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# SUBDIVISION ORDINANCE

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CITY OF FAIRFAX,  
VIRGINIA

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ADOPTED 7/12/2016  
EFFECTIVE 10/1/2016  
AMENDED THROUGH 10/25/2022

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## Contents

<b>Article 1. Introductory Provisions .....</b>	<b>1-1</b>
§1.1. Legal Provisions.....	1-1
§1.2. Adoption Date and Effective Date .....	1-1
§1.3. Word Usage and Construction of Language .....	1-2
§1.4. Interpretation of regulations .....	1-3
<b>Article 2. Design and Improvements .....</b>	<b>2-1</b>
§2.1. Construction standards and plans .....	2-1
§2.2. Streets .....	2-1
§2.3. Pedestrian Facilities .....	2-3
§2.4. Lots and Blocks.....	2-5
§2.5. Easements.....	2-6
§2.6. Drainage.....	2-7
§2.7. Underground Utilities .....	2-7
§2.8. Sewer and Water .....	2-8
§2.9. Surveys and Monuments .....	2-8
§2.10. Responsibility for Installation Costs.....	2-8
§2.11. Guarantee of Improvements .....	2-9
§2.12. Inspections .....	2-9
<b>Article 3. Administration .....</b>	<b>3-1</b>
§3.1. General.....	3-1
§3.2. Minor Subdivisions.....	3-6
§3.3. Major Subdivisions.....	3-7
§3.4. Administrative Appeals.....	3-12
§3.5. Appeals to Court .....	3-13
<b>Article 4. Enforcement and Penalties .....</b>	<b>4-1</b>
§4.1. Responsibility for Enforcement .....	4-1
§4.2. Penalties for violation .....	4-1
<b>Article 5. Definitions .....</b>	<b>5-3</b>

§5.1. General..... 5-3

§5.2. Abbreviations..... 5-3

§5.3. Defined Terms..... 5-3

**INDEX..... I**

# Article 1. Introductory Provisions

## §1.1. LEGAL PROVISIONS

### §1.1.1. Title

This chapter shall be officially known and cited as the “City of Fairfax Subdivision Ordinance”, the “subdivision ordinance” or “this chapter.”

### §1.1.2. Authority

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

### §1.1.3. Purposes

The purposes of this chapter are to:

- A. Assure the orderly division of land and its development;
- B. Implement the comprehensive plan and the purposes of the zoning ordinance;
- C. Assure that the development of the city makes efficient and economical use of public funds; and
- 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.

### §1.1.4. Delegation of authority

Whenever a provision appears requiring the zoning administrator or other city official to perform an act or duty, that provision shall be construed as authorizing the zoning administrator, or other city official to delegate that responsibility to other city employees.

### §1.1.5. Graphics and illustrations

Where graphics or illustrations included in this chapter conflict with the text of the regulations, the text shall control. Otherwise, compliance with graphics and illustrations is required.

### §1.1.6. Headings, illustrations and text

In case of any difference of meaning or implication between the text of this chapter and any heading, drawing, table, figure or illustration, the text shall control.

### §1.1.7. Lists and examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as “including,” “such as” or similar language are intended to provide examples; not intended to be exhaustive lists of all possibilities.

### §1.1.8. Severability

This chapter and various parts, sections, subsections, and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this chapter shall not be affected thereby.

## §1.2. ADOPTION DATE AND EFFECTIVE DATE

This chapter was adopted on July 12, 2016, becoming effective on October 1, 2016.

## §1.3.1 Meanings and intent

**§1.3. WORD USAGE AND CONSTRUCTION OF LANGUAGE****§1.3.1. Meanings and intent**

All provisions, terms, phrases and expressions contained in this chapter shall be construed according to the purposes set out in §1.1.3.

**§1.3.2. Computation of time**

- A. References to "days" are to calendar days unless otherwise expressly stated.
- B. The time in which an act is to be completed is computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday, or holiday observed by the city, that day is excluded and the time frame shall move forward to the next business day.
- C. A day concludes at the close of business local time (5:00pm), and any materials received after that time will be considered to have been received the following day.

**§1.3.3. References to other regulations, publications and documents**

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, that reference shall be construed as referring to the most recent edition of such resolution, ordinance, statute, regulation, or document or to the relevant successor document, unless otherwise expressly stated.

**§1.3.4. Technical and non-technical terms**

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning as specified in Article 4.

**A. Public officials and agencies**

All public officials, bodies and agencies to which references are made are those of the City of Fairfax, unless otherwise expressly provided.

**B. Mandatory and discretionary terms**

The words "shall," "will" and "must" are mandatory. The words "may" and "should" are advisory and discretionary terms.

**C. Conjunctions**

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

1. "And" indicates that all connected items, conditions, provisions or events apply; and
2. "Or" indicates that one or more of the connected items, conditions, provisions or events may apply.

**D. Tenses and plurals**

Words used in one tense (past, present or future) include all other tenses, unless the context clearly indicates the contrary. The singular includes the plural, and the plural includes the singular.

**§1.4. INTERPRETATION OF REGULATIONS****§1.4.1. Minimum requirements**

Regulations set forth by this chapter shall be interpreted as providing minimum regulations necessary to promote and protect the public health, safety and welfare. If the requirements set forth in this chapter are at variance with the requirements of any other lawfully adopted uses, regulations, or ordinances, the more restrictive or higher standard shall govern. The more restrictive provision is the one that imposes more stringent controls.

**§1.4.2. Conflicting provisions****A. Conflict with state or federal regulations**

If the provisions of this chapter are inconsistent with those of the state or federal government, the more restrictive provision will control, to the extent permitted by law.

**B. Conflict with other city regulations**

If the provisions of this chapter are inconsistent with one another, or if they conflict with provisions found in other adopted ordinances, regulations of the city, any proffers or conditions of approval, the more restrictive provision will control unless otherwise expressly stated.

**C. Conflict with private agreements and covenants**

This chapter is not intended to interfere with, abrogate or annul any easement, covenant, deed restriction or other agreement between private parties. The city does not enforce private covenants. City regulations must be complied with, regardless of any easement, covenant, deed restriction or other agreement between private parties. If the provisions of this chapter impose a greater restriction than imposed by a private agreements or covenants, the provisions of this chapter control.

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# Article 2. Design and Improvements

## §2.1. CONSTRUCTION STANDARDS AND PLANS

- A. All site-related improvements shall be designed and constructed in accordance with the requirements of this article and the City of Fairfax Public Facilities Manual (public facilities manual).
- B. All streets and pedestrian facilities, water, sanitary sewer and storm drainage facilities shall be designed and constructed to and through the property in question.
- C. Where the public facilities manual does not specifically cover a design or construction issue, the zoning administrator shall have the authority to enforce other nationally recognized standards.
- D. Construction plans for required improvements (§2.10.1) shall be submitted in the format and scale specified in the public facilities manual prior to approval of the final plat.
- E. All subdivision shall minimize floodplain damage.
- F. All subdivision proposals shall be consistent with the need to minimize floodplain damage.

