



The Family Subdivision Process

- Step One:** The recommended initial step in the Family Subdivision process is to talk to Planning & Zoning staff, to discuss the requirements of the County's Subdivision Ordinance as it relates to Family Transfers and the process described below. To contact staff or to set up an appointment, please call the Department of Planning and Zoning at (804) 693-1224 and ask for the Planning Division.

- Step Two:** Once the applicant has discussed the Family Subdivision process with P&Z staff, and it has been determined that the requirements for Family Transfers will be met, each of the following items need to be submitted to the Department of Planning and Zoning to provide a complete application for review:
 - Completed Family Transfer Subdivision Application;
 - Two draft copies of the final plat for each proposed division; (see Final and Minor Subdivision Application Checklist, attached)
 - Health Department Certification letters for each lot, including the parent parcel (for properties served by private well and septic systems);
 - Legal verification establishing the right to use an existing private right-of-way or easement for purposes of subdivision, if the proposed division does not have frontage on a public road; and
 - A review fee in the amount of \$100 per division.

- Step Three:** After the plat has been reviewed, and revised if necessary, staff will advise the applicant to submit a minimum of seven (7) signed and notarized copies of the plat to the Department of Planning and Zoning for final review and approval.

- Step Four:** Once the plat has been reviewed and approved, staff will inform the applicant that the plat(s) is/are ready for pickup (at our office) and for recordation in the Circuit Court Clerk's Office. It is the responsibility of the applicant to put the plat(s) to record; plats are valid for a period of one (1) year from the date of approval.
 - Our regular hours are 8AM-4:30PM, Monday through Friday.
 - To inquire about plat recordation fees and hours, the records room at the Clerk's Office may be reached at (804) 693-1356.



Family Subdivision Information Sheet

Purpose and Intent: It is the purpose and intent of §15-3.2 of the Subdivision Ordinance to encourage and promote the ability of family members to remain in close proximity and/or to allow for the preservation of family land holdings which might otherwise be fragmented for economic reasons. Allowing the conveyance of property between immediate family members without the necessity of compliance with all of the subdivision requirements imposed on unrelated parties will further this purpose.

Summary of Requirements¹:

- Single division of a lot or parcel to an immediate family member (naturally or legally defined offspring, stepchild, spouse, sibling, niece, nephew, parent or grandparent of the owner).
- One such division per family member. A separate fee is required for each division; a \$100 fee is required for each parcel conveyed, pursuant to Section 15-56(a) of the Gloucester County Code.
- The minimum width, yard, and area requirements of all lots or parcels shall be in accordance with the applicable provisions of the Gloucester County Zoning Ordinance. (see table below)

Zoning	Lot Size	Lot Width* (feet)	Front Yard Setback (feet)	Side Yard Setback (feet)	Rear Yard Setback (feet)
C-2	5 Acres	250	75	50/100 Total	100
RC-1	5 Acres	250	75	50/100 Total	100
RC-2	5 Acres	250	75	50/100 Total	100
SC-1	2 Acres	200	75	30/60 Total	100
SF-1	30,000 sq. ft.	100	35	15/30 Total (Side yard abutting side street on a corner lot- 30)	30

*Lot, width of: The average horizontal distance between side lot lines.

- Each lot or parcel shall front on a public road or upon a private driveway or road which is in a permanent easement of right-of-way twenty (20) feet in width. Legal verification shall be provided (for those lots located on a private right of way or easement) indicating that the applicant has the right to use either for the purposes of subdivision.
- Prior to the use on any lot or parcel for residential purposes, the required right of way shall include an improved driveway within it, as outlined in §15-3.2(c)(3).
- Where the private right of way intersects with a public right of way, additional easements may be necessary to meet VDOT's requirements for a Public/Private Entrance. For specific entrance requirements and/or permits for installation, contact the VDOT Saluda Residency at 804-758-2321.

¹ See ordinance for more specific requirements.

