



City of Fairfax, Virginia
City Council Regular Meeting

Agenda Item # 7j

City Council Meeting 11/28/2017

TO: Honorable Mayor and Members of City Council

FROM: Robert Sisson, City Manager *RS*

SUBJECT: Introduction of an ordinance amending the Code of the City of Fairfax, Chapter 86 (Subdivisions) to amend portions of articles and sections contained therein, including Design and Improvements and Administration.

ISSUE(S): Introduction of an ordinance amending the Code of the City of Fairfax, Chapter 86 (Subdivisions) to amend portions of articles and sections contained therein, including Design and Improvements and Administration.

SUMMARY: Adoption of the attached ordinance would amend portions of the Design and Improvements and Administration sections of the Subdivision Ordinance. The Subdivision Ordinance regulates the process for dividing or consolidating land into lots. A new Subdivision Ordinance was adopted on July 12, 2016 and became effective on October 1, 2016. This ordinance repealed the previous Subdivision Ordinance and readopted it with significant revisions. The draft amendments to the Subdivision Ordinance were identified as part of the regular review and maintenance of the ordinance. The draft amendments were reviewed by the City Council and the Planning Commission at work sessions held in September and November 2017. The City Council will receive a recommendation from the Planning Commission regarding the Subdivision Ordinance amendments.

FISCAL IMPACT: None at this time.

RECOMMENDATION: Introduce the ordinance, waive the first reading, and set the public hearing for December 19, 2017.

ALTERNATIVE: Take no action.

**RESPONSIBLE STAFF/
POC:** Community Development & Planning

COORDINATION: City Attorney; Public Works

ATTACHMENTS: Draft Amendments Summary; Ordinance; Sample Motion

Draft Amendments to the City of Fairfax Subdivision Ordinance

Below is a list of potential amendments to the City of Fairfax Subdivision Ordinance (effective 10/1/16). Included within the list is a citation of the relevant ordinance section, a summary comment on the potential amendment, the current ordinance language and the proposed ordinance language.

Article 2. Design and Improvements

§2.3.4 Sidewalks (page 2-4): Proposed amendment would add public easement to make this section consistent with the previous. §2.3.3 states that sidewalks are to be located within the right-of-way or a public easement. This language would also be consistent with that in the Zoning Ordinance.

Current:

Sidewalks shall be placed within the right-of-way adjacent to the building lot or parcel as determined by the zoning administrator and as specified below.

Proposed:

Sidewalks shall be placed within the right-of-way or public easement adjacent to the building lot or parcel as determined by the zoning administrator and as specified below.

Article 3. Administration

§3.3.2.A.3.B Application requirements (page 3-7): Proposed amendment would correct a clerical error that excluded rear yard setbacks from being shown on a preliminary plat along with the other required yards.

Current:

Front yard, side yard (interior) and side (street) yard requirements (setbacks); and any other relevant easements or limitations regarding lot and building coverage in accordance with the requirements of this chapter.

Proposed:

~~Front yard, side yard (interior) and side (street) yard requirements~~ All required yards (setbacks); and any other relevant easements or limitations regarding lot and building coverage in accordance with the requirements of this chapter.

§3.3.3.A.5.B Application requirements (page 3-9): Proposed amendment would correct a clerical error that excluded rear yard setbacks from being shown on a final plat along with the other required yards.

Current:

Front yard, side yard (interior) and side (street) yard requirements (setbacks); and any other relevant easements or limitations regarding lot and building coverage in accordance with the requirements of this chapter.

Proposed:

~~Front yard, side yard (interior) and side (street) yard requirements~~ All required yards (setbacks); and any other relevant easements or limitations regarding lot and building coverage in accordance with the requirements of this chapter.

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AN ORDINANCE AMENDING CHAPTER 86 (SUBDIVISIONS) TO AMEND PORTIONS OF ARTICLES AND SECTIONS CONTAINED THEREIN, INCLUDING DESIGN AND IMPROVEMENTS AND ADMINISTRATION.

BE IT ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 86, Article 2, §2.3.4, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§2.3.4. Sidewalks

Sidewalks shall be placed within the right-of-way or public easement adjacent to the building lot or parcel as determined by the zoning administrator and as specified below.

....

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 86, Article 3, §3.3.2, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

§3.3.2 Preliminary plats

A. Application requirements

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3. Each preliminary plat shall include the delineation of:

....

(b) ~~Front yard, side yard (interior) and side (street) yard requirements~~ All required yards (setbacks); and any other relevant easements or limitations regarding lot and building coverage in accordance with the requirements of this chapter.

....

BE IT FURTHER ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 86, Article 3, §3.3.3, of the Code of the City of Fairfax, Virginia, is hereby amended as follows:

1 §3.3.3 Final plats

2 A. Application requirements

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6 5. Each final plat shall include the delineation of:

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10 (b) ~~Front yard, side yard (interior) and side (street) yard requirements~~ All required
11 yards (setbacks); and any other relevant easements or limitations regarding lot and
12 building coverage in accordance with the requirements of this chapter.

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15 This ordinance shall become effective _____.

16 INTRODUCED: _____

17 PUBLIC HEARING: _____

18 ENACTED: _____

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22 Mayor

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24 Date: _____

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26 ATTEST:
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29 City Clerk

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31 Vote
32 Councilmember DeMarco _____
33 Councilman Greenfield _____
34 Councilmember Miller _____
35 Councilmember Passey _____
36 Councilmember Stehle _____
37 Councilmember Schmidt _____

SAMPLE MOTION

“I MOVE TO INTRODUCE AN ORDINANCE AMENDING CHAPTER 86 (SUBDIVISIONS) TO AMEND PORTIONS OF ARTICLES AND SECTIONS CONTAINED THEREIN, INCLUDING DESIGN AND IMPROVEMENTS AND ADMINISTRATION.

I FURTHER MOVE TO WAIVE THE FIRST READING AND TO SCHEDULE THE PUBLIC HEARING ON THE ORDINANCE BEFORE THE CITY COUNCIL FOR DECEMBER 19, 2017.”