## §2.2. STREETS

### §2.2.1. Layout

Each street shall be configured, to the extent practicable, to conform to the natural topography, to minimize the disturbance of critical slopes and natural drainage areas, and to provide site-related vehicular interconnections and improvements within the subdivision, to existing or future development on adjoining lands, and in accordance with the comprehensive plan.

### §2.2.2. Coordination and extension of streets

#### A. Coordination

Streets within proposed subdivisions shall be coordinated with existing or planned streets adjacent or contiguous to such subdivisions, as to location, widths, grades and drainage.

#### B. Street signs

Street signs shall conform to city standards and shall be installed at all street intersections in a location to be determined by the zoning administrator. Private streets and alleys shall be clearly designated as such by a sign at every entrance from a public street.

#### C. Extension

- 1. All streets within a subdivision shall be extended and constructed to the abutting property lines, except in the case of cul-de-sacs, to provide vehicular, bicycle and pedestrian interconnections to future development on adjoining lands in accordance with the public facilities manual.
- 2. The arrangement of the streets shall provide adequate access to adjoining lands within the subdivision where necessary to provide for the orderly development of the city, including, but not limited to, reserving temporary construction easements of sufficient area to accommodate the future completion of the street when the adjoining lands are developed.

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**§2.2.3 Street types****§2.2.3. Street types**

Unless otherwise specified, all of the following street types are public streets.

**A. Alley**

An alley is a road providing a secondary means of access to abutting property and not for general traffic circulation or public dedication.

**B. Service drives**

Service drives are generally parallel and contiguous to an arterial street or thoroughfare providing access to private property and affording access to such streets at limited intervals.

**C. Local streets**

A local street is a street whose principal purpose is to provide vehicular and pedestrian access to the abutting property, which terminates in a loop or cul-de-sac or carries no substantial through traffic.

**D. Collector streets**

A collector street is a street that collects and carries traffic from local streets of a commercial or residential area to an arterial or other collector street, or arterial streets.

**E. Arterial streets**

An arterial street is a divided roadway with a minimum of four lanes with or without service roads, principally serving through traffic movements. This type of street carries major portions of the traffic entering and leaving the city.

**F. Thoroughfare**

A thoroughfare is a divided or non-divided highway of at least four lanes with intersections at grade and direct access to abutting properties.

**§2.2.4. Design criteria**

All streets types shall have right-of-way and be paved to minimum widths as required below:

**A. Minimum widths**

Right-of-way and surface widths shall be as specified or required by the public facilities manual, including additional widths as may be required for side slopes and drainage appurtenances.

**B. Public dedication**

Unless otherwise approved by the zoning administrator, all streets shall be dedicated to the city and constructed in accordance with the public facilities manual.

**C. Intersections**

Intersections of streets shall be at an angle as nearly as possible at right angles, and shall not be less than 60 degrees.

**D. Street off-sets**

Streets that do not align with existing streets shall have an offset of no less than 150 feet between centerlines, unless otherwise approved by the zoning administrator.

**E. Alleys**

Alleys may be provided in the rear of lots as needed.

**F. Dead-end streets and cul-de-sacs**

1. Dead-end streets and cul-de-sacs shall be used only when determined by the zoning administrator or planning commission that extension of the road to an adjacent property is impractical or unnecessary.
2. Except as necessary to comply with §2.2.4.F.1, above, dead-end streets shall not be longer than 10 times the minimum lot width or over 600 feet in length, whichever is less. The length of cul-de-sac streets shall be measured from the center point of its turnaround, along the centerline of its right-of-way and that of any intervening streets, to the centerline of the right-of-way of the nearest through street.
3. All turnarounds must readily accommodate emergency vehicles and other necessary truck traffic to the satisfaction of the fire marshal.

**§2.2.5. Reserve strips**

Except where approved by the zoning administrator or planning commission, reserve strips (private property “gaps” between the end of streets and the property boundary, effectively protecting the use of dead-end and boundary streets) are prohibited.

**§2.2.6. Curb and gutter**

Concrete curb and gutter shall be provided on both sides of all streets. Where a lot being subdivided fronts on an existing street and adjacent property on either side do not have curb and gutter, curb and gutter may not be required, subject to the approval by the zoning administrator.

**§2.2.7. Driveways**

Driveways shall be provided in accordance with the provisions of the public facilities manual.

**§2.3. PEDESTRIAN FACILITIES****§2.3.1. Applicability**

- A. All new development and subdivisions shall provide pedestrian facilities and access in accordance with the requirements of this §2.3.
- B. Buildings and structures lawfully existing as of the effective date of this chapter may be redeveloped, renovated or repaired without providing pedestrian facilities in conformance with this §2.3; provided there is no increase in gross floor area in such building or structure or no more than 10 percent increase in impervious surface on the site.

**§2.3.2. Layout**

Pedestrian facilities shall be configured, to the extent practicable, to conform to the natural topography, to minimize the disturbance of critical slopes and natural drainage areas, and to provide site-related pedestrian interconnections and improvements within the subdivision or development and to existing or future development on adjoining lands.

**§2.3.3. Types of pedestrian facilities**

All pedestrian facilities shall comply with ADA requirements and the following:

**A. Sidewalks**

Sidewalks are strips or sections of hard surface material that provides an appropriate surface a minimum of five feet in width, typically located adjacent and parallel to vehicle roadways,

**§2.3.4 Sidewalks**

intended for use as a walkway for pedestrians. Sidewalks are located within a dedicated road right-of-way or public easement.

**B. Pedestrian paths**

Pedestrian paths are strips or sections of hard surface material that provide an appropriate surface a minimum of six feet in width, not typically located adjacent to vehicle roadways, which provide pedestrian and non-motorized access to a property. Pedestrian paths are located within a dedicated public easement not less than 15 feet in width or on private property.

**C. Multi-use trails**

Multi-use trails are strips or sections of hard surface material that provide an appropriate surface a minimum of 10 feet in width, not typically located adjacent to vehicle roadways, which provide pedestrian and non-motorized access to and through a property. Multi-use trails are located within a dedicated public easement not less than 15 feet or more than 20 in width or on private property, depending on the site.

**§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.

**A. Where required**

1. Unless otherwise specified below, sidewalks shall be required on both sides of all arterial, collector, and local streets, and adjacent to all sites.
2. Where a lot being subdivided or developed for single family use fronts on an existing street and there is no existing sidewalk on the same block face, no sidewalk shall be required.
3. The zoning administrator may review each site plan and subdivision on its own merits to determine whether additional sidewalks will be required based on anticipated pedestrian demand in the area.