- A final plat shall be submitted and shall adhere to the requirements set forth in Sections 15-73 and 15-73.1 of the Subdivision Ordinance.²
- The plat shall contain the following statement set forth so as to readily be seen in a minimum of 12-point type:

THIS LOT IS CREATED AS A FAMILY TRANSFER PURSUANT TO THE PROVISIONS OF THE GLOUCESTER COUNTY SUBDIVISION ORDINANCE. THE USE AND TRANSFER OF THE PROPERTY ARE RESTRICTED BY THE TERMS OF THAT ORDINANCE.

- Drainage and utility easements shall be dedicated to the County when deemed necessary by the agent to accommodate drainage and/or public utility facilities, whether for current or future needs, in accordance with the requirements of the County Code.
- For property with on-site water and sewer – documentation shall be submitted demonstrating the presence of approved well and primary and reserve drainfield sites on each parcel.

Nothing in Section 15-3.2 of the Subdivision Ordinance shall be deemed to exempt family transfers from the requirements or other provisions of the Gloucester County Code which are applicable.

No building permit shall be granted for construction on any lot created in violation of the provisions of the Subdivision Ordinance.

² If there is a conflict between the contents of this checklist and the text of Gloucester County Code, the provisions and/or requirements contained in the Code, in effect at the time of review, shall prevail.



Gloucester County Subdivision Ordinance Section 15-3.2 – Family Transfers

(a) Purpose. It is the purpose of this section to encourage and promote the ability of family members to remain in close proximity and/or to allow for the preservation of family land holdings which might otherwise be fragmented for economic reasons. Allowing the conveyance of property between immediate family members without the necessity of compliance with all of the subdivision requirements imposed on unrelated parties will further this purpose.

(b) Intent. A single division of a lot or parcel is permitted for the purpose of sale or gift to a member of the immediate family of the property owner. For the purposes of this section, a member of the immediate family is defined as any person who is a natural or legally defined offspring, stepchild, spouse, sibling, niece, nephew, or a parent or grandparent of the owner. If the property to be subdivided is owned jointly by husband and wife, the necessary relationship to the grantee may exist between either husband or wife. If the grantee of the parcel is married, only one (1) such parcel may be conveyed to the grantee and his or her spouse. The property to be subdivided may be titled in a trust, Limited Liability Corporation/Partnership, S Corporation, or similar form of ownership, provided the beneficial ownership of the property remains in a person who has a qualifying family relationship with the grantee. Nothing in this section shall be deemed to exempt family transfers from other applicable provisions and requirements of the Gloucester County Code.

(c) Requirements. Family transfers shall be subject to the following provisions and conditions:

(1) Only one (1) such division shall be allowed within Gloucester County for each immediate family member.

(2) Lot size. The minimum width, yard, and area requirements of all lots or parcels, including the remaining property from which the lot or parcel is subdivided, shall be in accordance with the Gloucester County Zoning Ordinance.

(3) Access. Each lot or parcel shall front on a public road or upon a permanent easement of right-of-way a minimum of twenty (20) feet in width which provides access to a public road. (Where the parcel to be subdivided fronts on an existing right-of-way less than twenty (20) feet in width, a twenty (20) foot right-of-way shall only be required on the parcel to be subdivided.)

- a. Prior to the use of any such lot or parcel for residential purposes, i.e. the issuance of a Certificate of Occupancy (CO), the required right-of-way shall include an improved driveway within it consisting of, at a minimum, an all-

weather surface of rock, stone, gravel, or similar material, with a minimum width of ten (10) feet. The right-of-way shall be maintained by those having a right to use it in a condition passable by emergency vehicles at all times. A notation to this effect shall be placed on the face of the final plat. Passable condition refers to not only the road surface, but also to its horizontal and vertical clearance.

- b. An erosion and sediment control plan with appropriate surety is required if the proposed right-of-way and driveway construction disturbs more than two thousand five hundred (2,500) square feet.

(4) Easements. Drainage and utility easements shall be dedicated to the county when necessary to accommodate drainage and/or public utility facilities, whether for current or future needs, in accordance with the requirements of the County Code.

