

DIVISION 1. - SUMMARY AND PURPOSE OF ARTICLE

Sec. 18-601. - Purpose.

This Article states the administration of processes related to the creation of subdivisions, lot line adjustments, and lot consolidations within the Town of Vienna. The purposes of this article are to:

- A. Establish standards and procedures for the orderly division, subdivision, resubdivision, and consolidation of lots, tracts, and parcels of land in the Town of Vienna.
- B. Implement the standards of this Chapter.
- C. Assure that lots, tracts, and parcels of land are suitable for the intended use.
- D. Assure that improvements required by this Chapter will be designed, constructed, and maintained so as not to become an undue burden on the community.

Sec. 18-602. - Applicability.

Any lot modification, as defined in Article 9, Definitions and further described within this Article, that is situated wholly or partly within the Town must comply with both the requirements of this Article and the other applicable requirements of this Chapter.

Sec. 18-603. - Platting Required.

No tract of land situated within the Town of Vienna shall be subdivided or otherwise modified unless the subdivider or modifier shall cause a plat of all lots to be made, submitted, and approved pursuant to the terms of this Article and recorded among the land records in the office of the clerk of the circuit court.

Sec. 18-604. - Authority.

This Article was adopted pursuant to the terms and provisions of the Code of Virginia, § 15.2-2240 et seq.

DIVISION 2. - ADMINISTRATIVE OFFICIALS, BOARDS AND COMMISSIONS

Sec. 18-605. - Administrative Officials.

1. The administrative officials responsible for the review of subdivision plats are referenced in Article 8 of this Chapter.
2. Whenever a provision appears requiring an Administrative Town official to perform an act or duty, that provision authorizes the specified Town official to delegate that responsibility to other Town employees.

3. No agent of the Town shall have the authority to authorize any departure or waiver from the application of this Chapter unless there is specific authorization to do so within the Code.

Sec. 18-606. - Board and Commissions.

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.

DIVISION 3. - TYPES OF LOT MODIFICATIONS

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 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 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. Existing or platted streets, rights-of-way, public easements, and public improvements are unaffected

Sec. 18-609. - Lot Consolidation.

A lot consolidation shall be a plat that removes one or more existing lot lines, the effect of which is to eliminate one or more lots by combining them into a single larger parcel.

DIVISION 4. - APPLICATIONS GENERALLY

Sec. 18-610. - Authority to File Applications.

Unless expressly stated otherwise in this Article, all applications for lot modifications under this Chapter must be submitted by:

1. The owner of the land proposed to be subdivided;
2. A person authorized to submit the application on behalf of the owner (an "authorized representative"), as evidenced by a power of attorney, a letter, or other document signed by the owner; or
3. If there are multiple owners, contract purchasers, or other persons authorized to submit an application, all such persons or their authorized representatives, who must sign the application or a letter or document granting their consent to the application.

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.
2. The applicant bears the burden of ensuring that an application contains sufficient information to demonstrate compliance with all applicable standards.

Sec. 18-612. - Compliance with Zoning Code and Proffered Conditions.

No platted lot modification shall be approved unless all lots shown thereon comply with all applicable requirements of this Chapter, including conditions properly proffered and accepted as part of a rezoning

involving any land that is included in the proposed subdivision.

Sec. 18-613. - Recordation.

1. No plat of subdivision shall be recorded unless or until the plan and plat shall have been submitted to, approved by, and certified by the administrative official and the Town Council in accordance with the regulations set forth in this chapter and § 15.2-2254 of the Code of Virginia.
2. No lot shall be sold in any subdivision before the plat shall have been recorded.

Sec. 18-614. - Lots Valid and Recorded.

The lots affected by the relocation of a boundary line of a subdivision must have been:

1. Part of an otherwise valid and properly recorded subdivision plat approved pursuant to this chapter or a prior subdivision ordinance of the Town; or
2. Part of a properly recorded deed prior to the adoption of the first subdivision ordinance of the Town that required an approved subdivision plat under the applicable circumstances.

Sec. 18-615. - Deeds Subject to Approval Prior to Recordation.

The deed reflecting a lot consolidation, lot line adjustment or boundary line adjustment shall reference the recorded plat by which the applicable lot lines were originally created, and the Town must approve the deed in writing, on its face.

Sec. 18-616. - Pending and Prior Applications.

For any subdivision application submitted and accepted as complete before the effective date listed in § 18-108, but still pending final action as of that date:

1. The project may proceed through the approval process and continue to be reviewed in accordance with the subdivision regulations in effect at the time of the submission and acceptance of the application.
2. An applicant may elect at any stage of the development review process to have the proposed development reviewed under the processes, standards, and requirements of this Chapter in lieu of the processes, standards, and requirements of the subdivision regulations in effect at the time of the submission and acceptance of the application.
3. If the subdivision application is approved, the approval will remain valid for the period specified in the subdivision regulations under which the application was reviewed and approved. Extensions of time available under those subdivision regulations remain available.
4. Once constructed, the project will be subject to the same rules as other conforming or non-conforming uses, structures, and site features under this Chapter.

