTIAL OFFICE DISTRICT – RO-1**

SECTION 6-2. USES PERMITTED WITH A CONDITIONAL USE PERMIT.

6-2-3 Banks and financial institutions, not including **alternative financial institutions**~~short term loan establishment~~, as defined in Article 1. (11/18/86, Ord. No. 018-86; 4/13/10, Case TA-10-21, Ord. No. 2010-06)

**ARTICLE 7
RESIDENTIAL BUSINESS DISTRICT – RB-1**

SECTION 7-1. USE REGULATIONS.

7-1-7 Branch Banks and financial institutions, not including **alternative financial institutions**~~short term loan establishment~~, as defined in Article 1. (4/3/10, Case TA-10-21, Ord. No. 2010-06)

**ARTICLE 8
HIGHWAY COMMERCIAL DISTRICT – B-2**

SECTION 8-1. USE REGULATIONS.

8-1-9 Banks and financial institutions, not including **alternative financial institutions**~~short term loan establishment~~, as defined in Article 1. (4/3/10, Case TA-10-21, Ord. No. 2010-06)

SECTION 8-2. USES REQUIRING A CONDITIONAL USE PERMIT

8-2-22 **Alternative financial institutions** ~~Short term loan establishment~~, provided that no such use is located within 500 feet of any other ~~short term loan establishment~~ **alternative financial institution** or residentially-zoned property. (4/3/10, Case TA-10-21, Ord. No. 2010-06)

**ARTICLE 9
CENTRAL BUSINESS DISTRICT – B-1**

SECTION 9-1. USE REGULATIONS.

9-1-7 Banks and financial institutions, not including **alternative financial institutions**~~short term loan establishment~~, as defined in Article 1. (4/3/10, Case TA-10-21, Ord. No. 2010-06)

9-2-21 **Alternative financial institutions**~~Short term loan establishment~~, provided that no such use is located within 500 feet of any other ~~short term loan establishment~~ **alternative financial institutions** or residentially-zoned property. (4/3/10, Case TA-10-21, Ord. No. 2010-06)

**ARTICLE 10
COMMERCIAL INDUSTRIAL DISTRICT – CM-1**

SECTION 10-1. USE REGULATIONS.

10-1-3 Banks and financial institutions, not including **alternative financial institutions**~~short term loan establishment~~, as defined in Article 1. (4/3/10, Case TA-10-21, Ord. No. 2010-06)

SECTION 10-2. USES REQUIRING A CONDITIONAL USE PERMIT.

10-2-13 **Alternate financial institutions**~~Short term loan establishment~~, provided that no such use is located within 500 feet of any other ~~short term loan establishment~~ **alternative financial institution** or residentially-zoned property. (4/3/10, Case TA-10-21, Ord. No. 2010-06)

**ARTICLE 13
PLANNED DEVELOPMENT**

SECTION 13.2. PLANNED COMMERCIAL DISTRICT – PC

13-2-3.2 Banks and financial institutions, not including **alternative financial institutions**~~short term loan establishment~~, as defined in Article 1. (4/3/10, Case TA-10-21, Ord. No. 2010-06)

**ARTICLE 15.1
MEDICAL CENTER DISTRICT – MC**

SECTION 15.1-2. USES PERMITTED BY CONDITIONAL USE PERMIT.

15.1-2-2 Personal service and retail establishments (including banks and branch banks; but not including **alternative financial institutions**~~short term loan establishments~~, as defined in Article 1) serving the District when located within freestanding structures not physically connected to the main hospital structure. (4/3/10, Case TA-10-21, Ord. No. 2010-06)

Ordinance No. 2014-14

ADOPTED by the Common Council of the City of Winchester on the 10th of June, 2014.

Witness my hand and the seal of the City of Winchester, Virginia.

*Kari J. Van Diest, CMC
Deputy Clerk of the Common Council*