(5) Platting Requirements.

- a. A final plat shall be submitted to the agent for approval. The final plat shall comply with the requirements set forth in sections 15-73 and 15-73.1 of this chapter and shall bear the signatures of both the grantor(s) and grantee(s) of the family transfer.
- b. Such plat shall be subject to the fee set forth in section 15-56(a) of this chapter.
- c. Public improvements, if any, shall be guaranteed as required by the Gloucester County Code.
- d. The family transfer plat, once approved for compliance with this section, shall be recorded within one (1) year from the date of approval.
- e. The plat by which the subdivision is effected shall contain the following statement set forth so as to readily be seen in a minimum of 12-point type:

THIS LOT IS CREATED AS A FAMILY TRANSFER PURSUANT TO THE PROVISIONS OF THE GLOUCESTER COUNTY SUBDIVISION ORDINANCE. THE USE AND TRANSFER OF THE PROPERTY ARE RESTRICTED BY THE TERMS OF THAT ORDINANCE.

(6) Holding periods for previously-recorded family transfers.

- a. For all family transfer subdivisions recorded prior to the adoption of this ordinance, the remainders of any holding periods required by the previous ordinance are hereby waived.



APPLICATION FOR FAMILY TRANSFER SUBDIVISION

General Information:

Name: _____

Address or nearest intersection: _____

Magisterial District: _____ RPC# _____ Tax Map # _____

Zoning: _____ Number of Lots Affected: _____ Gross Area(acres): _____

Utilities:

Water System (Check one) County System Private System Individual Well

Sewage System (Check one) County System Private System Septic Tank

Contacts: (Check contact(s) to receive correspondence relating to application)

Property Owner/Grantor _____

Address _____ Phone #: _____

Fax #: _____

e-mail: _____

Property Owner/Grantor _____

Address _____ Phone #: _____

Fax #: _____

e-mail: _____

Surveyor/ Engineer _____

Address _____ Phone #: _____

Fax #: _____

e-mail: _____

Attorney/Other _____

Address _____ Phone #: _____

Fax #: _____

e-mail: _____

If more space is needed, please attach separate sheet of owners & addresses

As property owner, I hereby grant permission to the designated personnel of Gloucester County, and any other agency deemed appropriate by Gloucester County, to enter the above reference property for purpose of review of the proposed application, if necessary.

Owner's Signature

Date

Owner's Signature

Date

<p style="text-align: center;"><u>Plat Requirements¹</u> (see §15-73)</p>	<p style="text-align: center;">All application types except for BLAs, Line Vacations, and In-Part Parcels</p>
<p>It shall be the plat preparer's responsibility to ensure that the survey meets the minimum standards as outlined in the most recent regulations adopted by the Virginia Department of Professional and Occupational Regulation's (DPORs) Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects.</p>	<p>✓</p>
<p>It shall be the plat preparer's responsibility to ensure that the plat meets the recordation requirements of the Library Board of Virginia.</p>	<p>✓</p>
<p>The plat shall be clearly and legibly drawn at a scale of not more than one hundred (100) feet to the inch, or such scale as deemed appropriate by the subdivision agent, on sheets having a maximum size of eighteen (18) inches by twenty-four (24) inches.</p>	<p>✓</p>
<p>The plat shall contain the type of subdivision in the title (e.g., public service lot, right-of-way, family transfer, minor subdivision, major subdivision, etc.).</p>	<p>✓</p>
<p>The plat shall contain the Tax map designation, or geographic parcel identification number(s) if available, magisterial district, and date (not to include revision dates).</p>	<p>✓</p>
<p>The plat shall contain a legend for all symbols not otherwise labeled, north arrow, number of sheets, and scale.</p>	<p>✓</p>
<p>The plat shall state whether the parcel(s) is/are located in a previously recorded major subdivision, and if so, include the name of subdivision and lot, block, and section number as appropriate.</p>	<p>✓</p>
<p>Current zoning of the property including references to any applicable approved rezonings. If more than one zoning district applies, show the boundary lines of the zoning districts.</p>	<p>✓</p>
<p>The accurate location of lot lines by bearings and distances and adequate curve data to accomplish mathematical closure.</p>	<p>✓</p>
<p>Flood Zones: The limits of all flood zones located on the parcel(s) shall be shown and the following note shall be included on the face of the plat.</p> <p>“The property embraced within the limits of this survey appears to lie within Zone(s) _____. Flood data is approximate and taken from FIRM Community Panel No. _____, dated (<u>insert most current FIRM map date</u>).”</p>	<p>✓</p>
<p>Lot number (or other designation) for each parcel affected.</p>	<p>✓</p>