**B. Placement**

1. Where sidewalks are required, sidewalks shall be provided according to one of the following placement alternatives as determined by the zoning administrator:
  - (a) Sidewalks shall be placed against the back of curb (urban street frontage); or
  - (b) Sidewalks shall be placed such that a minimum strip of green space (3 to 5 feet wide) is maintained between the back of curb and the inside edge of the sidewalk and have a minimum paved width of five feet for this placement (sub-urban street frontage); a minimum of three feet of green space shall be maintained adjacent to all tree pits.
2. Site-specific placement, including where a variation from the placement methods described in §2.3.4.B.1, above, is necessary or desired; or where an obstruction is located within the paved area, the following criteria must be satisfied:
  - (a) All placement and transition sections must be approved by the zoning administrator;

- (b) All radii in transition sections must be a minimum of 10 feet; and
- (c) In order to provide safe and adequate access on sidewalks, all sidewalks shall comply with minimum clear width requirements around all obstructions, natural or manmade.

#### C. Material

##### 1. Concrete

Except as allowed in §2.3.4.C.2, below, all sidewalks shall be constructed of class A-3 concrete.

##### 2. Brick

Installation and maintenance of brick sidewalks shall be permitted only with the approval of the zoning administrator, and where:

- (a) Where an existing sidewalk is brick and is being replaced or repaired; and
- (b) In or adjacent to a historic district or the Old Town Fairfax Transition Overlay District.

### §2.3.5. Pedestrian paths

Pedestrian paths shall be provided:

- A. Within all multi-building developments to link buildings with destinations including, but not limited to: parking, adjoining streets and sidewalks, mailboxes, trash disposal areas, recreation and open space areas, and other on-site amenities;
- B. In blocks over 600 feet in length to provide mid-block connections to abutting streets; and
- C. At the end of cul-de-sacs that abut an existing or future schools, recreation and open spaces, parks, trails, bikeways and streets.

### §2.3.6. Multi-use trails

Multi-use trails shall be provided in accordance with adopted plans.

### §2.3.7. Crosswalks

See public facilities manual.

### §2.3.8. Street furniture, trash cans

See public facilities manual.

## §2.4. LOTS AND BLOCKS

### §2.4.1. Lots

#### A. Frontage

- 1. Every lot shall have frontage either:
  - (a) On a public street which, once constructed and improved by the applicant will qualify for acceptance into the city's street system; or
  - (b) On a private street approved as part of a planned development.
- 2. Pipestem lots are prohibited.

§2.4.2 Blocks

- 3. Double frontage lots shall, whenever practicable, be avoided.

**B. Lot area and shape**

- 1. Each lot within a subdivision shall satisfy applicable lot area and other requirements of the zoning provisions of chapter 110.
- 2. Corner lots shall be increased in size whenever necessary so as to provide that any structure to be placed thereon shall conform to the building and setback lines of both streets. In addition to the minimum widths of rights-of-way required by §2.2.4, additional right-of way or easements may be required to provide safe sight distances or for traffic control.

**C. Lot arrangement**

Side lot lines shall be substantially at right angles or radial to curved street lines.

**D. Lot shape**

Lots shall be appropriately shaped for the type of building development contemplated and shall conform to the zoning provisions of chapter 110.

**E. Parcels not intended for building**

The provisions of this section do not apply to parcels not intended for building, but for utility or other non-building purposes, and so identified on the plat. (See Article 5)

**§2.4.2. Blocks**

- A. Blocks shall be laid out with special consideration given to the type of land use proposed within the block.
- B. Block length shall not be less than 250 feet or more than 800 feet.
- C. Block width shall be sufficient to provide for two tiers of lots of appropriate depth, except where prevented by topographical conditions, size of property, and where otherwise required to separate residential development from through traffic.

**§2.5. EASEMENTS**

**§2.5.1. Drainage easements**

Where a subdivision is traversed by a watercourse, drainage way, natural channel or stream, there may be required a drainage easement or right-of-way conforming substantially to the limits of such watercourse, plus additional width to accommodate future needs as determined by the zoning administrator. No construction shall impede, constrict or block the flow of water in any easement or natural watercourse.

**§2.5.2. Stormwater facility easements**

Easements shall be provided for all stormwater facilities.

**§2.5.3. Other easements**

- A. Easements shall be provided across parts of lots as needed to provide access for water, sewer, franchised cable television operators furnishing cable television, and public service corporations furnishing cable television, gas, telephone and electric service to each lot in a proposed subdivision.

- B. Individual service lines do not need to be in easements.

## §2.6. DRAINAGE

### §2.6.1. General

- A. Drainage plans, to the extent practical, will attempt to follow the principle that the water falling on a given site should be absorbed to the extent that after development the quantity and rate of water leaving the site would not exceed predevelopment conditions. In part, the intent of the plan should be to minimize the adverse cumulative effects of development in an area on drainage.
- B. Low impact development (LIDs) techniques that capitalize on and are consistent with natural resources and processes will be used whenever possible, including but not limited to:
1. Rain catchment and harvesting for on-site irrigation purposes; and
  2. Rain gardens (shallow depressions or swells) that slow storm runoff and reduce the impact of what is found in storm water as it enters storm drainage control systems.
- C. All subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

### §2.6.2. Storm drainage

A drainage system in accordance with the public facilities manual shall be provided consisting of gutters, inlets, storm sewers and other appurtenances necessary to adequately drain the subdivision in a maximum storm that may occur every 10 years (ten-year storm) after total development of the watershed. Inlets shall be located to limit the spread of water in the gutter to 10 feet. The hydraulic grade line of the system shall rise no higher than one foot below the grade of the gutter.

### §2.6.3. Culverts

Where streams are to be conducted through culverts a maximum storm that may occur once every 25 years shall be used for the design of the culvert. The design must also show that no damage will result to private or public property from flooding caused by a maximum storm that may occur once every 100 years.

### §2.6.4. Floodplain and RPA

The final plat of every subdivision shall show any floodplain and resource protection area (RPA), and any proposed development shall conform to the floodplain and Chesapeake Bay protection requirements of chapter 110.

### §2.6.5. Drainage during construction

Adequate drainage will be provided at all times during construction.

## §2.7. UNDERGROUND UTILITIES

### §2.7.1. General

Each utility shall be placed underground and located, to the extent practicable, in a manner that conforms to the topography, minimizes the disturbance of critical slopes and natural drainage areas, and allows vehicular and pedestrian interconnections within the subdivision and existing or future development on adjoining lands. All subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

**§2.7.2 Underground installation****§2.7.2. Underground installation**

All new utilities shall be located underground, except the following:

- A. Equipment, including electric distribution transformers, switch gear, meter pedestals, telephone pedestals, outdoor lighting poles or standards, radio antennae and associated equipment, which is, under accepted utility practices are normally installed aboveground;
- B. Meters, service connections, and similar equipment normally attached to the outside wall of a utility customer's premises;
- C. Satellite dishes; and
- D. Temporary overhead facilities required for construction purposes.

**§2.7.3. Variations and exceptions**

The zoning administrator or planning commission may grant variations or exceptions to the undergrounding requirements of this §2.7 pursuant to §3.1.9. In addition to the factors set forth within §3.1.9 the zoning administrator or planning commission in reviewing any such request shall consider whether the requirement would unreasonably impact the existing aboveground utility network to an extent that extensive off-site improvements would be necessary.