5. Any violation of the previous subdivision regulations will continue to be a violation under this Chapter unless the subdivision complies with the express terms of this Chapter.

DIVISION 5. - APPLICATION PROCESS

Sec. 18-617. - 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 § 18-833, Pre-Application Meeting.

Sec. 18-618. - Submission Requirements for all Applications.

1. **Existing Lot Conditions.** A survey showing the lot boundaries and the location of all existing structures and improvements.
2. **Conceptual Plan for all Proposed Lots.** A conceptual plan that shows how existing and possible future improvements on the resulting lots will meet all zoning requirements and other Town regulations.
3. **Preliminary Plat.** A preliminary plat showing the boundaries of existing relevant lots and all proposed lots that would be created under this application.
4. **Final Plat and Deed.** A final plat and deed, after receiving the Directors' determination that the preliminary plat is complete and compliant with all requirements.
5. **Other Items as Determined by the Directors.** The Director of Planning and Zoning, Director of Public Works, and Director of Parks and Recreation may require additional materials to determine compliance with all requirements.

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 by the Director of Planning and Zoning, the Zoning Administrator, and the Director of Public Works.
2. **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 to the Town Attorney for review. The Town Attorney shall review the application and transmit any comments to the Director of Planning and Zoning.
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.
 - 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.
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.

Sec. 18-620. - 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.

Sec. 18-621. - Appeals.

If the Town Council or other Administrative Official disapproves a plat and the subdivider contends that the disapproval was not properly based on the ordinance applicable thereto, or was arbitrary or capricious, they may appeal to Fairfax County Circuit Court and the court shall hear and determine the case as soon as may be, provided that his appeal is filed with the Circuit Court within sixty (60) days of the written disapproval by the Planning Commission or other agent.

Sec. 18-622. - Vacation of Plats.

Vacation of recorded plats or portions of recorded plats may be accomplished with approval of the Town Council, in accordance with the applicable provisions of state law relative to land subdivision and development.

Sec. 18-623. - Inspection of Construction.

Inspections during and after installation of improvements shall be made by the Director of Public Works to ensure conformity with approved plans and specifications. The subdivider shall notify the Director of Public Works prior to beginning and completion of any improvements required under this chapter. The subdivider shall provide adequate supervision on the project during construction of required improvements and shall keep one set of approved plans and profiles available on the project site at all times when work is being performed.

DIVISION 6. - DESIGN STANDARDS AND REQUIRED IMPROVEMENTS

Sec. 18-624. - Design Standards.

All lots in proposed subdivisions and modifications to existing lots must meet the design standards outlined in this Article.

Sec. 18-625. - Subdivision Name.

1. The naming of a subdivision shall be included with the approval of a preliminary subdivision plan, minor subdivision plat or family subdivision plat.
2. A subdivision name that has already been accepted pursuant to subsection (a) above shall not be used for another subdivision.
3. A change of the name of a subdivision after the approval of the final plat, minor subdivision plat or family subdivision plat shall require a vacation of the plat.

Sec. 18-626. - Lot Design.

1. **Lot Area.** All proposed lots shall meet the minimum lot area requirements of Article 2.
2. **Lot Width.** All lot dimensions shall satisfy the requirements in Article 2.
3. Rear and side lot lines shall be substantially at right angles to the front lot line on a public street or radial to curved street lines.
4. **Lot Shape.** No lot shall be created to be irregularly shaped or extended so that it has a "lot shape factor" more than twenty-five (25). Lot shape factor equals the square of the lot perimeter divided by the lot area.
5. **Lot remnants.** No non-conforming remnant of land shall be created as part of a subdivision or boundary line adjustment unless the intended remnant is part of a parallel and approvable application to consolidate the remnant with an adjoining lot to create a conforming lot.
6. **Frontage on Public Street Required.** Each lot shall abut a public street that either already exists or is dedicated by the subdivision plat.

7. **Frontage Permitted on One Street Only.** Interior lots having frontage on two streets shall be prohibited except where unusual conditions make other design options undesirable. The provision may be waived through the approval of both the Zoning Administrator and the Director of Public Works.
8. **Lot Access.** Each lot created as part of a Lot Modification must have access to the public right-of-way that is compliant with the standards established by the Director of Public Works and all provisions of the Code of Vienna.

Sec. 18-627. - Street Design.

