

Attachment 06: Proposed Edits of Article 6. Subdivision, Lot Line Adjustment, and Lot Consolidation

Sec. 18-606. Board and Commissions.

The Planning Commission may make recommendations regarding, and the Town Council may review and approve waivers of, the requirements of this Chapter through the Modification of Requirements within Section 18-830.

- ~~1. **Authority of Boards and Commissions.** Establishment and authority of the Boards and Commissions authorized to review and approve lot modifications is found within Article 8 of this Chapter.~~
- ~~2. **Planning Commission Authority.** The Planning Commission shall consider proposed plats for subdivisions, lot line and boundary adjustments as described within this Article and refer the plat to Town Council with comments in writing, giving with the latter specific reasons therefor, and shall exercise all other powers conferred upon it by the Code of Virginia.~~
- ~~3. **Town Council Authority.** The Town Council shall consider proposed plats, pursuant to the recommendation of the Planning Commission, and approve or disapprove the plat in writing, giving with the latter specific reasons therefor, and shall exercise all other powers conferred upon it by the Code of Virginia to assure the orderly subdivision of land and to implement the comprehensive plan of the Town.~~

Sec. 18-607. Subdivision.

1. A subdivision includes:
 - A. The division of a parcel of land into two or more lots or parcels, each for the purpose, whether immediate or future, of transfer of ownership or building development.
 - B. The division of a parcel of land, regardless of the size **or number** of the parcels, where a new street is involved.
 - C. ~~The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving T~~the division or allocation of land for the opening, widening, or extension of any street, ~~except private streets serving industrial structures.~~
 - D. The division or allocation of land as open spaces for common use by owners, occupants or leaseholders.
 - E. The division or allocation of land ~~as easements~~ for the extension and maintenance of public sewer, water, storm drainage or other public facilities.
2. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

Sec. 18-608. Lot Line Adjustment.

A lot line adjustment is permitted between two or more adjacent lots where:

1. No additional lots are created;
- ~~2. The potential to create additional lots remains unaltered; and~~
- ~~3.~~ 2. Existing or platted streets, rights-of-way, public easements, and public improvements are unaffected.

Sec. 18-611. Application Requirements.

1. Requirements for applications will be set forth by the Director of Planning and Zoning and Director of Public Works, consistent with the requirements of this Chapter and State law in the submission requirements checklist.

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2. The applicant bears the burden of ensuring that an application contains sufficient information to demonstrate compliance with all applicable standards and providing documentation of all regulations that are not met within the application.

Sec. 18-617. ~~Reserved. Pre-Application Meeting Required.~~

~~Prior to submitting formal applications for boundary or lot line adjustments, lot consolidation, or subdivisions, all applicants shall submit a conceptual preliminary plan and attend a Pre-Application Meeting in accordance with 5-18-833, Pre-Application Meeting.~~

Sec. 18-619. Review Process.

