



## Residential Development Process

### What You Need to Know When Buying A Lot In A Residential Subdivision Which Is Under Construction in York County

*\*\*This is meant to be general guidance only. Each application has its own characteristics and may impact the process outlined here\*\**

Building permits for a house cannot be issued until the following minimum criteria have been met:

- The property on which the new dwelling will be built must be a lot of record that has been legally platted and recorded at the York County Circuit Court
- Public sewer is immediately available (existing or being installed) to the lot
- County sewer hookup fee and HRSD fees are paid
- Newly constructed roads are passable for fire and life safety vehicles
- Main water line and fire hydrants (if required) must be installed and operational
- Residential building plans has been reviewed and approved by the York County division of Building Safety
- A Land Disturbance Activity permit has been issued for the property and the erosion and sediment control measures have been installed and inspected

#### **SUBDIVISION PROCESS**

If a parcel is being subdivided, a development plan must be submitted and approved by York County. Following the development plan approval, the improvements shown on the plan must be installed by the subdivider or their contractor and inspected by York County. A development plan shows how the property will be developed. It typically addresses things such as water, sewer, drainage etc. Following the installation of the utilities, drainage system and access to the property, a plat must be submitted to, approved by York County. The final plat must be accompanied by a subdivision agreement between the subdivider and York County with a surety provided by the subdivider to ensure all the improvements have been or will be completed. ***The recording of the approved plat at the York County Circuit Courthouse is what legally creates the new lots.***

Here is the general process:

- The development plan, along with stormwater and sanitary sewer calculations, are submitted to York County Development Services by a surveyor or engineer hired by the subdivider
- Once submitted, the plan is distributed to various County Departments and State Agencies for review.

- Comments are received back to Development Services and the planner assigned the project will add these comments to his/her own review.
  - Development Services has 60 days to review and send comments back.
- The Planner sends them to the surveyor or engineer who submitted the plan.
- The surveyor/engineer revises and re-submits the plan to Development Services
- Development Services will again send the plan to the agencies for re-review.
  - Development Services has 45 days to respond to the 2nd and any subsequent review.

*York County has no control on how long it takes the surveyor/engineer to resubmit or how many times the plan will have to be re-submitted. These circumstances affect the length of time for approval and make time estimates difficult.*

The plat goes through the same review process.

Before a plat can be recorded, either the improvements shown on the approved development plan have to be installed or the owner has to provide a surety in the amount of the unfinished improvements and has to sign a subdivision agreement with the County. Once the improvements are installed and accepted, the surety can be released/returned.

## **SUBDIVISION METHODS FOR RESIDENTIAL DEVELOPMENT**

### **1. Conventional Subdivision**

Each parcel created must have frontage on a *public* street. Frontage may not be less than the minimum lot width required by the zoning district in which it is located with exceptions only as noted in the Ordinance. See Section [24.1-202](#) link below. The parent parcel and each new lot would need to meet the minimum area requirements for the zoning district it is located in if public water and public sanitary sewer are available. If public water and/or public sanitary sewer are not available, see Section [24.1-204](#) for minimum lot area requirements. If the parcel being subdivided is large enough in developable area, and the owner/developer wants to create more parcels than the property's current public road frontage would allow, a 50' right of way and a road built to Virginia Department of Transportation (VDOT) standards would have to be provided by the owner/developer to provide road frontage for the new lots. See Section [20.5-91](#) link below.

### **2. Family Subdivision**

A Family Subdivision does not require the public road frontage for each lot but does require a 20' ingress/egress easement to provide access to a public road for each lot that does not have road frontage. The parent parcel and each new lot would need to meet the minimum width and minimum area requirements for the zoning district it is located in if public water and public sanitary sewer are available. If public water and/or public sanitary sewer are not available, see Section [24.1-204](#) for minimum lot area requirements. *Only family members as defined by Section [20.5-34](#) are eligible to receive property from a family subdivision.*

No parcel created by a family subdivision may be further subdivided by means of another family subdivision.

See *additional* requirements for Family Subdivisions on link [20.5-34](#), ***Special Provisions for Family Subdivisions\*\*\****

### **3. Open Space Cluster Subdivision**

In those zoning districts where permitted, a parcel with a minimum gross land area of ten (10) acres can potentially be subdivided using cluster techniques to create an open space cluster development. Acreage that is continually inundated, or which is subaqueous, shall not be counted as “land area” for the purposes of this section. Additions to existing open space developments of less than ten (10) acres may be approved if the zoning administrator finds that such an addition forms a logical extension.

Cluster developments allow for smaller individual lot areas and widths than a conventional subdivision, but there are special requirements such as a reserving a minimum of 40% of the gross land area as common open space and providing 7.5% of the gross land area for recreation. All open space cluster developments have a homeowners association which maintains the common areas and recreational amenities.

See Section [24.1-402](#) for additional information and requirements.

### **4. Planned Development**

The purpose of the planned development zoning districts is to encourage a more efficient use of land and public services by allowing a more flexible means of development than is otherwise possible under typical lot-by-lot or open space cluster zoning. This zoning provides opportunities for development which reduces land consumption, reduces the amount of land devoted to streets and other impervious surfaces, provides increased open space and recreation amenities and encourages creativity and innovation in design. There are two types of planned development: the PDR – Planned Development Residential and the PDMU – Planned Development Mixed Use districts. See Sections 24.1-361, 24.1-361.1, 24.1-362 for additional information and requirements.

#### **GENERAL SUBDIVISION INFORMATION:**

All subdivisions must meet the requirements of [York County’s Subdivision Ordinance Chapter 20.5 and Zoning Ordinance Chapter 24.1](#).

Minimum lot size requirements are determined by the availability of public water and public sanitary sewer. For minimum requirements for lots that have access to both public water and public sanitary sewer, see [Section 24.1-320](#) link below. It is always advisable to check with York County Department of Public Works/Utilities at 757-890-3751. Even if public sewer is noted in “Property Information” as being available for a particular property, you will want to make sure that sanitary sewer would be available to any additional lots created by a subdivision of the property.

Note that if a lot does not have access to public sanitary sewer, a primary and a reserved drain field for a septic system will have to be identified for each lot and approved by the State health department. For minimum lot area requirements for lots without access to public water and/or public sanitary sewer, see Section [24.1-204](#) link below.

When determining if a property can be subdivided, the minimum lot size requirement is based on “developable area”. Certain land features, easements etc. are considered non-developable area. See Section [24.1-203](#) link below.

An example of non-developable area would be area in excess of one-tenth acre of USEPA/Corps of Engineers jurisdictional *non-tidal* wetlands. Property 4’ and below in elevation is not considered developable and cannot be counted towards minimum lot size.

County GIS maps alone are not recommended for determining wetlands and Chesapeake Bay Resource Protection Areas (RPA). A survey and sometimes a wetlands delineation/RPA determination are needed to confirm any *land features and easements* that may not be shown on a GIS map.

The Chesapeake Bay Resource Protection Area (RPA) can be counted towards minimum lot size but you cannot build a house within the RPA. There is a 10’ min. building setback off of the RPA.

In addition, if there is a deficiency in the width of the right-of-way adjacent to the property being subdivided, property will have to be dedicated to correct the deficiency, therefore subtracting that area from the total land area available to be subdivided.

You can find zoning district and other information regarding a property by looking it up on the County [Property Information website](#)

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