¹ If there is a conflict between the contents of this checklist and the text of Gloucester County Code, the provisions and/or requirements contained in the Code, in effect at the time of review, shall prevail.

Plat Requirements¹
(see §15-73)

**All
application
types
except for
BLAs, Line
Vacations,
and In-Part
Parcels**

<p>The plat shall provide the existing and proposed lot sizes for all lots affected.</p> <p>For lots less than one acre, show area in square feet as well as acres.</p> <p>Lots equal to or less than ten (10) acres shall be shown in their entirety. Lots may be split by match lines, provided that each lot is shown in its entirety on at least one sheet.</p> <p>On all lots and parcels, the minimum width, yard, and area requirements shall be in accordance with the Gloucester County Zoning Ordinance and section 15-31(c) of this chapter except for public service lots and rights of way.</p> <p>For all applications other than major subdivisions, the remainder of a lot greater than 10 acres, only the affected portion of the lot(s) needs to be shown provided that the plat or some other recognized resource demonstrates that the remainder meets the lot frontage and width requirements of this ordinance. If the frontage or width of the remainder is within 10 percent of that required by the zoning district where the parcel is located, then the frontage and/or width, as applicable, shall be displayed on the plat. The acreage as shown in the County's records may be utilized to determine the lot size(s).</p> <p>For major subdivisions, see also the "Final Major" checklist.</p>	<p>✓</p>
<p>The location of all physical improvements or, alternatively, the location and distance from existing and proposed property lines to existing structures located within and up to 5 feet from the zoning setback lines on the property surveyed. For developed commercial properties, all commercial structures, parking lots and drive aisles, and access information shall be displayed. If all structures are not shown on the plat, add the following note:</p> <p>NOT ALL PHYSICAL IMPROVEMENTS WERE LOCATED AS PART OF THIS SURVEY AND MAY NOT BE SHOWN ON THIS PLAT.</p>	<p>✓</p>
<p>Easements: Location of all proposed or existing easements and rights of way. Existing easements shall include the recordation reference along with the type (public/private, utility, ingress/egress, etc.) and width of the easement and location of the instrument. Proposed easements shall be identified and dedicated as either public or private and include the width and entity to whom which the easement is dedicated.</p>	<p>✓</p>
<p>Streets: All existing public and private streets. Public streets shall include their name, number and width. Private streets shall include their name, width and recordation reference if available.</p>	<p>✓</p>
<p>Watercourses: Boundaries of adjacent watercourses, and their names per USGS maps.</p>	<p>✓</p>
<p>Burial locations: Any grave, object, or structure marking a place of burial located on the land proposed for subdivision per Va. Code Section 15.2-2258.</p>	<p>✓</p>

Plat Requirements¹
(see §15-73)

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Water and Sewer:

If lot(s) are to be served by public water and/or sewer, one of the following notes shall be added to the plat:

(ALL LOTS or LOT(S) _____) WITHIN THIS SUBDIVISION SHALL BE SERVED BY PUBLIC WATER AND PUBLIC SEWER PROVIDED BY GLOUCESTER COUNTY DEPARTMENT OF PUBLIC UTILITIES.

