

City of Virginia Beach
Development Services Center
DSC INFORMATION NOTICE # 91
August 13, 2002

TOPIC: Use of Public and Private Utility Easements for Minimum Lot Area and Lot Width Requirements

*Section 200 (a)(1) of the City Zoning Ordinance (CZO) allows the use of public or private utility easements of **twenty (20) feet or less in width** to be used toward meeting the minimum lot area and lot width requirements when subdividing and creating new lots. However, Section 200 (b)(5) **does not allow any portion of** public or private utility easements **greater than twenty (20) feet in width** to be used to meet the minimum lot area and width requirements. For example, a 30-foot utility easement that straddles a proposed property line (15 feet on each lot) cannot be used to meet the minimum lot width and area requirements of either lot.*

Utility installations (public and private) are defined in Section 111 of the City Zoning Ordinance (CZO) as “any plant, or equipment or other facility used for the production, transmission or distribution to the public of telecommunications, electric, natural gas, water, cable, stormwater (drainage) or sewage service...” Therefore, the easements associated with these utility installations are the same as those referenced in Section 200 of the CZO.

This notice was prepared as a reminder to those preparing subdivisions for review. An oversight of this nature can cause lengthy delays in the review process due to redesign or variance requests. If there is not enough extra lot width and/or lot area in the other proposed lots to compensate for the easement greater than twenty (20) feet, a proposed lot may be lost.

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