

AN AMENDMENT TO CHAPTER 10, SUBDIVISION ORDINANCE, ADOPTED DECEMBER __, 2018, AMENDING AND RESTATING ARTICLE 16 THEREOF, AS FOLLOWS:

ARTICLE 16 BOUNDARY LINE ADJUSTMENTS AND CONSOLIDATION OF LOTS

Sec. 10-57. GENERAL PROVISIONS – BOUNDARY LINE ADJUSTMENTS

- a. Boundary line adjustments are considered subdivisions and applications for such are subject to the provisions of this Ordinance. However, where the Planning Commission finds that there may be no need for public improvements, and the boundary line adjustment proposes a realignment as set forth in subsection d of this section, an expedited review process may be permitted.
- b. When the Planning Commission deems that the advice of a consultant is necessary for application review, the cost to the applicant shall be as is set forth in section 10-26 and section 10-58.b of this Ordinance.
- c. In the event that a boundary line adjustment, or lot consolidation, involves parcels of land owned by more than one owner of record, a combined application shall be made and signed by each property owner of record, who are jointly and severally responsible for paying any required fees or costs pursuant to this Chapter.
- d. Where a boundary line adjustment proposes to realign any private wells, septic systems, driveways, accessory structures, dwelling additions, retaining walls, underground or above ground utility tanks located on adjacent lots, which are existing on or before the date of this ordinance amendment on such lot, or when a boundary line adjustment proposes to add square footage to a public park or to a Community Open Space District; or when a boundary line adjustment proposes to change the boundary between two lots while not changing the square footage of each lot, the Planning Commission may provide an expedited review process provided that the applicant satisfies the following requirements:
 - i. No conforming lot or parcel is made nonconforming as a result of the boundary line adjustment.
 - ii. Any existing non-conforming lot pursuant to Section 9-16(f) shall remain non-conforming notwithstanding any boundary line adjustment pursuant to this Section.
 - iii. Only two parcels or lots may adjust their boundaries by this process.
 - iv. The boundary line adjustment shall not result in any additional buildable lots or parcels.
 - v. The boundary line adjustment shall be designed to ensure that any private wells, septic systems, driveways, accessory structures, additions to the dwelling or to buildings on the parcel, retaining walls, and/or above ground or underground utility tanks, which are existing on such lot on or before the date of this ordinance amendment, are located on the same lot as the existing primary structure so served, and such boundary line adjustment shall involve the minimum change in lot size necessary to achieve such purpose.
 - vi. The boundary line adjustment shall not relocate or alter any existing easements or utility right-of-ways without the written express consent of all persons holding interest(s) therein, as

evidenced by the signatures on a boundary line adjustment deed recorded in the land records of Fairfax County, with a plat showing the realigned parcels. The owner(s) shall provide copies of the recorded document to the Town of Clifton.

vii. If the application for the boundary line adjustment is approved, a deed and plat showing the boundary line adjustment shall be duly recorded in the land records of Fairfax County, and the owner(s) shall provide copies of the recorded documents to the Town of Clifton.

Section. 10-58. GENERAL PROVISIONS – CONSOLIDATION OF LOTS

- a. Consolidation of lots requires review and approval by the Planning Commission.
- b. The consolidation of lots shall not be allowed in the event that the lots to be consolidated are of different zoning classifications.
- c. If an application for consolidation of lots is approved, a deed and plat showing the newly consolidated lot shall be duly recorded in the land records of Fairfax County, and the owner(s) shall provide copies of the recorded documents to the Town of Clifton.

Section. 10-59. PROCEDURE FOR BOUNDARY LINE ADJUSTMENTS AND CONSOLIDATION OF LOTS

a. Application

An application for a boundary line adjustment or a consolidation of lots shall be submitted as an application to the Secretary of the Planning Commission at least twenty one (21) days prior to the next scheduled Planning Commission meeting date. The application form and the number of such copies shall be as set forth in the Planning Commission's administrative procedures. The request will state the reason for the boundary line adjustment or the consolidation of lots and will state that the provisions of section 10-57 or 10-58, as applicable of the Subdivision Ordinance have been met. A plat prepared and certified by a Virginia licensed land surveyor drawn no smaller than at a scale of fifty (50) feet to the inch and showing the location of all existing structures, easements, and existing and proposed boundary lines together with setbacks to existing buildings shall be submitted as part of the application. Notice shall be provided to property owners in the area as required by section 10-27 of this Ordinance.

b. Deposit

The initial review and inspection fee deposit for an application to adjust an existing boundary line, or to consolidate lots shall be \$150.00. The applicant shall also be responsible for those costs and fees incurred by the Planning Commission or its consulting engineer in the examination of the application.

c. County Health Department

If existing or proposed building sites are involved in the case of a boundary line adjustment, or a lot consolidation, approval of the plat by the County Health Department will be required prior to approval by the Planning Commission.

d. Restrictions and Requirements

The Planning Commission may require construction of street widening, dedication of right of way, easements and construction for storm drainage, walks, trails, and other public uses, and may impose other appropriate restrictions or requirements on the plat.

e. Determination

A determination will be made by the Planning Commission within sixty (60) days that the proposed boundary line adjustment or consolidation of lots meets the requirements set forth in Sections 10-57, 10-58 and/or 10-59, and the application may be approved or denied. If the application is denied in the case of a boundary line adjustment, an application for subdivision of the parcels in question may be filed.