(ALL LOTS or LOT(S) _____) WITHIN THIS SUBDIVISION SHALL BE SERVED BY PUBLIC WATER PROVIDED BY GLOUCESTER COUNTY DEPARTMENT OF PUBLIC UTILITIES

(ALL LOTS or LOT(S) _____) WITHIN THIS SUBDIVISION SHALL BE SERVED BY PUBLIC SEWER PROVIDED BY GLOUCESTER COUNTY DEPARTMENT OF PUBLIC UTILITIES.

If lot(s) are to be served by private septic: Health Department confirmation (not just the application) for each parcel is required. Additionally, the primary and reserve septic system locations shall be shown on the plat and/or with the Health Department confirmation documents and the following Chesapeake Bay Ordinance septic system Notes added to the plat:

A 100% RESERVE DRAINFIELD IS REQUIRED FOR ON-SITE SEWAGE TREATMENT SYSTEMS. HEALTH DEPARTMENT APPROVAL LETTERS INDICATING COMPLIANCE WITH THIS REQUIREMENT SHALL BE PROVIDED FOR EACH LOT NOT CONNECTING TO SEWERS.

ON-SITE SEPTIC SYSTEMS MUST BE PUMPED OUT EVERY FIVE YEARS, OR A CERTIFICATION MUST BE SUBMITTED BY A SEWAGE HANDLER PERMITTED BY THE VIRGINIA DEPARTMENT OF HEALTH THAT THE SEPTIC SYSTEM HAS BEEN INSPECTED, IS FUNCTIONING PROPERLY, AND THE TANK DOES NOT NEED TO HAVE THE SOLIDS PUMPED OUT.

For all plats, other than residential lots in major subdivisions, that are served by private septic, the note below can be utilized in lieu of Health Department septic certification letters or permits under the following conditions:

- (a) The lot being created, to which the requirements would otherwise be applicable, is more than five (5) acres in size; and
- (b) The owner's certification on the plat acknowledges that no development requiring a sewage disposal system will be proposed or implemented until a method of sewage disposal approved by the county and the Virginia Department of Health is provided; and
- (c) The following notation is prominently displayed on the plat in, at a minimum, 12-point lettering:

NO DEVELOPMENT SHALL OCCUR ON LOT AS SHOWN ON THIS PLAT THAT, BY LAW, REQUIRES A SANITARY SEWAGE DISPOSAL SYSTEM UNTIL SUCH TIME AS A SYSTEM SHALL BE SUBMITTED TO AND APPROVED BY THE COUNTY OF GLOUCESTER AND THE VIRGINIA DEPARTMENT OF HEALTH.



Plat Requirements¹
(see §15-73)

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Chesapeake Bay Preservation Ordinance:

Pursuant to section 5.5-10(7) of the Chesapeake Bay Preservation Ordinance (CBPO), all subdivision plats shall include the following information or a note indicating that this information is not applicable to the plat:

Chesapeake Bay Preservation Ordinance:

Pursuant to section 5.5-10(7) of the Chesapeake Bay Preservation Ordinance (CBPO), all subdivision plats shall include the following information or a note indicating that this information is not applicable to the plat

- Delineation of the RPA boundary
- Delineation of required buffer areas
- Delineation of RMA wetlands (the National Wetlands Inventory (NWI) map or other recognized source may be used to locate wetland features on the plat)
- Delineation of RMA boundary
- Delineation of slopes twenty-five (25) percent or greater

If the plat only includes areas within the RMA, delineation of its boundaries is not required, and the following note shall be added to the plat:

All parcels shown on this plat are located in the Chesapeake Bay Resource management area.

If the plat includes areas within the RPA, the following notes shall be added to the plat:

No land disturbance is allowed in the RPA buffer area without review and approval by the County's Chesapeake Bay Preservation Administrator and only water-dependent facilities or redevelopment of existing structures are permitted within the RPA buffer.

All existing vegetation within the RPA shall remain in its undisturbed natural state, except for vegetation weakened by age, storm, fire or other natural cause.

