

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. Name and signature of owner(s) notarized;
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 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 (5) 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 § 1207.01 (A) "definition of family member" within the five (5) 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 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.