When the subdivider is required to build new public streets as part of the subdivision approval, the subdivider is responsible for the design and construction of all streets in accordance with the Design Standards maintained by the Department of Public Works. All streets are to be painted and marked in accordance with the manual by the subdividers, including crosswalks. The arrangement, character, extent, and location of all streets shall:

1. Conform to the official map and comprehensive plan.
2. Comply with the current standards manual maintained by the Department of Public Works.
3. Be publicly accessible and meet the standards of the Town's public street network.
 - A. Streets within areas of single-unit development, other than driveways accessing private off-street parking, must be public and meet all standards of the Town's public street network.
 - B. Access drives are permitted for sites containing commercial, industrial, multi-unit, and mixed-use development. Access drives must meet the standards within Article 5 - Development Standards - Non-Residential and Multi-Unit Uses.
4. Make provisions for the continuation of the existing streets in adjoining areas and shall in every case provide at least one street which shall connect with, intersect with, or join in a safe and approved manner one or more already existing and paved streets within the Town.
5. If a dead-end street is of a temporary nature, a similar turnaround shall be provided, and provision made for future extension of the street into adjoining properties.
6. Be considered in their relation to topographical conditions, public convenience, and safety and in their appropriate relation to the proposed uses of the land to be served by such streets.
7. Names of new streets shall not duplicate existing or platted street names unless a new street is a continuation of, or in alignment with the existing or platted street.
8. The length of a road that terminates in a cul-de-sac must not exceed 600 feet, measured from the intersection of street centerlines to the end of the cul-de-sac street centerline.

9. Right-of-way must be provided per the street category in accordance with the Town's typical street section in a single-family or two-family residential subdivision for pedestrian access between a cul-de-sac head or street turnaround and the sidewalk system of the closest street or pedestrian path if:
 - A. The cul-de-sac head is within one-quarter mile of significant pedestrian generators or destinations such as schools, parks, trails, greenways, employment centers, mixed use development, retail centers, or similar features; and
 - B. The pedestrian connection can be reasonably achieved and connected to an existing or proposed sidewalk, trail, greenway, or other type of pedestrian connection.

Sec. 18-628. - Required Improvements.

Based on the Lot Modification application, one or more of the following may be required as a condition of approval at no cost to the Town, unless otherwise provided in the Code of Vienna:

1. **Monuments.** Monuments that indicate the location of key boundary points shall be placed at all block corners, angle points, points of curves in streets and at intermediate points, to be approved by the Director of Public Works. The monuments shall be of such material, size and length as may be approved by the Director of Public Works. All monuments shall be clearly visible for inspection and use.
2. **Streets, Sidewalks, Curb and Gutter.** All required roadways shall be developed in accordance with standards and specifications by the Director of Public Works per the road category shown on the Town's Official Map along all lot lines of all dedicated rights-of-way. Entrance drives shall be paved to the property line of each lot.
3. **Street Name Signs.** Street name signs shall be installed at all street intersections at locations approved by the director of public works.
4. **Street Lighting.** Right-of-Way lighting facilities and light standards shall be approved by the director of public works.
5. **Street Trees and Public Plantings.** Trees and plantings within the right-of-way shall be approved by the Director of Public works and the Director of Parks and Recreation and installed at the cost of the subdivider.
6. **Dedication of Lot Frontage.** The developer of any lot shall dedicate land along the lot frontage for sidewalk, curb, and gutter improvements as shown on the adopted Town Pedestrian Plan and other standards as developed by the Director of Public Works. Dedication of such improvements shall be in accordance with the standards set forth in this Code.
 - A. The developer of any lot that fronts an existing street shall dedicate land, construct a sidewalk and connect such new sidewalk to the existing adjacent sidewalks, if any. Such new sidewalk shall be constructed in accordance with the standards set forth in this Code.

- B. Upon application by the developer to the Town, the Town Council designates the Director of Public Works to waive in exceptional circumstances, in consultation with the Town Attorney and Town Manager, in his or her discretion, the construction of such new sidewalk and permit the deposit of designated funds for such construction.
7. **Water Lines.** The subdivider shall connect with the Town water mains and provide a water connection for each lot within the subdivision.
 8. **Sewers.** Sanitary sewer systems shall be connected to the Town sanitary sewer system, and each lot within a subdivision shall be connected to the sanitary sewer system.
 9. **Storm Drain.** Adequate provisions shall be made for the control of storm runoff. All storm drainage shall terminate in an approved watercourse. The connecting of any part of the storm drain system to any part of the sanitary sewer system is prohibited.
 10. **Fire Hydrants.** Fire hydrants shall be installed in all subdivisions. Fire hydrant standards shall be subject to the approval of the Fairfax County Fire Marshal and the Director of Public Works.
 11. **Utilities Below Ground.** All new transmission, distribution and customer service utility facilities, carrying or used in connection with electric power, telephone, telegraph, cable television, petroleum, gas or steam, installed within the boundaries of any subdivision, the final plat of which is approved subsequent to April 28, 1969, shall be placed below the surface of the ground; provided that:
 - A. Equipment such as electric distribution transformers, switchgear, meter pedestals and telephone pedestals, which is normally installed above ground in accordance with accepted utility practices for underground distribution, may be so installed;
 - B. Meters, service connections and similar equipment normally attached to the outside wall of the premises it serves may be so installed; and
 - C. Temporary overhead facilities required for construction purposes will be permitted.
 12. **Stormwater Management (SWM) Facilities of Structures.** Any SWM facility or structure necessary to meet the Town's stormwater management program as stated in Chapter 23, Article 3.
 13. **Property Trees and Landscaping.** Subdivision development is governed by the requirements of the zone or district the property is located in (see Article 2) and the required tree preservation and canopy requirements as shown in Chapter 17.

(Ord. of 4-29-2024(1), § 1)