**§2.8. SEWER AND WATER**

Sanitary sewers and water mains shall be provided as needed, which conform with the standards and specifications of the city and Fairfax County Water Authority, and shall be designed to serve all lots in proposed subdivisions with provisions for future extensions to adjacent properties as required and shall be installed and connected with the municipal systems. All subdivisions shall have public utilities and facilities such as sewer and water systems located and constructed to minimize flood damage.

**§2.9. SURVEYS AND MONUMENTS****§2.9.1. Surveys**

A boundary survey shall be made and all other surveyed dimensions shown on the plat shall be to an accuracy of one part in 10,000.

**§2.9.2. Monuments**

Monuments of a minimum permanent quality of one-half inch by 30 inches iron pipe shall be set at all angle points of the boundaries of the original tract to be subdivided and at all lot corners, angle points and point of curvature of street right-of-way lines at grade. There shall be at least two concrete monuments per block of a minimum quality of three inches diameter by three feet long, set at a minimum depth of two feet.

**§2.10. RESPONSIBILITY FOR INSTALLATION COSTS****§2.10.1. Required improvements**

Required site-related improvements shall include all infrastructure and public improvements needed to serve the development, including streets and alleys, including curb, gutter, street signs, traffic control devices, street lighting and any additional right-of-way necessary to the width required by the city and for streets adjoining the site; pedestrian and bicycle facilities; easements; water supply, including water mains and distribution lines; sanitary sewer lines; other utilities; storm drainage facilities, including storm sewer lines and drainage structures, and curb returns;



**§2.10.2 Payment for required improvements**

retaining walls and structures necessary to ensure stability of critical slopes; tree canopy, sodding and planting; surveys and monuments; site-related improvements for vehicular ingress and egress, for public access streets; and any other improvements to be dedicated for public use.

**§2.10.2. Payment for required improvements**

The subdivider or developer is responsible for payment of all costs of design, materials, and installation of required improvements, unless otherwise provided, in accordance with the requirements of this chapter and the construction standards.

**§2.11. GUARANTEE OF IMPROVEMENTS****§2.11.1. General**

Prior to recordation of the final plat, each applicant shall execute a written agreement with the city to complete the construction of all such required improvements within a period of time set forth within such agreement, relative to a specified plan for development or phasing of the proposed development.

**§2.11.2. Financial guarantee**

Prior to final approval and prior to the zoning administrator's signature of the final plat, the zoning administrator shall obtain the applicant's written acknowledgement and commitment to complete construction of all site-related improvements in accordance with city requirements, standards and specifications, and within the applicable time period, shall be backed by an adequate performance guarantee, established as follows:

- A. A financial guarantee shall be provided to ensure installation of required improvements pursuant to the provisions of §2.10.
- B. The financial guarantee shall be of a form and with security as provided by chapter 2, article VI, division 2 of the City Code.
- C. The amount of the financial guarantee shall be determined by the zoning administrator and shall not exceed the total of the estimated cost of construction based on unit prices for new public or private sector construction in the area and a reasonable allowance for estimated administrative costs, inflation and potential damage to existing streets or utilities.
- D. Releases of financial guarantees shall be made by the bond committee as provided by chapter 2, article VI, division 2 of the City Code.

**§2.12. INSPECTIONS**

Inspection and supervision of improvements during installation shall be in accordance with the public facilities manual.

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# Article 3. Administration

## §3.1. GENERAL

### §3.1.1. Applicability

Subdivision approval pursuant to the requirements of this article shall be required before the division or re-division of a lot, tract or parcel of land into two or more lots or other division of land, including consolidation of lots and any changes in street or lot lines.

### §3.1.2. Plat required, recordation

Any subdivider of any lot, tract or parcel of land, situated within the corporate limits of the city shall cause a plat of such subdivision, with reference to known or permanent monuments, to be made and recorded in the office of the clerk of the circuit court; provided that:

- A. Boundary line adjustments (divisions of five lots or less not involving any public improvements or dedications of rights-of-way or easements) may be approved by the zoning administrator pursuant to the provisions of §3.3.4.A; and
- B. Plat vacations may be approved by the zoning administrator or city council pursuant to the provisions of §3.3.4.B.

### §3.1.3. Acts prohibited

Unless this chapter and the requirements of Chapter 22 of Title 15.2 of the Code of Virginia are complied with:

- A. No person shall subdivide land (including, without limitation, adjustment of any boundary) or vacate any subdivision plat;
- B. No subdivision plat shall be recorded in the office of the clerk of the circuit court, unless and until it has been approved and signed by the zoning administrator;
- C. No person shall sell or transfer any land of a division of land to which this chapter applies before a plat has been approved and recorded as provided within this chapter, unless the division was lawfully created prior to the adoption of a subdivision ordinance applicable thereto. Nothing in this paragraph shall prevent the recordation of the instrument by which the land is transferred or by which title passes between the parties to the instrument; and
- D. The clerk of the circuit court shall not file or record a plat of a division of land to which this chapter applies until the plat has been approved as provided in this chapter.

### §3.1.4. Zoning administrator

The city council delegates review and approval authority for all minor plats and final plats to the zoning administrator. The zoning administrator shall determine whether a proposed division is a subdivision within the meaning of the subdivision ordinance, and whether a proposed division is a minor subdivision or a major subdivision as defined in §3.1.5, below.

### §3.1.5. Definitions for minor and major subdivision

#### A. Minor subdivision (§3.2)

- 1. A minor subdivision review is any subdivision that involves creation of no more than 49 lots;

**§3.1.6 Application requirements**

2. Relocation or alteration of one or more lot lines so that land is exchanged or added to and becomes part of an existing lot and no additional lot(s) is created; or
3. The consolidation of two or more previously approved lots.

**B. Major subdivision (§3.3)**

A major subdivision is any subdivision that does not meet the definition of a minor subdivision.

**§3.1.6. Application requirements****A. Forms**

Applications and plats required under this chapter shall be submitted on application forms and in such numbers as required by the zoning administrator. The application form for each subdivision review procedure shall establish the minimum information required for that procedure.

**B. Proof of ownership**

All applications required under this chapter shall include satisfactory proof of ownership in accordance with the Code of Virginia. Such proof may include identification of the property owner, along with the book and page where the deed records are recorded on the plat.

**C. Property owner endorsement**

1. All applications shall include the name and signature of the current property owner(s) of all property within the boundaries; or
2. Where the owner is not the applicant, the zoning administrator shall require an applicant to present evidence that the applicant is an authorized agent of the owner. Contract purchasers of property shall submit an agent authorization letter signed by the owner.

