

COMMON COUNCIL



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I, Kari J. Van Diest, Deputy Clerk of the Common Council, hereby certify on this 10th day of July, 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 8th day of July 2014.

**AN ORDINANCE AMENDING SECTION 6-5 AND 6-6 OF THE WINCHESTER
LAND SUBDIVISION ORDINANCE PERTAINING TO APPROVAL OF MINOR
SUBDIVISIONS
SA-14-199**

WHEREAS, the Land Subdivision Ordinance allows the City Subdivision Administrator to administratively approve Minor Subdivisions which do not entail subdividing parcels into more than 3 lots fronting upon public streets where no new streets or utilities are proposed and existing facilities will accommodate the modification; and

WHEREAS, the Land Subdivision Ordinance, was amended in 1988 to prohibit the Subdivision Administrator from approving any Minor Subdivision within one year of a prior Minor Subdivision for the same parcel or portion thereof; and

WHEREAS, the outright prohibition on approving Minor Subdivisions within 12 months of a prior Minor Subdivision has been found to be an unnecessary impediment to development approval; and

WHEREAS, the Planning Commission forwarded the request to Council on May 20, 2014 recommending approval of the Land Subdivision Amendment because the amendment represents good planning practice; and

WHEREAS, a synopsis of this Ordinance has been duly advertised and a Public Hearing has been conducted by the Common Council of the City of Winchester, Virginia, all as required by the Code of Virginia, 1950, as amended, and the said Council has determined that the amendment represents good planning practice.

NOW THEREFORE BE IT ORDAINED by the Common Council of the City of Winchester, Virginia that the following Land Subdivision Ordinance provisions are hereby amended and reenacted as follows:

Ed note: The following text represents an excerpt of Section 6-5 and 6-6 of the Land Subdivision Ordinance that is 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 Existing ordinance language that is not included here is not implied to be repealed simply due to the fact that it is omitted from this excerpted text.

SECTION 6-5. MINOR SUBDIVISIONS.

- 6-5-1 The Administrator may certify a subdivision or re-subdivision as a “minor subdivision” if he/she finds that:
- 6-5-1.1 The proposal is to divide a parcel of land into not more than three (3) lots fronting up an existing street and not involving a new street or the extension of any existing street, street facilities, or utilities; and existing facilities will adequately accommodate the modification; and
- 6-5-1.2 The proposal will not create a violation of any of the provisions of the Zoning Ordinance; and
- 6-5-2 If the Administrator finds that the proposed subdivision or re-subdivision meets all the requirements as set forth above and elsewhere in this chapter, he/she shall certify the proposed plat as a “minor subdivision”, and by affixing a notation to that effect and his signature there to, grant final subdivision approval. At each regular Planning Commission meeting, the Administrator shall make a written report of all minor subdivisions so classified, certified, and approved for filing.

SECTION 6-6. RECORDATION.

~~Unless the subdivider shall record his approved final subdivision plat in the office of the Clerk of Circuit Court for the City of Winchester within ninety (90) days after final approval, said final plat approval shall be null and void. The subdivider or his agent shall, in writing, inform the Administrator of the date on which said final subdivision plat was filed and note the deed book and page number thereof.~~

Unless a plat is filed for recordation in the office of the Clerk of Circuit Court for the City of Winchester within six (6) months after final approval thereof or such longer period as may be approved by City Council, such approval shall be withdrawn and the plat marked void and returned to the approving official; however, in any case where construction of facilities to be dedicated for public use has commenced pursuant to an approved plan or permit with surety approved by City Council or its designated administrative agency, or where the developer has furnished surety to City Council or its designated administrative agency by certified check, cash escrow, bond, or letter of credit in the amount of the estimated cost of construction of such facilities, the time for plat recordation shall be extended to one (1) year after final approval or to the time limit specified in the surety agreement approved by City Council or its designated administrative agency, whichever is greater.

Ordinance No. 2014-22

ADOPTED by the Common Council of the City of Winchester on the 8th of July, 2014.



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

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