

**County of Fairfax, Virginia
Planning Commission Meeting
December 11, 2019
Verbatim Excerpt**

ZONING ORDINANCE AMENDMENT (LOT LINE AND LOT WIDTH) - An amendment to Chapter 112 (the Zoning Ordinance) of the 1976 Code of the County of Fairfax, as follows:

(1) *Delete the portion of the lot line definition in Sect. 20-300 which states that “[w]here a lot line is curved, all dimensions related to said lot line shall be based on the chord of the arc.”*

(2) *Revise the lot width definition in Sect. 20-300 to clarify that:*

(1) *On reverse frontage lots, lot width is measured in the yard facing the local street; and*

(2) *On through lots, lot width may be measured from any street line.
(Countywide)*

During Commission Matters

(Decision Only) (Public Hearing on this application was held on December 4, 2019)

Commissioner Sargeant: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Sargeant: I also have a motion.

Chairman Murphy: Okay.

Commissioner Sargeant: Go ahead? Mr. Chairman, the decision for the proposed Zoning Ordinance Amendment regarding lot width and lot line was deferred for a week, to provide for additional time in consideration. What we have heard clearly is that this amendment addressed inconsistencies in the practice of determining lot width. For the County, it brings to an end and inconsistent application of determining lot width. And as we’ve heard from staff, they have not been using the chord of the arc method for rear or side setbacks, which is why they are proposing to delete that reference from the definition of lot line in favor of the arc method for measurement. As noted in one letter we saw from an industry representative, local firms have been measuring lot width along the arc for dozens of years with the concurrence of County reviewers. I asked Mr. Johnson to contact some neighboring jurisdictions that are already using the arc method for measurement and asked whether they have experienced any problems. Mr. Johnson, I wonder if you can tell us what you’ve learned.

Ryan Johnson, Zoning Administration Division, Department of Planning and Development:
Good Evening, Ryan Johnson Department of Planning and Development. So, I did contact City of Fairfax, Loudoun County, and Prince William County, who all use the arc method to determine lot width on curve lots and neither of those jurisdictions has had problems with that form of implementation.

Commissioner Sargeant: Okay. Thank you. Nevertheless, staff is prepared to monitor the use of the new Zoning Ordinance Amendment. Once again, Mr. Johnson, if you would please tell us what will take place during the next year.

Mr. Johnson: So, staff is amenable to an internal memo to staff in Land Development Services to pay close attention to lots that have curve frontages. Particularly, out-lots that have proposed curve – curvature to coordinate with Zoning Administration. And then, also, we will be doing a letter to industry specifying how lot width is to be determined on lots with curve frontage.

Commissioner Sargeant: Okay, Thank you Mr. Johnson. With that, Mr. Chairman, I believe we are ready to move forward with the motion.

Chairman Murphy: Okay.

Commissioner Sargeant: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE ADOPTION OF THE PROPOSED ZONING ORDINANCE AMENDMENT ENTITLED, LOT LINE AND LOT WIDTH, AS ADVERTISED AND AS SET FORTH IN THE STAFF REPORT DATED OCTOBER 29TH OF 2019.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded Mr. Migliaccio. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it adopt Zoning Ordinance Amendment, Lot Line and Lot Width, as articulated by Commissioner Sargeant this evening, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Sargeant: Thank you, Mr. Chairman.

Chairman Murphy: Thank you very much.

Commissioner Sargeant: And thank you to Mr. Johnson and Ms. Kirst.

Commissioner Strandlie: I'm abstaining on that.

Chairman Murphy: Ms. Strandlie abstains. Not present for the public hearing.

The motion carried by a vote of 11-0-1. Commissioner Strandlie abstained.