**D. Content**

1. An application shall be sufficient for processing when it contains all of the information necessary to decide whether or not the subdivision as proposed will comply with the applicable requirements of this chapter.
2. The burden of demonstrating that an application complies with applicable approval criteria is on the applicant. The burden is not on the city or other parties to show that the standards or criteria have not been met.
3. Each application is unique and, therefore, more or less information may be required according to the needs of the particular case. Information needs tend to vary substantially from application to application and to change over time as result of code amendments and review procedure changes. Staff has the flexibility to specify submission requirements for each application and to waive requirements that are irrelevant to specific situations. The applicant shall rely on the zoning administrator as to whether more or less information should be submitted.

**§3.1.7. Concurrent applications**

If approved by the zoning administrator, subdivision applications under this chapter may be submitted and reviewed concurrently, provided that any application that also requires a variation

or exception shall not be eligible for final approval until the variation or exception has been granted.

**A. Fees**

1. All applications shall be accompanied by the associated filing fee and shall be filed with the zoning administrator.
2. Filing fees shall be established from time to time by resolution of the city council to cover all actual costs associated with the processing of applications. Such costs shall include but not be limited to all costs associated with application review. (See VA Code Ann. § 15.2-2286(A)(6) for more information.)
3. Filing fees are not refundable except where an application was accepted in error, the fee paid exceeded the amount due, or where an application is withdrawn by the applicant in writing prior to any significant expenditure of time reviewing the application and prior to publication of any notices.

**B. Completeness review**

1. Applications will be reviewed for completeness within five days of submission.
2. An application shall be considered submitted only after the zoning administrator certifies that it is complete, provided in the required form, includes all mandatory information as may be required by the zoning administrator, and is accompanied by the applicable fee.
3. If an application does not include all of the required information it will be deemed incomplete. If an application includes all of the required information it will be deemed complete. If an application is deemed to be incomplete, the zoning administrator shall contact the applicant and provide a written explanation of the application's deficiencies. No further processing of the application shall occur until the deficiencies are corrected.
4. If the deficiencies are not corrected by the applicant within 60 working days, the application shall be considered withdrawn. If an application is deemed withdrawn because of failure to correct application deficiencies, notice shall be sent to the applicant.
5. All applications must be certified complete at least 21 days prior to a planning commission meeting, unless otherwise allowed by the zoning administrator.

**§3.1.8. Application processing**

**A. Referrals**

The zoning administrator shall forward complete applications submitted under this article to such other public officials and agencies as required by law or as deemed appropriate for further review.

**B. Staff reports**

Review officials and agencies shall submit written reports containing recommendations on each application to the zoning administrator and/or planning commission.

**§3.1.9 Variations or exceptions****C. Burden of proof or persuasion**

In all cases, the burden is on the applicant to show that an application complies with applicable approval criteria.

**D. Conditions of approval**

When the procedures of this article allow the zoning administrator or the planning commission to approve an application with conditions, the conditions shall relate to a situation created or aggravated by the proposed use or development. When conditions are imposed, an application will not be deemed approved until the applicant has complied with all of the conditions. Surety in a form acceptable to the city attorney may be required to ensure compliance with the conditions.

**E. Decisions**

Unless specifically provided elsewhere, all final decisions by the planning commission, including preliminary plats and administrative appeals, shall require an affirmative vote. Tie votes shall be considered denials of any requested change.

**F. Notice of decision**

1. Within five days after final decisions are made on applications submitted pursuant to this article, a written copy of the decisions shall be sent by first class mail or delivered to the applicant and filed with the zoning administrator, where it shall be available for public inspection during regular office hours.
2. If an administrative application or request is denied, the zoning administrator shall provide in writing the cause of such disapproval to the applicant.

**G. Inactive files**

For inactive files, the zoning administrator may notify the applicant and applicant's agent in writing that a file has been closed when the file has been inactive for a period of time equal to or exceeding 12 months. Requests for action after a file has been declared inactive and the applicant has been notified require resubmittal as a new application. Review fees and cost of publication are required to be paid as part of the resubmittal.

**§3.1.9. Variations or exceptions**

- A. Whenever this chapter contains provisions for variation or exception to a requirement, the zoning administrator or planning commission in considering a request for a variation or exception, shall consider whether, because of unusual size, topography, shape of the property, location of the property or other unusual conditions (excluding the proprietary interests of the applicant) the requirement that is proposed to be varied or excepted would result in substantial injustice or hardship and would not forward the purposes of this chapter or serve the public interest.
  1. In approving any such request, the zoning administrator or planning commission shall find that adherence to the requirements would result in substantial injustice or hardship, and that granting the variations or exceptions would not be detrimental to the public health, safety or welfare or to the orderly development of the area.
  2. Prior to varying or granting an exception to a provision of this chapter, the zoning administrator or planning commission shall obtain a written opinion of the fire marshal or building official as to whether the requested variations or exceptions can be

§3.1.9 Variations or exceptions

accommodated within the applicable requirements of the Virginia Statewide Fire Prevention Code (VSFPC) and the Uniform Statewide Building Code (USBC).

3. Prior to varying or granting an exception to a provision of this chapter involving utilities, the planning commission shall obtain a written opinion of the zoning administrator as to whether the requested variations or exceptions can be accommodated within applicable regulations, specifications and ordinances governing utilities.
  4. An applicant may appeal the zoning administrator or planning commission decision to deny a variation or exception request to the city council. In reviewing the request, the city council may approve or disapprove the request based on the applicable findings set forth in this section.
- B. A request for a variation or exception pursuant to subsection §3.1.9.A, above, may be made either prior to or contemporaneous with submittal of a preliminary plat.

§3.2.1 Applicability

**§3.2. MINOR SUBDIVISIONS**

**§3.2.1. Applicability**

The review procedures of this §3.2 shall apply to all minor subdivisions and boundary line adjustments.

**§3.2.2. Application requirements**

All applications for minor subdivisions shall be submitted in accordance with §3.1.6 and shall include a final plat in accordance with the requirements of §3.2.

**§3.2.3. Action by zoning administrator**

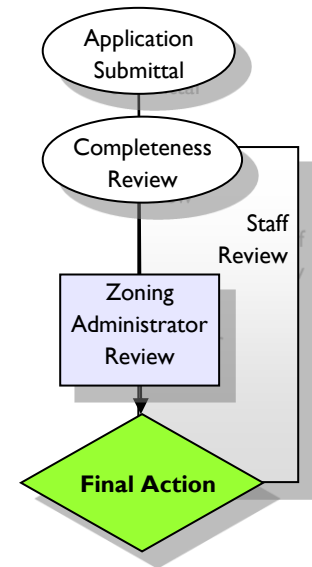
- A. Upon submission of a completed application, the zoning administrator shall review the application in accordance with §3.1.8. Applications that are in compliance with the approval criteria of §3.2.4 shall be approved.
- B. If the minor subdivision is determined not to be in conformance with the approval criteria of §3.2.4, the applicant may elect to proceed with major subdivision review (§3.3).

**§3.2.4. Approval criteria**

Minor subdivisions shall be approved only when the zoning administrator finds that no more than 49 new lots are being created.

**§3.2.5. Actions following approval**

Following approval, the applicant may submit the final plat as provided in §3.3.3.





