



RELEVANT CODE SECTIONS
841 Ninovan Rd SE
PF-1392510

Town Code

Article 9. Definitions

Section 18-902 General Terms

Lot consolidation means a plat that removes one or more existing lot lines, the effect of which is to eliminate one or more lots so as combine them, resulting in a single larger parcel.

Article 6. Subdivision, Lot Line Adjustment, and Lot Consolidation

Section 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.

Section 18-606 Board and Commissions

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.

- 1. 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.
- 2. 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.

Section 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.



Section 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.

Section 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.



Article 2. Zones, Districts, and Dimensional Standards

Section 18-219 Residential - Single-Unit, 10,000 sq. ft. Zone (RS-10)

2. RS-10 Dimensional Standards

Principal Structure Count: 1 per lot max.

BUILDABLE LOT DIMENSIONS		
	Lot Area Per Dwelling Unit	10,000 sq. ft. min.
FW	Lot Width at Front Lot Line	45 ft. min.
BW	Lot Width at Front Building Line	60 ft. min.
MW	Lot Width at Midline	75 ft. min.

RESIDENTIAL COVERAGE	
Lot coverage	25% max.
Outdoor living coverage	5% max. covered by decks Up to 400 sq. ft. of decks may be covered, with conditions outlined in §18-213

BUILDING STANDARDS		
H	Building Height	35 ft. max.
	Number of Stories	2.5 max.

BUILDING PLACEMENT STANDARDS		
FY	Front Yard Setback	25 ft. min. from front property line, incl. after any required dedication
ISY	Interior Side Yard Setback	12 ft. min. Non-Residential Principal Structures: 30 ft. min.
CSY	Corner Side Yard Setback	25 ft. min.
RY	Rear Yard Setback	35 ft. min.

Reference to Other Standards

- » Uses and Use Standards: See [Article 3](#);
- » Accessory structure setbacks: See [Article 4A](#)
- » Development Standards - Single-Unit Detached Residential Uses: See [Article 4A](#);
- » Development Standards - Public, Institutional, and Community Uses - See [Article 5B](#)



Code of Virginia

§ 15.2-2258. Plat of proposed subdivision and site plans to be submitted for approval.

Whenever the owner or proprietor of any tract of land located within any territory to which a subdivision ordinance applies desires to subdivide the tract, he shall submit a plat of the proposed subdivision to the planning commission of the locality, or an agent designated by the governing body thereof for such purpose. When any part of the land proposed for subdivision lies in a drainage district such fact shall be set forth on the plat of the proposed subdivision. When any part of the land proposed for subdivision lies in a mapped dam break inundation zone such fact shall be set forth on the plat of the proposed subdivision. When any grave, object or structure marking a place of burial is located on the land proposed for subdivision, such grave, object or structure shall be identified on any plans or site plans required by this article. When the land involved lies wholly or partly within an area subject to the joint control of more than one locality, the plat shall be submitted to the planning commission or other designated agent of the locality in which the tract of land is located. Site plans or plans of development required by subdivision A 8 of § 15.2-2286 shall also be subject to the provisions of §§ 15.2-2258 through 15.2-2261, mutatis mutandis.

§ 15.2-2259. Local planning commission to act on proposed plat.

Code of Virginia

A. 1. Except as otherwise provided in subdivisions 2 and 3, the local planning commission or other agent shall act on any proposed plat within 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. The Commission or agent shall thoroughly review the plat and shall make a good faith effort to identify all deficiencies, if any, with the initial submission. However, if approval of a feature or features of the plat by a state agency or public authority authorized by state law is necessary, the commission or agent shall forward the plat to the appropriate state agency or agencies for review within 10 business days of receipt of such plat. The state agency shall respond in accord with the requirements set forth in § 15.2-2222.1, which shall extend the time for action by the local planning commission or other agent, as set forth in subsection B. 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. The local planning commission or other agent shall act on any proposed plat that it has previously disapproved within 45 days after the plat has been modified, corrected and resubmitted for approval.

2. The approval of plats, site plans, and plans of development solely involving parcels of commercial real estate by a local planning commission or other agent shall be governed by subdivision 3 and subsections B, C, and D. For the purposes of this section, the term "commercial" means all real property used for commercial or industrial uses.