KAS

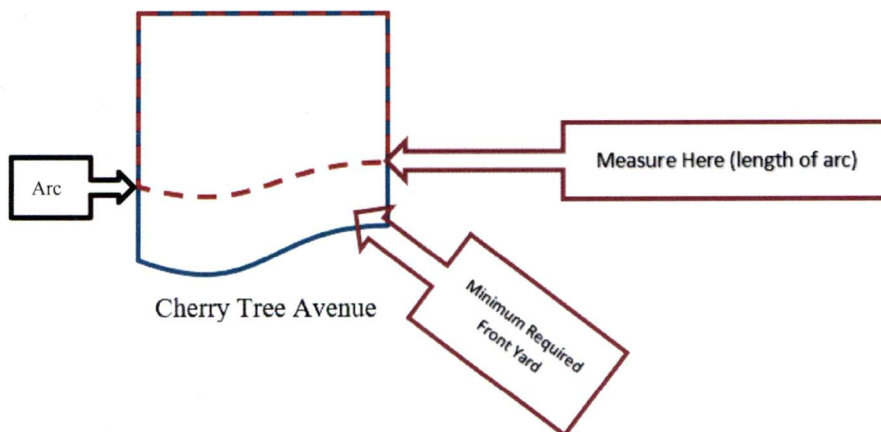
Industry representatives have expressed a preference for using the Arc Method. Furthermore, many jurisdictions, including the City of Fairfax, Loudoun County, and Prince William County, use the arc method to measure lot width on curved frontages.

However, not all nearby jurisdictions use the Arc Method. For example, Arlington County uses a lot depth to lot area ratio instead of having a minimum lot width requirement. This approach addresses the overall lot configuration and the compactness of a lot. Montgomery County measures lot width at three different locations on the lot—at the front lot line, the front setback line, and the front building line. This approach also addresses the regularity of the shape of the lot. Fairfax County addresses the shape of a lot by a maximum shape factor requirement. Given the shape factor requirement, it is staff’s opinion that Arlington and Montgomery Counties’ approaches to lot width are not germane to Fairfax County.

PROPOSED AMENDMENT

Lot Width

It is the intent of this amendment to provide clarity and uniformity regarding measuring lot width on lots with curved frontages. After coordination with staff and industry, the Arc Method is the preferred method due to its clarity and widespread applicability. To implement this preferred method, staff is recommending that the sentence containing the “chord of the arc” language be removed from the lot line definition. This will clarify that lot width is to be measured at a line parallel to the front lot line at a distance equal to the minimum required front yard, regardless of whether the frontage of the lot has a linear or curvilinear orientation.



Measuring Lot Width on Through Lots

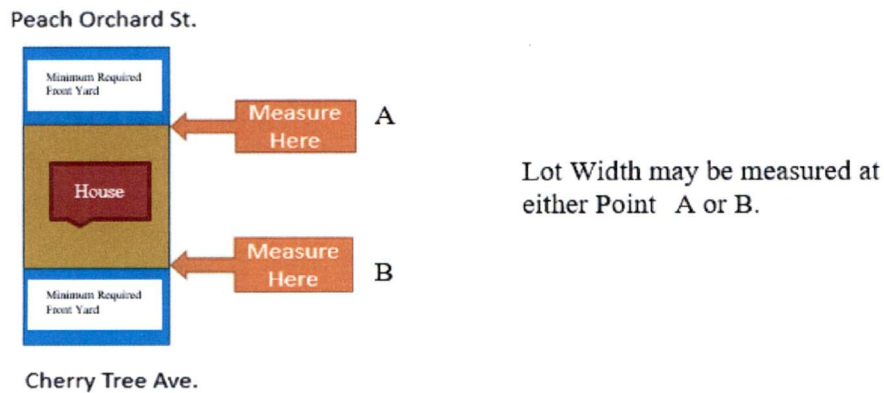
As was noted earlier, lot width is determined by the front street line. However, in the case of a through lot, there are multiple street lines. The following Zoning Ordinance definitions are key in determining lot width on through lots:

LOT, THROUGH: An interior lot, but not a corner lot, abutting on two (2) or more public streets, but not including an alley. For the purpose of this Ordinance, a through lot shall be subject to the regulations of an INTERIOR LOT.

LOT LINE, FRONT: A street line which forms the boundary of a lot; or, in the case where a lot does not abut a street other than by its driveway, or is a through lot, that lot line which faces the principal entrance of the main building.