### §3.3. MAJOR SUBDIVISIONS

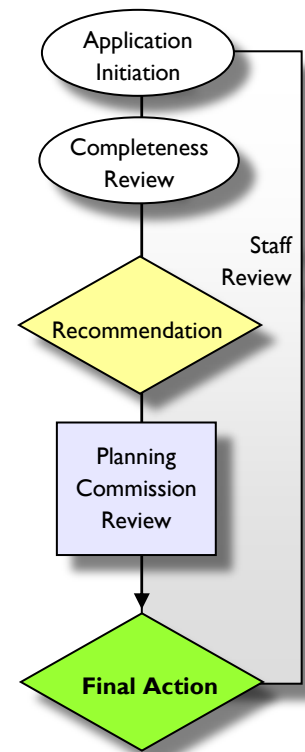
#### §3.3.1. Pre-application meeting

- A. Before submitting an application for a major subdivision, each applicant shall hold a pre-application meeting with the zoning administrator to discuss the procedures, standards and regulations required for development approval in accordance with this chapter.
- B. No official action shall be taken at such meeting and no commitments shall be made by the city or any agency thereof at such meeting.

#### §3.3.2. Preliminary plats

##### A. Application requirements

1. All applications for preliminary plat review shall be submitted in accordance with §3.1.6, Application requirements. Each preliminary plat shall include plans for all property in the contiguous ownership or control of the applicant.
2. The application shall enumerate any requested variation(s) or exception(s) from the provisions of this chapter, and shall state with specificity the justification for each.
3. Each preliminary plat shall include the delineation of:
  - (a) Resource protection area and resource management area boundaries, if any, including notations of the following specific state requirements:
    - (1) To retain an undisturbed and vegetated 100-foot wide buffer area, as specified in subdivision 3 of [9VAC25-830-140](#);
    - (2) The permissibility of only water dependent facilities or redevelopment in resource protection areas, including the 100-foot wide buffer area;
    - (3) The delineation of the buildable areas that are allowed on each lot, based on the performance criteria specified in Part IV ([9VAC25-830-120](#) et seq.); and
  - (b) All required yards (setbacks); and any other relevant easements or limitations regarding lot and building coverage in accordance with the requirements of this chapter.
4. Preliminary plats shall be prepared by a certified professional engineer or land surveyor. When the plat is of land acquired from more than one source of title, the outlines of the several tracts shall be indicated upon such plat.
5. When a subdivision is to be developed in phases, a preliminary plat shall be submitted for the entire development. Final plats shall be submitted for individual phases as each



**§3.3.2 Preliminary plats**

phase is developed. Each new phase shall be developed adjacent to a previously platted phase.

**B. Action by the zoning administrator**

1. Upon submission of a completed application, the zoning administrator shall review the application in accordance with §3.1.8 and for compliance with the approval criteria of §3.3.2.D.
2. The zoning administrator shall prepare a report that reviews the application in accordance with comments provided by the review agencies, and the applicable requirements of this chapter. The report, preliminary plat, and any related materials shall be forwarded to the planning commission.

**C. Action by the planning commission**

1. The planning commission shall review the application for compliance with the approval criteria of subsection §3.3.2.D, below.
2. The planning commission may approve the application, disapprove the plat, or send the plat back to the zoning administrator for additional information.

**D. Approval criteria**

Preliminary plat applications shall be approved when the plat, including all new and residual parcels, complies with the design and improvement standards of Article 2 and any other applicable regulations.

**E. Actions following approval**

Approval of a preliminary plat does not constitute approval of the final plat. Rather, it shall be deemed an expression of approval of the layout submitted on the preliminary plat as a guide to the preparation of the final plat. Application for approval of the final (record) plat will be considered only after the requirements for final plat as specified in §3.3.3 have been fulfilled and all other specified conditions have been met.

**F. Phased subdivisions****1. Protected rights**

The right to develop subsequent future phases shown on an approved preliminary plat shall be protected for five years or for such longer period as the planning commission may, at the approval, determine to be reasonable, taking into consideration the size and phasing of the proposed development, provided the requirements of Virginia Code § 15.2-2241(5) are satisfied.

**2. Extensions**

By application of the applicant filed prior to expiration of an approved preliminary plat, the commission may grant one or more extensions of its approval for additional periods as the commission may, at the time the extension is granted, determine to be reasonable in accordance with the provisions of Virginia Code § 15.2-2261.

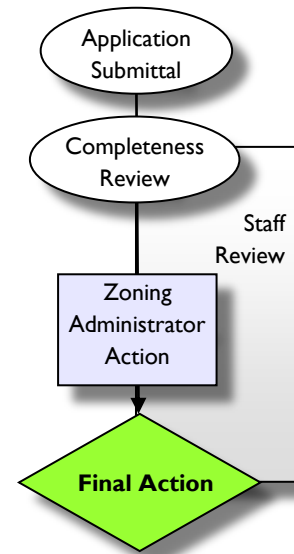
**G. Period of validity**

Once a preliminary plat is approved, it shall be valid for a period of five years, as specified within Virginia Code § 15.2-2260(F), and subject to the provisions thereof.

**§3.3.3. Final plats**

**A. Application requirements**

1. Final plats shall be submitted in accordance with §3.1.6, Application requirements.
2. The final subdivision plat submitted for approval and subsequent recording shall conform to the approved preliminary plat. Any departure from the approved preliminary plan shall be noted by a separate statement, and presented to the zoning administrator with the final plat.
3. Final plats shall be prepared by a certified professional engineer or land surveyor, who shall endorse upon the final plat a certificate signed by him setting forth the source of the title of the owner of the land subdivided, and the place of record of the last instrument in the chain of title. When the plat is of land acquired from more than one source of title, the outlines of the several tracts shall be indicated upon such plat.
4. Engineered construction plans shall be submitted for the required improvements.
5. Each final plat shall include the delineation of:
  - (a) Resource protection area and resource management area boundaries, if any, including notations of the following specific state requirements:
    - (1) To retain an undisturbed and vegetated 100-foot wide buffer area, as specified in subdivision 3 of [9VAC25-830-140](#);
    - (2) The permissibility of only water dependent facilities or redevelopment in resource protection areas, including the 100-foot wide buffer area;
    - (3) The delineation of the buildable areas that are allowed on each lot, based on the performance criteria specified in Part IV ([9VAC25-830-120](#) et seq.); and
  - (b) All required yards (setbacks); and any other relevant easements or limitations regarding lot and building coverage in accordance with the requirements of this chapter.
6. Final plats shall meet the standard for plats as adopted under Virginia Code § 42.1-82, which is part of the Virginia Public Records Act, Virginia Code § 15.2-2241(1) and § 15.2-2258. Final plats shall include base flood elevation data, if any, obtained from other sources or developed using detailed methodologies, hydraulic and hydrologic analysis, comparable to those contained in a Flood Insurance Study for subdivision proposals and other proposed development proposals (including subdivisions) that exceed 50 lots or 5 acres, whichever is lesser.



