

City of Fairfax, Virginia  
City Council Regular Meeting



Agenda Item # 8b

City Council Meeting 12/19/2017

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TO: Honorable Mayor and Members of City Council

FROM: Robert Sisson, City Manager *RS*

SUBJECT: Public hearing and Council action on an ordinance adopting proposed amendments to 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.

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ISSUE(S): To conduct a public hearing and consider adoption of proposed amendments to 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 articles 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 This ordinance repealed the previous Subdivision Ordinance and readopted it with significant revisions.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 Planning Commission held a public hearing on the proposed amendments to the Subdivision Ordinance on November 27, 2017 and recommended approval to the City Council.

FISCAL IMPACT: None at this time.

RECOMMENDATION: Adopt the proposed amendments.

ALTERNATIVE: Further amend, defer action, or do not adopt the proposed amendments.

RESPONSIBLE STAFF/  
POC: Community Development & Planning

COORDINATION: City Attorney; Public Works

ATTACHMENTS: Staff Memo; Draft Amendments Summary; Ordinance; Sample Motion

# MEMORANDUM

**To:** Honorable Mayor and Members of the City Council

**Through:** Robert Sisson, City Manager

**From:** Brooke Hardin, Director of Community Development & Planning

**Subject:** Proposed amendments to 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.

**Meeting Date:** December 19, 2017



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.

As part of the regular review and maintenance of the ordinance, staff compiled a list of draft amendments and summarized the purpose for each (attached). The City Council held work sessions on September 26, 2017 and November 7, 2017 to review and provide input on the draft amendments.

In accordance with Section 15.2-2253 of the Code of Virginia, a recommendation from the Planning Commission is provided to the City Council prior to its adoption of amendments to the Subdivision Ordinance. On November 27, 2017, the Planning Commission held a public hearing on the proposed amendments to the Subdivision Ordinance and unanimously recommended approval of the amendments as drafted.

On November 28, 2017, the City Council introduced an ordinance to amend portions of articles and sections contained therein, including Design and Improvements and Administration. Following the public hearing, staff recommends that the City Council approve the ordinance to amend the Subdivision Ordinance.

## 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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14 ....

15 This ordinance shall become effective upon adoption.

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17 INTRODUCED: \_\_\_\_\_

18 PUBLIC HEARING: \_\_\_\_\_

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