1. **Completeness and Compliance.** The Application, Preliminary Plat and the Conceptual Development Plan for a Subdivision are reviewed for completeness and compliance with all requirements of Chapter 18 of the Town Code by the Director of Planning and Zoning, the Zoning Administrator, and the Director of Public Works.
 2. **Modification of Requirements.** If the compliance review shows that the proposed lots are not in compliance with regulations within this Chapter or other applicable regulations, staff may reject the proposed lots. However, an applicant may submit an application for a Modification of Requirements in conjunction with the proposed lots. After staff review of the proposed Modification of Requirements, the Planning Commission will provide a recommendation and Town Council will approve or reject the requested modifications, following the Modification of Requirements process within Section 18-830. If the Town Council has rejected the proposed Modification of Requirements, staff will reject the proposed non-compliant lots.
 - ~~2-~~ 3. **Review by Town Attorney.** After the application has been deemed complete and compliant with all required provisions, the Director of Planning and Zoning will transmit the application, including the proposed deed language, to the Town Attorney for review. The Town Attorney shall review the application and transmit any comments to the Director of Planning and Zoning.
 4. **Final Approval by the Director of Planning and Zoning.** The Director of Planning and Zoning provides final approval through the issuance of the final stamped plat for recordation.
 5. ~~9-~~ **Recordation.** The final signed plat must be recorded with Fairfax County Circuit Court, and a copy of the recorded plat and deed provided to the Town of Vienna. Documents must show the stamped deed book and page.
 - ~~3. **Transmission to Planning Commission.** Determining that all requirements of this Chapter and all applicable regulations are met, the Director of Planning and Zoning will transmit the application to the Planning Commission for review.~~
 - ~~4. **Review by Planning Commission.** At a regular meeting of the Planning Commission, the subdivider shall discuss the preliminary plat with the Planning Commission in order to determine whether the preliminary plat generally conforms to the requirements of the Code. The Planning Commission shall review the application and, in writing, provide a referral of the application, including any proposed modifications or reasons for disapproval, to Town Council.~~
 - ~~5. **Transmission to Town Council.** The Director of Planning and Zoning will transmit all materials including the findings of the Planning Commission to Town Council for review.~~
 - ~~6. **Final Decision by Town Council.** The final decision is made by Town Council.~~
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- A. ~~**Time frame for Decision.**~~ The Town Council shall act on any proposed plat within sixty (60) days after it has been officially submitted for approval, by either approving or disapproving the plat in writing and giving with the latter specific reasons therefor.
- B. ~~**Reasons for disapproval.**~~ Specific reasons for disapproval shall be contained either in a separate document or on the plat itself. The reasons for disapproval shall identify deficiencies in the plat that cause the disapproval by reference to specific duly adopted ordinances, regulations, or policies and shall identify modifications or corrections as will permit approval of the plat.
- C. ~~**Modifications to Address Disapproval.**~~ The Town Council shall act on any proposed plat that it has previously disapproved within forty five (45) days after the plat has been modified, corrected and resubmitted for approval. In the review of a resubmitted proposed plat, site plan or plan of development that has been previously disapproved, the Town Council shall consider only deficiencies it had identified in its review of the initial submission of the plat or plan that have not been corrected in such resubmission and any deficiencies that arise as a result of the corrections made to address deficiencies identified in the initial submission.
7. ~~**Final Plat.**~~ The Final Plat for a Subdivision approved by Town Council is reviewed for completeness and compliance by the Director of Planning and Zoning, the Zoning Administrator, and the Director of Public Works.
8. ~~**Mayor and Town Attorney Signature Required.**~~ The Director of Planning and Zoning will notify the applicant to provide a hard copy of the final plat and deed for signature by the Town Attorney and Mayor.

Sec. 18-620. Reserved. Approval Criteria.

Lot modification and subdivisions may be approved, subject to the following findings:

1. ~~The resulting lots will conform to the zoning requirements of this Chapter and all other applicable local, state and Town of Vienna requirements.~~
2. ~~No easements or utility rights-of-way located along any lot lines to be vacated may be extinguished or altered without the express consent of all persons holding any interest therein, and such consent shall be evidenced by the signatures of such persons on the deed.~~
3. ~~The action shall not involve the relocation or alteration of streets or easements for public passage, or other public areas, unless action is taken by the Town Council or another relevant body to enact such change.~~
4. ~~The action shall not create lot access that is unsafe or detrimental to the existing road system, including right-of-way providing access to pedestrians, because of sight distance, grade, road geometry, proximity to intersections, or other safety concerns.~~
5. ~~No lot line adjustment shall be approved if it would involve or result in:~~
 - A. ~~The creation of any additional lot(s), parcels or out lots or any increase in density;~~
 - B. ~~The relocation or reduction in area or in rights-of-way of any of street, alley, easement for public passage, other public land;~~
 - C. ~~The relocation or alteration of utility easements, or utility rights-of-way without the express consent of all persons holding any interest in the utility easement or utility right-of-way.~~
 - D. ~~The creation of, or aggravation of an existing noncompliance with regard to minimum lot area, minimum lot width, or minimum required yards; or~~
 - E. ~~Any violation or noncompliance with the Town's zoning ordinance.~~