**B. Action by the zoning administrator**

1. Within 60 days of the submission of a completed application, the zoning administrator shall review the application in accordance with §3.1.8 and for compliance with the

**§3.3.3 Final plats**

approval criteria of subsection §3.3.3.C, below. Subsequent submissions made within 45 days in accordance with Virginia Code § 15.2-2259.

2. Upon a finding that all of the requirements of this chapter have been met, the zoning administrator shall approve the final plat to which shall be affixed the signature of the zoning administrator.
3. If the zoning administrator disapproves the final plat, the reasons for such disapproval shall be stated in writing, specifying the provisions with which the final plat does not comply.

**C. Approval criteria**

Final plats shall be approved when the following conditions exist:

1. Where a preliminary plat was required, the final plat shall be substantially consistent with approved preliminary plat; and
2. The plat, including all new and residual parcels, complies with the design and improvement standards of Article 2 and any other applicable regulations.

**D. Recordation**

Approved final plats shall be recorded in the office of the clerk of the circuit court within six months after final approval by the zoning administrator.

**E. Period of validity**

1. Unless a final plat is recorded in the office of the clerk of the circuit court of Fairfax County within six months after final approval, such approval shall be deemed withdrawn and the plat shall be marked void and returned to the applicant; however, if construction of any facilities to be dedicated for public use has commenced pursuant to an approved plan or permit with surety approved by the city, the time for plat recordation shall be extended to one year after final approval, or the time limit specified in the approved surety agreement, whichever is greater.
2. Once a final plat is approved and the applicant has recorded the plat, it shall be valid for not less than five years, as specified within Virginia Code § 15.2-2261, and subject to the provisions thereof.

**F. Actions following approval**

1. The applicant shall provide the zoning administrator with the required number of copies of the final plat as approved and signed by the zoning administrator.
2. Upon completion of the required improvements in accordance with §2.10 and before the final and complete discharge of the financial guarantee required by §2.11, the applicant shall file a certificate of completion and subdivision plan prepared by a professional engineer, architect or a land surveyor (as-built subdivision plan), and the developer shall also submit his or her own certification to the agent that all of the construction costs for the improvements, including those for materials and labor, have been paid to the person(s) constructing the improvements. The as-built subdivision plan may be a copy of the original approved construction plan of proposed improvements clearly showing all significant deviations from the approved construction.

3. Upon written request by the applicant, periodic partial releases of the bond or other performance guarantee shall be approved by the zoning administrator up to a cumulative amount of no more than 80 percent of the original amount. Periodic partial releases shall not be granted before the completion of at least 30 percent of the facilities covered by the bond or other performance guarantee nor after completion of more than 80 percent of the facilities. No more than three periodic partial releases shall be granted in any 12-month period.
4. Upon the final approval of the as-built subdivision plan and as a condition to the discharge of the subdivision bond, the owner or developer may be required to provide a two-year warranty bond with surety equal to 10 percent of the original subdivision bond and in a form conforming to chapter 2, article VI, division 2 of this Code.

**G. Responsibility for improvements**

Required improvements shall be the applicant's responsibility in accordance with §2.10.

**H. Guarantee of improvements**

A guarantee of required improvements shall be provided in accordance with §2.11.

**I. Inspections**

Inspections of improvements shall be made in accordance with §2.12

**§3.3.4. Plat modifications**

**A. Boundary line adjustments**

**1. General**

The boundary lines of any lot or parcel of land may be vacated, relocated or otherwise altered by recordation of a deed or boundary line adjustment plat, without vacation of a recorded plat.

**2. Approval criteria**

Boundary line adjustments may be approved subject to the following findings:

- (a) The resulting lots will conform to the zoning requirements of chapter 110.
- (b) 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.
- (c) The action shall not involve the relocation or alteration of streets, alleys, easements for public passage, or other public areas.
- (d) The deed reflecting the boundary line adjustment shall reference the recorded plat by which the applicable lot lines were originally created, and the city attorney must approve the deed in writing, on its face.
- (e) The lots affected by a boundary line adjustment 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 city; or

## §3.3.4 Plat modifications

- (2) Part of a properly recorded deed prior to the adoption of the first subdivision ordinance of the city that required an approved subdivision plat under the applicable circumstances.

**B. Plat vacations****1. General**

A recorded plat or any part thereof may be vacated pursuant to Virginia Code §§ 15.2-2271 through 15.2-2274. The clerk of the circuit court shall write in plain legible letters across such plat, or the part thereof so vacated, the word "vacated," and shall also make a reference on the vacated plat to the volume and page in which the instrument of vacation is recorded.

**2. Where no lot has been sold**

Where no lot has been sold within a subdivision, the recorded plat, or part thereof, may be vacated according to one of the following methods:

**(a) Zoning administrator approval**

With the consent of the zoning administrator, any such vacation shall be accomplished only by a written instrument as required by Virginia Code § 15.2-2264, declaring the plat, or part thereof, to be vacated, and such written instrument shall be approved and signed by the city attorney. Recordation of such written instrument shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in, and to reinvest the owners, proprietors and trustees, if any, with the title to the streets, alleys, easements for public passage and other public areas laid out or described in the plat.

**(b) City council action**

By ordinance of city council, provided that no facilities for which bonding is required pursuant to Virginia Code §§ 15.2-2241 through 2245 have been constructed on the property and no facilities have been constructed on any related section of the property located in the subdivision within five years of the date on which the plat was first recorded.

**3. After sale of lot(s)**

In cases where any lot(s) has been sold within a subdivision, the recorded plat, or part thereof may be vacated in accordance with Virginia Code § 15.2-2272. Any written instrument or ordinance vacating a plat pursuant to Virginia Code § 15.2-2272 shall operate to destroy the force and effect of the recording of the plat or part thereof so vacated, as set forth within Virginia Code § 15.2-2274.

**§3.4. ADMINISTRATIVE APPEALS**

Any final decision by the zoning administrator, including but not limited to decisions to deny a variation or exception request, may be appealed to the city council within 30 days of the decision. In reviewing the request, the city council may approve or disapprove the request based on the applicable requirements of this article.

### **§3.5. APPEALS TO COURT**

If the zoning administrator fails to approve final plat or to notify the applicant in writing of required changes or modifications of the preliminary plat within 60 days of the date of the submission of a complete application, the applicant may appeal to the circuit court.

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## Article 4. Enforcement and Penalties

### **§4.1. RESPONSIBILITY FOR ENFORCEMENT**

The zoning administrator is responsible for the interpretation, administration and enforcement of the provisions of this chapter unless otherwise expressly stated.

### **§4.2. PENALTIES FOR VIOLATION**

Any person violating the foregoing provisions of this chapter shall be guilty of a class 3 misdemeanor and subject to a fine of not more than \$500 for each lot or parcel of land so subdivided, transferred or sold and shall be required to comply with all provisions of this article and the subdivision ordinance. The description of the lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from the penalties or remedies herein provided.