A through lot, by definition, is any lot that abuts on two or more public streets, but is not a corner lot, and has two or more front yards. However, the front lot line on a through lot is determined by the orientation of the principal entrance of the main building on the lot. It can be difficult, at the time of subdivision, to predict the final orientation of a future building on a lot and ultimately determine that minimum lot width has been satisfied. The current administrative practice is to allow lot width to be measured from any street line on a through lot.

PROPOSED AMENDMENT: To codify common practice, staff is recommending that the lot width definition be modified to specify that, on through lots, lot width may be measured from any street line. The proposed amendment only impacts where lot width is measured on a through lot. The amendment does not impact the through lot minimum yard requirements (setbacks) as the current Zoning Ordinance front yard definition would not be changed with this amendment. The yards lying between the principal building and the two or more public streets on a through lot will continue to be deemed front yards and subject to the minimum front yard setbacks.



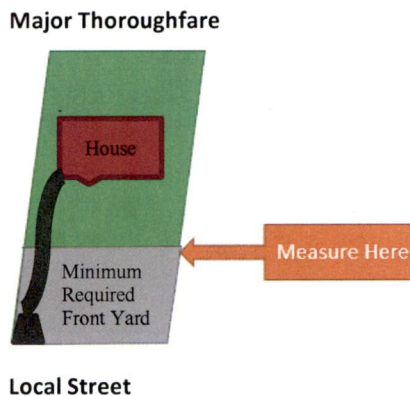
Measuring Lot Width on Reverse Frontage Lots

Reverse frontage lots present another unique situation for determining lot width. A reverse frontage lot is defined as:

LOT, REVERSE FRONTAGE: A residential through or corner lot, intentionally designed so that the front lot line faces a local street rather than facing a parallel major thoroughfare.

A reverse frontage lot, by definition, is residential and has one front lot line along a local street. However, reverse frontage lots also abut major thoroughfares, leading to some confusion as to whether the lot line along the major thoroughfare would also be considered a front lot line and, ultimately, be used to measure lot width. Although the reverse frontage lot definition implies that lot width is measured along the local street, the current lot width definition does not specifically state how lot width is measured on reverse frontage lots.

PROPOSED AMENDMENT: To clearly state how lot width is measured on reverse frontage lots, staff recommends that the lot width definition be revised to state that, on reverse frontage lots, lot width is measured from a line parallel to the local street line.



Lot width is measured in the yard facing the local street.

Certain Provisions Unchanged

This amendment would not change the current provisions regarding minimum lot width on lots of five acres or greater in area; minimum required yards (setbacks); bulk regulations; lot area; shape factor; or lot, street and yard classifications. These provisions will be reviewed as part of the Zoning Ordinance Modernization (zMOD) effort.

CONCLUSION

The Department of Planning and Development staff have coordinated this amendment with staff from the Site Development and Inspections Division of Land Development Services, the County Attorney's Office, and the County Surveyor. In addition, meetings and outreach with the following stakeholders have occurred:

- Board of Supervisor's Development Process Committee: September 10, 2019
- Fairfax County Zoning Open House (South County): September 10, 2019
- Northern Virginia Building Industry Association/Commercial Real Estate Development Association (NVBIA/NAIOP); Engineers and Surveyor's Institute: September 19, 2019
- Planning Commission Land Use Process Review Committee: October 3, 2019

If the amendment is adopted, staff will prepare a technical memorandum that provides guidance to industry on lot width measurements. Specifically, on lots with curved frontages, the length of the arc as measured at the minimum required front yard line must be provided on the plans. The arc length could be provided either in the form of a curve table, or as a measurement on the plan if there is a continuous curve. The arc length is necessary to verify that the minimum lot width requirement has been satisfied. This information is necessary to determine lot width and is readily available given the computerized software that is currently being used in plan design.

The proposed amendment provides clarity and consistency on the methodology used to determine lot lines and to measure lot width on lots with curved street frontages, through lots, and reverse frontage lots. The proposed Arc Method to measure lot width is the most equitable as it is the same for all lots regardless of the type of lot frontage. Therefore, staff recommends adoption of the proposed amendment with an effective date of 12:01 a.m. on the day following adoption.