If the plat includes Chesapeake Bay or other features that are either not shown on the plat or parcels that are not shown in their entirety that contain Chesapeake Bay or other features, and it is clear that there is sufficient developable area outside of these features, the following note shall be added:

TAX MAP ____ PARCEL ____ MAY CONTAIN ADDITIONAL CHESAPEAKE BAY FEATURES AS IDENTIFIED IN SECTION 5.5-10(7) OF THE CHESAPEAKE BAY PRESERVATION ORDINANCE OR OTHER FEATURES THAT MAY NOT BE SHOWN ON THIS PLAT WHICH WILL BE DETERMINED UPON FURTHER DEVELOPMENT OF THAT PARCEL.

In cases where wetlands are present and identified through a process other than an unexpired Army Corps determination, provide the following note to the plat:

A SITE-SPECIFIC ARMY CORPS OF ENGINEERS CONFIRMATION OF THE WETLAND BOUNDARIES AS SHOWN ON THIS PLAT MAY BE REQUIRED AT THE TIME OF DEVELOPMENT OF THE INDIVIDUAL LOTS.



Plat Requirements¹
(see §15-73)

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Surveyor / Engineers Certification (Appendix A) - Professional's seal, signature, and date, setting forth the source of title of the owner of the land and the place of record of the last instrument in the chain of title as set forth in Appendix A to this chapter. Application of the professional's seal, signature and date shall be evidence that the land boundary survey is correct to the best of the professional's knowledge, information, and belief, and complies with the minimum VAC standards.

✓

Owners Certification (Appendix B) - Statement signed by the owner that the plat is consented to by the owners as set forth in Appendix B to this chapter. Sufficient documentation reflecting that the signatory has the authority to sign on behalf of the owner shall be required when the grantor is a corporation, trust, LLC, or the like.

✓

Subdivision Agent Certification (Appendix C) - Certification of approval signed by the subdivision agent as set forth in Appendix C to this chapter.

✓

Additional Plat Requirements¹ for Divisions of Estate and Family Transfers: (see §15-73.1)	Division of Estate	Family Transfers
<p>The plat by which the subdivision is effected shall contain the following statement set forth so as to readily be seen in a minimum of 12-point type:</p> <p>THIS LOT IS CREATED AS A FAMILY TRANSFER PURSUANT TO THE PROVISIONS OF THE GLOUCESTER COUNTY SUBDIVISION ORDINANCE. THE USE AND TRANSFER OF THE PROPERTY ARE RESTRICTED BY THE TERMS OF THAT ORDINANCE.</p>		<p style="text-align: center;">✓</p>
<p>Private Roads: Plats which contain any street or right of access to be privately maintained shall display the following notation prominently in a minimum of 12-point type pursuant to section 15-3.2(c)(3) for family transfers and section 15-3.3(b)(2) for divisions of an estate:</p> <p>PRIOR TO THE RESIDENTIAL USE OF ANY LOT OR PARCEL WHICH IS ACCESSED BY A STREET OR RIGHT OF ACCESS TO BE PRIVATELY MAINTAINED, THE REQUIRED RIGHT-OF-WAY SHALL INCLUDE AN IMPROVED DRIVEWAY WITHIN IT CONSISTING OF, AT A MINIMUM, AN ALL-WEATHER SURFACE OF ROCK, STONE, OR GRAVEL, WITH A MINIMUM WIDTH OF TEN (10) FEET. THE RIGHT-OF-WAY SHALL BE MAINTAINED BY THOSE HAVING A RIGHT TO USE IT IN A CONDITION PASSABLE BY EMERGENCY VEHICLES AT ALL TIMES.</p>	<p style="text-align: center;">✓</p>	<p style="text-align: center;">✓</p>
<p>Signatures of both the grantor(s) and grantee(s) of the family transfer. The owners' certificates shall be in the form prescribed by section 15-73(22), indicate whether the signatory is the grantor or grantee, and be modified to include signature lines for both the grantor(s) and grantee(s).</p>		<p style="text-align: center;">✓</p>