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## Article 5. Definitions

### §5.1. GENERAL

Any term not herein defined shall be as defined elsewhere in the City Code, or, if not defined elsewhere in the City Code, as defined in Webster's New International Dictionary, most recent edition.

### §5.2. ABBREVIATIONS

ADA: American Disability Act.

BMP: Best management practices.

VSFPC: Virginia Statewide Fire Prevention Code.

USBC: Uniform Statewide Building Code.

### §5.3. DEFINED TERMS

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

**ABUTTING:** The property directly touches another piece of property.

**ADMINISTRATIVE ACTION:** Nondiscretionary action taken by the city council, planning commission, zoning administrator or other administrative staff interpreting regulations, or reviewing subdivisions, site plans, or permits; an administrative action must satisfy the requirements prescribed under state law or this chapter, whichever is stricter.

**ALLEY:** See §2.2.3.

**ARTERIAL STREET:** See “street” and §2.2.3.

**BLOCK:** A block is a rectangular space bounded on three sides by a street and on the fourth by a lane and occupied by or intended for buildings. (See also §2.3.1).

**BOND COMMITTEE:** A committee composed of the city manager, city attorney and the director of public works authorized to determine the adequacy of, and approve bonds.

**BOUNDARY LINE ADJUSTMENT:** See §3.3.4.

**BUILDING:** A structure projecting above the level of the ground, intended for the shelter, support or enclosure of persons, animals or chattels. When a structure is completely separated into two or more portions by divisional walls from the foundation up to the roof without any normal access openings each such portion of the building shall be deemed a separate building.

**COMMISSION:** The planning commission of the City of Fairfax.

**CRITICAL SLOPE:** That portion of a lot that has a grade in excess of 25 percent.

**CUL-DE-SAC:** A cul-de-sac is a short street designed to have one end permanently closed; the closed end terminated by a vehicular turn around, approved by the zoning administrator.

**DEVELOPER:** See “applicant, subdivider or developer”.

**§3.3.4 Plat modifications**

**DEVELOPMENT:** All and disturbance and the resulting landform associated with the construction of residential, commercial, industrial, institutional, recreation, transportation or utility facilities or structures or the clearing of land for non-agricultural or non-silviculture purposes.

**FRONTAGE:** The dimension of a property that is adjacent to a street, other than an alley.

**LEGISLATIVE ACTION:** Discretionary action taken planning commission, zoning administrator or other administrative staff regarding the comprehensive plan or plan amendments, text amendments, or map amendments (rezonings); a reasonably debatable action that could result in a decision that promotes the general welfare of the city.

**LOT:** See “lot of record”.

**LOT, CORNER:** A lot bordering on two or more streets that intersect at an angle not greater than 135 degrees.

**LOT, INTERIOR:** A lot other than a through lot or corner lot.

**LOT, PIPESTEM (FLAG LOT):** An irregularly shaped lot which has an appendage or extension which does not meet or exceed 75 percent of the lot width requirements of the applicable district.

**LOT OF RECORD:** A lot which is part of a subdivision recorded in the office of the clerk of the circuit court of Fairfax County, or a lawful lot existing on the effective date of the city’s zoning regulations applicable to the district in which the lot is located and described by metes and bounds, the description of which has been so recorded.

**LOT, THROUGH (DOUBLE FRONTAGE LOT):** A lot other than a corner lot that has frontage on more than one street.

**MAJOR SUBDIVISION:** See §3.1.5 (See also §3.2)

**MINOR SUBDIVISION:** See §3.1.5 (See also §3.3)

**OWNER:** The owner of record according to the land records of Fairfax County.

**PEDESTRIAN PATH:** See §2.3.

**PLAT OR PLAT OF SUBDIVISION:** A plat or plat of subdivision is a schematic representation of land divided or to be divided and information required by this chapter and state law.

**PROFESSIONAL ENGINEER, ARCHITECT OR A LAND SURVEYOR:** An engineer, architect or land surveyor licensed by the commonwealth of Virginia.

**PUBLIC FACILITIES MANUAL:** The Public Facilities Manual for the City of Fairfax.

**REQUIRED IMPROVEMENTS:** Site-related improvements (§2.10.1).

**RIGHT-OF-WAY:** A strip of land occupied or intended to be occupied by a road, crosswalk, pedestrian path, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for other special use.

**SITE OR PROJECT AREA:** The total land area contained within the property lines of a development site

**SITE-RELATED IMPROVEMENTS:** See “required improvements”.

**SLOPE EASEMENT:** An easement to permit the creation and maintenance of slopes necessary to stabilize construction or to stabilize lands adjacent to construction.

**STREET, COLLECTOR:** See §2.2.3.

SERVICE DRIVE: See §2.2.3.

STREET, LOCAL: See §2.2.3.

STREET, PRIVATE: A local or collector street, not a component of the city street system that is owned and regulated, with maintenance guaranteed by a private entity.

STREET, PUBLIC: A dedicated and accepted public right-of-way for vehicular traffic either accepted by the city for maintenance or dedicated on an approved plat where the dedicator has entered into a contract with the city to construct the same, including the following: thoroughfare, arterial, collector, local, and service drive. (See §2.2.3)

STREET, THOROUGHFARE: See §2.2.3.

STRUCTURE: Anything constructed or erected which requires a location on the ground, or is attached to something having a location on the ground, including but not limited to advertising signs, billboards, fences, radio towers, gasoline pumps and swimming pools.

SUBDIVIDER: See “applicant, subdivider or developer”.

SUBDIVISION: Division or re-division of a lot, tract or parcel of land into two or more lots or other division of land. This includes any changes in street or lot lines

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# INDEX

- Acts Prohibited, 3-1
- Appeals
  - administrative, 3-12
  - to court, 3-13
- Application Processing
  - general, 3-3
- Application Requirements
  - general, 3-2
- Blocks, 2-6
- Boundary Line Adjustments, 3-11
- Concurrent Applications, 3-2
- Construction Standards and Plans, 2-1
- Drainage, 2-7
- Effective Date, 1-1
- Improvements
  - financial guarantees for, 2-9
  - required, 2-8
  - responsibility for costs, 2-9
- Inspections, 2-9
- Lots, 2-5
- Major Subdivision
  - defined, 3-2
  - review procedure for, 3-7
- Minor Subdivision
  - defined, 3-1
  - review procedure for, 3-6
- Monuments, 2-8
- Multi-use Paths, 2-4
- Pedestrian and Biking Facilities, 2-3
- Pedestrian Paths, 2-5
- Phased Subdivisions, 3-8
- Plat Required, 3-1
- Plat Vacations, 3-12
- Preliminary Plat, 3-7
- Reserve Strips, 2-3
- Sewer and Water, 2-8
- Sidewalks, 2-4
- Street Signs, 2-1
- Street Types, 2-2
- Streets, 2-1
- Surveys, 2-8
- Title, 1-1
- Underground Utilities, 2-7
- Variations and Exceptions, 3-4
- Violations
  - penalties for, 4-1
- Zoning Administrator, 3-1