



**Amherst County Board of Supervisors
County Ordinance No. 2019-0008**

AN ORDINANCE, NO. 2019-0008

Amending § 1207.03 of Appendix A - Zoning and Subdivision, Article XII – Subdivision Platting Requirements to the Code of the County of Amherst to change the number of lots.

Approved as to form and legality by the County Attorney

PUBLIC HEARING: Planning Commission, July 18, 2019
FIRST READING: Board of Supervisors, August 6, 2019
PUBLIC HEARING: Board of Supervisors, August 20, 2019

THE COUNTY OF AMHERST HEREBY ORDAINS:

§ 1. That Section 1207.03 of Appendix A - Zoning and Subdivision, Article XII – Subdivision Platting Requirements to the Code of the County of Amherst to change the number of lots, be and hereby is amended as follows:

1207. - Administrative review of certain plats.

The zoning administrator or planning director is hereby delegated the authority to receive, review and approve or disapprove plats of family divisions, reconfigurations and matters described in Section 1207.03.

1207.01. Family divisions.

- (A) A single division of a lot or parcel for the purpose of sale or gift to a member of the immediate family of the property owner. Only one (1) such division is to be allowed per family member, and shall not be for the purpose of circumventing this subsection. For the purposes of this subsection a member of the immediate family is defined as any person who is a natural or legally defined offspring, stepchild, spouse, grandchild, grandparent, sister or brother or parent of the owner. Such a division shall be called a family division. The applicant shall submit three (3) copies of said family division plat to the planning department for review and approval. Within sixty (60) days of official submission, the plat shall be approved or disapproved by the zoning administrator or his/her designee. The applicant shall be responsible for recording the plat in the office of the clerk of the circuit court within six (6) months of approval or it will become invalid. The family division plat shall clearly show the following information:

1. Every plat which is intended for recording shall be prepared by a certified professional engineer or land surveyor, who shall endorse upon each such plat a certificate signed by him or her setting forth the source of title of the owner(s) of the land(s) involved in the family division and the place of record of the last instrument(s) in the chain of title;
 2. Date of plat;
 3. Scale;
 4. North arrow;
 5. Adjoining property owners;
 6. Bearings and distances of all lines surveyed as part of the family division;
 7. An execution of the owner's consent to subdivision, in accordance with Code of Virginia, § 15.2-2264, as amended, stating that "The platting or dedication of the following described land (here insert a correct description of the land subdivided) is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, if any."
 8. Acreage of conveyed property, per Section 801;
 9. The acreage and frontage width of the remainder or a statement certifying the surveyor's knowledge that the remainder of the property meets the minimum acreage and frontage width requirements;
 10. Tax map section, block and lot number;
 11. Plat clearly labeled FAMILY DIVISION by the surveyor;
 12. Name(s) of family member grantee;
 13. Sufficient dedicated easement to the county to meet the standards of the Virginia Department of Transportation when a lot fronts on a state maintained road;
 14. Signature block for county official;
 15. All family subdivisions not fronting on a public road shall provide for the conveyance of a right-of-way twenty (20) feet in width;
 16. If the property is located within a watershed overlay district, all requirements applicable to the subdivision of land therein must be met.
- (B) A family division is permitted for a sale or gift to a member of the immediate family of the property owner, subject only to the express requirements contained in the Code of Virginia (1950), as amended, and the following provisions:
1. No previous transfer from the same source tract under this provision has been granted to the grantee in Amherst County;
 2. The grantee is at least eighteen (18) years of age and able to hold title to real estate under Virginia law;
 3. The property owner must place a restrictive covenant on the subdivided property that would prohibit the transfer of the property to a nonmember of the immediate family for a period of five (5) years. Upon application, the zoning administrator or his/her designee may reduce or provide exceptions to the five-year retention period when changed circumstances so require, including, but not limited to, foreclosure,

death, judicial sale, condemnation, bankruptcy or permanent relocation by the owner out-of-state. Additionally, the zoning administrator or his/her designee may approve the transfer of property between eligible family members as defined in Section 1207.01(A) "definition of family member" within the five-year retention period. Any such relief granted by the administrator shall be in the form of an instrument that the applicant shall record against the parcel in the land records of the circuit court; and

4. All proposed plats for family subdivision shall include an affidavit which shall be signed by the grantor and grantee under oath and penalty of perjury that identifies the subdivision as being for the purposes of conveyance to a qualifying family member and identifies the receiving family members and their relationship to the grantor.
- (C) In the event the zoning administrator or his/her designee determines that a family division has been used to circumvent the Subdivision Ordinance, he shall initiate the vacation of all or part of the plat or plats of the original lot or parcel to the extent necessary to correct the violation.
- (D) The approved family subdivision plat shall be recorded in the office of the clerk of the circuit court within six (6) months.
- (E) Family subdivisions that do not comply with these requirements shall be presumed to have intended at the time of approval to circumvent this chapter and shall be deemed to be in violation and may result in one (1) more of the following:
1. Any action specified in Article X of the Zoning Ordinance, including, but not limited to, civil remedy and relief and criminal penalties and fines;
 2. Vacation of the subdivision; and
 3. Refusal of building permits and other development permits.

1207.02. Reconfiguration plat submission and approval.

The applicant shall submit five (5) copies of the plat to the planning department for review and approval. The zoning administrator or planning director will complete the review within seven (7) days of receipt of the plat. Once a determination has been made that the plat meets the standards of this ordinance, the zoning administrator or planning director shall approve it and sign the plat.

The applicant shall be responsible for recording the plat in the office of the clerk of the circuit court within six (6) months of approval or it will become invalid. The reconfiguration plat shall clearly show the following information:

1. Every plat which is intended for recording shall be prepared by a certified professional engineer or land surveyor who shall endorse upon each such plat a certificate signed by him or her setting forth the source of title of the owner(s) of the land(s) involved in the reconfiguration and the place of record of the last instrument(s) in the chain of title;
2. Date of plat;
3. Scale;
4. North arrow;
5. Adjoining property owners;

6. Bearings and distances of all lines surveyed as part of the reconfiguration;
7. An execution of the owner's consent to subdivision, in accordance with Code of Virginia, § 15.2-2264, as amended, stating that "The platting or dedication of the following described land (here insert a correct description of the land subdivided) is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, if any."
8. The acreage and frontage width of the reconfigured properties or a statement certifying the surveyor's knowledge that the reconfigured properties meet the minimum acreage and frontage width requirements;
9. Tax map section, block and lot number;
10. Plat clearly labeled RECONFIGURATION by the surveyor;
11. Signature block for county official.

1207.03.

A subdivision not exceeding ~~three (3)~~ ten (10) lots may be approved by the zoning administrator or planning director provided no new public street, public water or public sewerage facilities are involved; the required certifications have been approved by the appropriate agent; no variances or modifications are involved; and all the requirements set forth herein are met.

(Ord. of 8-18-09; Ord. No. 2015-0011, § 2, 11-17-15)

§ 2. That this ordinance shall be in force and effect upon adoption.

Adopted this 20th day of August, 2019.

L. J. Ayers III, Chairman
Amherst County Board of Supervisors

ATTEST:

Dean C. Rodgers, Clerk
Amherst County Board of Supervisors

Ayes _____

Nays _____

Abstentions _____