

# EXEMPT FAMILY DIVISION PLAT APPLICATION PACKET



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Planning Department  
9019 Old Battlefield Blvd.  
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## Family Divisions

Family Divisions are allowed in the Rural (RU), Agricultural 2 (A-2), Agricultural 3 (A-3), Resort Agricultural (R-A), Resort Residential (R-R), Residential 1 (R-1), Residential 2 (R-2), and Residential 3 (R-3) zoning districts for the purpose of sale or gift to a member of the immediate family of the property owner, including the immediate family member's spouse (as provided in Section 15.2-2244(A) of the Code of Virginia, "A member of the immediate family is defined as any person who is a natural or legally defined offspring, stepchild, spouse, sibling, grandchild, grandparent, or parent of the owner"), provided that, subsequent to the transfer, such parcel is held in ownership by the family member pursuant to a recorded deed restriction for five (5) years; or, for the purpose of sale or gift to a member of the immediate family, as defined in § 15.2-2244(A) of the Code of Virginia, of beneficiaries of a trust, of land held in trust, provided that all trust beneficiaries must: (a) be immediate family members as defined in § 15.2-2244(A) of the Code of Virginia, (b) agree that the property should be subdivided, and (c) agree to 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 15 years. The Board of Supervisors may reduce or provide exceptions to the 15-year prohibition on transfer of the property to a nonmember of the immediate family when changed circumstances so require. Upon such modification of a restrictive covenant, the Director of Planning shall execute a writing reflecting such modification, which writing shall be recorded in accordance with § 17.1-227 of the Code of Virginia.

Such a division must adhere to the following standards:

- (1) The application must include proof of familial relationship as defined in Sec. 20.14.1.1.B.
- (2) All applications submitted under Sec. 20-14.1.1.B. must be accompanied by a plat, two affidavits, and a deed(s).
- (3) The affidavits must be in the form of the template provided by the County, signed by the grantor(s) and grantee(s) and notarized certifying:
  - a. That the grantee is immediate family of the property owner as defined above;
  - b. The date of transfer from owner(s) to the immediate family member with instrument number or deed book and page number of the original transfer from parent(s) to immediate family;
  - c. That no previous transfer under Sec. 20-14.1.1.B. has been granted to the grantee in Spotsylvania County;
  - d. That the transfer is not for the purpose of circumvention of the subdivision ordinance; and
  - e. That the lot will not be voluntarily transferred to a non-immediate family member, as defined above:
    - i. for at least five (5) years from the date of recordation of the deed in the case of a subdivision for conveyance to an immediate family member, except that a transfer of a shared interest may subsequently or simultaneously be made to the spouse of the grantee. This restriction must also be included in the deed(s); or
    - ii. for at least fifteen (15) years in the case of a subdivision and conveyance of property held in trust to an immediate family member who is the beneficiary under that trust. This restriction must also be included in the deed.
- (4) The deed(s) must recite the prohibition on transfer of the lot and the familial language requirement.
- (5) The signed affidavits, a fully executed deed(s), both approved as to form by the County Attorney's office and plat approved by the Subdivision Agent shall be recorded among the County Land Records.
- (6) The number of lots created under the family exempt provisions shall not exceed one (1) lot per family member.

Divisions made pursuant to this section shall be exempt from the Subdivision Ordinance provided that all proposed lots or parcels:

- (1) Generally conform to section 20-5.1.9 of the Subdivision Ordinance.
- (2) Meet all requirements of Chapter 23 of the Spotsylvania County Zoning Ordinance.
- (3) Comply with Chapters 6A, 8 and 19A of the Spotsylvania County Code.
- (4) Front on an existing public road or are provided with a 20-foot wide access easement to an existing public road; with the approval of the subdivision agent this requirement may be reduced to a minimum 10-foot easement due to lot configuration, proximity of existing buildings, or environmental constraints. Easements

existing prior to December 4, 1995, and no less than ten (10) feet in width may be grandfathered. At no such time shall any access easement be less than ten (10) feet.

(5) Share entrances on the existing public road to the maximum extent possible.

(6) Any access created for new divisions created under these provisions shall be limited to two thousand five hundred (2,500) feet in length with no extensions off of this road to adjacent properties unless owner can demonstrate no other means of access to a state maintained road exists at which time a waiver can be requested of the subdivision agent. Roads greater than three hundred (300) feet in length are required to end in a cul-de-sac or "T" turnaround per the Design Standards Manual if serving more than three (3) lots.

Number of Lots Served by Road	Easement width	Width of Travel Way	Depth of Base	Surface Treatment of Road	Sight Distance (Lot to Private Lane)
2 lots	20 feet	12 feet, (3 foot shoulders)	4" of #25, 26, or 21A stone	Not required	100 feet
3-10 lots	20 feet	12 feet (3 foot shoulders)	6" of #25, 26, or 21A stone	Entrance paved 25 feet from edge of paved public road	100 feet

(7) All plats, contracts of sale and deeds for a lot in a subdivision in which private lanes, roads or streets are allowed shall contain language which clearly discloses to a potential purchaser the following minimum information:

(a) The lot is served by a privately maintained road and will not be maintained by the state or county. Any costs necessary to bring the road to a condition qualifying it for acceptance as part of the secondary system of state highways shall be sustained from resources other than those administered by the Virginia Department of Transportation and the County of Spotsylvania or any other public agency;

(b) School bus service shall not be provided by the county along private roads, lanes or streets; unless approved by the Spotsylvania County School Board;

(c) United States Postal Service shall not be provided along private roads, lanes or streets; unless approved by the United States Postal Service;

(d) The expense and responsibility for maintaining the roads within the development shall be paid for and borne by the lot owners and/or developer, as the case may be;

(e) It shall be the responsibility of the developer for the initial construction and subsequent maintenance, if any, of the roads. If the roads are to be maintained by a property owners' association or other legal entity, the disclosure must clearly so inform the buyer; and

(f) Ingress and egress easements for public emergency vehicles is hereby granted to Spotsylvania County for all private roads, lanes, or streets within this development.

