

ORDINANCE #15-23

**AN ORDINANCE TO AMEND CHAPTER 21, ARTICLE VII, SEC. 21-777
(a) AND (b)(2) AND (4)(a) OF THE WILLIAMSBURG CODE TO
ESTABLISH A 60-DAY TIME LIMIT FOR APPROVAL, APPROVAL
WITH CONDITIONS OR DISAPPROVAL OF CERTAIN SITE PLANS
(PCR #15-021)**

WHEREAS, at its 2015 Session the Virginia General Assembly enacted Senate Bill 1355 that modifies Va. Code Sec. 15.2-2259 A 2 to require a 60-day time limit for the zoning administrator or Planning Commission to act on certain site plans; and

WHEREAS, it is necessary to amend City Code Sec. 21-777 (a) and (b)(2) and (4)a. to comply with such requirement;

NOW, THEREFORE, BE IT ORDAINED that Sub-paragraphs (a) and (b)(2) and (4)a. of Williamsburg Code Sec. 21-777 are amended to read as follows:

ARTICLE VII. SITE PLANS

Sec. 21-777. In general.

(a) *Minor site plan administration.* The zoning administrator (or the zoning administrator's designee) shall review and approve or disapprove minor site plans. However, minor site plans may, at the discretion of the zoning administrator, be referred to the Planning Commission for a final decision.

- (1) A decision by the zoning administrator to approve, approve with conditions or disapprove a minor site plan shall be made within 60 days after a minor site plan that meets all the requirements of this article has been officially submitted for approval unless this requirement is waived by mutual consent between the applicant and the zoning administrator. A minor site plan is deemed officially submitted following delivery of the fully completed minor site plan to the zoning administrator. Approval, approval with conditions or disapproval shall be made in writing, with specific reasons given for disapproval.
- (2) The zoning administrator shall act on any minor site plan that has been previously disapproved within 45 days after the minor site plan has been modified, corrected and officially resubmitted for approval. A minor site plan is deemed officially resubmitted following delivery of the modified and corrected minor site plan to the zoning administrator.
- (3) In the case of a minor site plan solely involving parcels of commercial real estate, the failure of the zoning administrator to approve or disapprove a resubmitted plat or plan within the time periods required by this section shall cause the minor site plan to be deemed approved.
- (4) For the purposes of this section, the term "commercial" means all real property used for commercial or industrial uses.

(b) *Site plan administration.*

(2) The Site Plan Review Committee shall advise the Planning Commission on issues pertaining to the review and approval or disapproval of site plans, and shall be composed of three or four members of the Planning Commission, who shall be appointed by the ~~chairman~~ chair of the Planning Commission for annual terms.

(4) Approval of site plans.

a. A decision to approve, approve with conditions or disapprove a site plan shall be made by the Planning Commission within 60 days after a site plan that meets all the requirements of this article has been officially submitted for approval unless this requirement is waived by mutual consent between the applicant and the zoning administrator. A site plan is deemed officially submitted as of the next site plan review schedule submittal deadline following delivery of the fully completed site plan to the zoning administrator. Approval, approval with conditions or disapproval shall be made in writing, with specific reasons given for disapproval.

1. The Planning Commission shall act on any site plan that has been previously disapproved within 45 days after the modified, corrected and resubmitted site plan has been officially submitted for approval unless this requirement is waived by mutual consent between the applicant and the zoning administrator. A site plan is deemed officially resubmitted as of the next site plan review schedule submittal deadline following delivery of the modified and corrected site plan to the zoning administrator. Approval, approval with conditions or disapproval shall be made in writing, with specific reasons given for disapproval.

2. In the case of a site plan solely involving parcels of commercial real estate, the failure of the Planning Commission to approve or disapprove a resubmitted site plan within the time periods required by this section shall cause the site plan to be deemed approved.

3. For the purposes of this section, the term "commercial" means all real property used for commercial or industrial uses.

b. ~~When denying a site plan, the planning commission shall state specific reasons for the denial.~~ Reserved.

EXCEPT, as here amended, the Williamsburg Code shall remain unchanged.

Adopted: October 8, 2015

Attest: 
Gerry S. Walton, Deputy Clerk of Council


Clyde A. Haulman, Mayor