3. The local planning commission or other agent shall act on any proposed plat, site plan or plan of development within 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. The local planning commission or other agent shall not delay the official submission of any proposed plat, site plan, or plan of development by requiring presubmission conferences, meetings, or reviews. The Commission or agent shall thoroughly review the plat or plan and shall in good faith identify, to the greatest extent practicable, all deficiencies, if any, with the initial submission. However, if approval of a feature or features of the plat or plan by a state agency or public authority authorized by state law is necessary, the commission or agent shall forward the plat or plan to the appropriate state agency or agencies for review within 10 business days of receipt of such plat or plan. The state agency shall respond in accord with the requirements set forth in § 15.2-2222.1, which shall extend the time for action by the local planning commission or other agent, as set forth in subsection B. Specific reasons for disapproval shall be contained either in a separate document or on the plat or plan itself. The reasons for disapproval shall identify deficiencies in the plat or plan that caused the disapproval by reference to specific duly adopted ordinances, regulations, or policies and shall identify, to the greatest extent practicable, modifications or corrections that will permit approval of the plat or plan.

In the review of a resubmitted proposed plat, site plan or plan of development that has been previously disapproved, the local planning commission or other agent 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. In the review of the resubmission of a plat or plan, the local planning commission or other agent shall identify all deficiencies with the proposed plat or plan that caused the disapproval by reference to specific duly adopted ordinances, regulations or policies and shall identify modifications or corrections that will permit approval of the plat or plan. Upon the second resubmission of such disapproved plat or plan, the local planning commission or other agent's review shall be limited solely to the previously identified deficiencies that caused its disapproval.

The local planning commission or other agent shall act on any proposed plat, site plan or plan of development that it has previously disapproved within 45 days after the plat or plan has been modified, corrected and resubmitted for approval. The failure of a local planning commission or other agent to approve or disapprove a resubmitted plat or plan within the time periods required by this section shall cause the plat or plan to be deemed approved.

Notwithstanding the approval or deemed approval of any proposed plat, site plan or plan of development, any deficiency in any proposed plat or plan, that if left uncorrected, would violate local, state or federal law, regulations, mandatory Department of Transportation engineering and safety requirements, and other mandatory engineering and safety requirements, shall not be considered, treated or deemed as having been



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approved by the local planning commission or other agent. Should any resubmission include a material revision of infrastructure or physical improvements from the earlier submission or if a material revision in the resubmission creates a new required review by the Virginia Department of Transportation or by a state agency or public authority authorized by state law, then the local planning commission or other agent's review shall not be limited to only the previously identified deficiencies identified in the prior submittals and may consider deficiencies initially appearing in the resubmission because of such material revision.

B. Any state agency or public authority authorized by state law making a review of a plat forwarded to it under this article, including, without limitation, the Virginia Department of Transportation and authorities authorized by Chapter 51 (§ 15.2-5100 et seq.), shall complete its review within 45 days of receipt of the plat upon first submission and within 45 days for any proposed plat that has previously been disapproved, provided, however, that the time periods set forth in § 15.2-2222.1 shall apply to plats triggering the applicability of said section. The Virginia Department of Transportation and authorities authorized by Chapter 51 (§ 15.2-5100 et seq.) shall allow use of public rights-of-way dedicated for public street purposes for placement of utilities by permit when practical and shall not unreasonably deny plat approval. If a state agency or public authority authorized by state law does not approve the plat, it shall comply with the requirements, and be subject to the restrictions, set forth in subsection A, with the exception of the time period therein specified. Upon receipt of the approvals from all state agencies and other agencies, the local agent shall act upon a plat within 35 days.

C. If the commission or other agent fails to approve or disapprove the plat within 60 days after it has been officially submitted for approval, or within 45 days after it has been officially resubmitted after a previous disapproval or within 35 days of receipt of any agency response pursuant to subsection B, the subdivider, after 10-days' written notice to the commission, or agent, may petition the circuit court for the locality in which the land involved, or the major part thereof, is located, to decide whether the plat should or should not be approved. The court shall give the petition priority on the civil docket, hear the matter expeditiously in accordance with the procedures prescribed in Article 2 (§ 8.01-644 et seq.) of Chapter 25 of Title 8.01 and make and enter an order with respect thereto as it deems proper, which may include directing approval of the plat.

D. If a commission or other agent disapproves a plat and the subdivider contends that the disapproval was not properly based on the ordinance applicable thereto, or was arbitrary or capricious, he may appeal to the circuit court having jurisdiction of such land 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 60 days of the written disapproval by the commission or other agent.