(8) Prior to recordation all such exempt divisions shall be submitted to the county planning office for review and approval on a plat prepared by a licensed surveyor with application information, including deed(s) and affidavits, as may be required by the Subdivision Agent for review and approval.

## General Information and Process

1. **Zoning Determination:** Contact the Zoning Department (540-507-7434) for the correct zoning district designation and check floodplain status and any overlay districts.
2. **Environmental Features:** Contact the Environmental Code Department (540—540-7222) regarding Chesapeake Bay Preservation Ordinance & RPA (Resource Protection Area).
3. **Covenants & Restrictions / Mortgage Co:** It is the property owner's responsibility to check their covenants and restrictions and with their mortgage company to ensure that they permit dividing the property.
4. **Subdivision Determination:** Contact the Planning Department (540-507-7434) for questions regarding the Subdivision Ordinance and what processes need to be followed.
5. **Land Use Program:** Please be aware that the subdivision of a lot enrolled in the land use taxation program (administered by the Commissioner of Revenue) may disqualify the property from the program. Once the property changes, the owner is responsible for paying the County a roll back tax based on the amount of taxes that were deferred. The deferred tax is the difference between taxes paid based on the land use value versus the regular assessed value. Virginia Code Sec. 58.1-3237 requires the landowner to report a change in use, zoning, or property configuration to the Commissioner of Revenue within sixty days of the action. The Commissioner of the Revenue can be contacted at 540-507-7053.
6. **Plat Preparation:** After the drainfield locations are determined, a licensed and/or certified surveyor or engineer must prepare a plat (18" X 24") of the proposed action. Give the "Family Exempt Plat Checklist" (pages 8 - 10 of this packet) to your surveyor. An "Owner's Consent and Dedication" (page 11 of this packet) is required to be placed on the plat. This must be completed and signed by all owners of the property.
  - ❖ **Keep in mind, a plat is a legal document.** It legally establishes the boundaries of the parcels involved once it is recorded.
  - ❖ **To avoid future problems, please take care that all persons holding title to the land have signed.** If you are unsure as to who should sign, check the most recently recorded deeds and wills or consult a private attorney.
  - ❖ **Be aware that a plat does not transfer title.** To convey title to any of the parcels you create, you will need to have an attorney prepare a deed. One (1) original, signed, and notarized deed needs to be submitted for review as part of the application for a Family Exempt Division.
7. **Plat Review and Approval:** Submit the following items to the Community Development Permit Intake counter on the 1st floor of 9019 Old Battlefield Blvd., in the Spotsylvania Courthouse Village:
  - Completed "Spotsylvania County Plat Application" form (page 24 of this packet);
  - Seven (7) folded copies of the plat (18" X 24") sealed, signed, and dated by the surveyor or engineer (Note: the initial review of a plat does not require the owner's signature, etc.);
  - Submit a digital copy of plat and other items being submitted on either a disk or thumb drive
  - One (1) original, signed, and notarized copy of the deed(s) (per lot created) transferring ownership;
  - One (1) completed, signed, and notarized "Grantor Family Affidavit" and "Grantee Family Affidavit" (per family member) (page 15 of this packet);
  - Proof of familial relationship to the landowner;
  - Completed "Family Division Checklist" (page 15 of this packet);
  - All fees (see the top of the application form to compute). **\*Back end fees for all Environmental Code reviews will be collected at project approval.**

The plat application submission will be reviewed for compliance with all existing and current County ordinances. The initial review of your application may take sixty (60) days to complete. If changes are required to the plat, or any related documents, the applicant shall submit a revised plat within ninety (90) days of the date of notice, addressing all deficiencies identified in the notice; a second review will be required, again possibly taking an additional forty-five (45) days to complete. **Included**

**with each re-submittal, the Applicant must state, in writing, how each comment was handled, including why any comment may not have been addressed.** If you need to schedule a closing date for a property transfer, please plan accordingly. Once the plat meets all County requirements, the Subdivision Agent will sign the plat(s) to authorize recordation. Upon her/his approval, the applicant/owner who signed the application will be notified by the Planning Department to pick up the final plat(s), deed(s), and Family Affidavit(s) to be recorded.

8. **Resubmission and Second Review:** Subsequent resubmissions of the plat and/or legal documents are required until a complete package meeting the requirements of the Subdivision Ordinance is met. Please note, all resubmissions including deeds, organizational documents, etc. must include one (1) hard copy, seven (7) folded copies of the plat (18" X 24") sealed, signed, and dated by the surveyor or engineer and a digital copy (disk or thumb drive). ***Please note that for every plat review beginning with the 3<sup>rd</sup> review, there will be additional fees involved (see Fee Schedule: Planning Development Review Fees).***

- If the revisions and/or additional reviews are solely the result of a County request, then a fee **will not** be assessed if the request was not made in previous comment letters.
- Minor revisions that result from comments by non-Spotsylvania County government agencies that were not requested in previous reviews and are not the result of revisions to some portion of the plat **will not** generate additional fees.
- Minor changes such as incorrect parcel numbers, errors or omissions in notes, typos, etc., that are not material to the plat and do not require significant review time **will not** generate additional fees.
- If the revisions and/or additional reviews are necessitated by an oversight by the surveyor for not making revisions required by staff in previous reviews or for changes to the plat by the surveyor/applicant result in additional revisions then additional fees **will** be required.

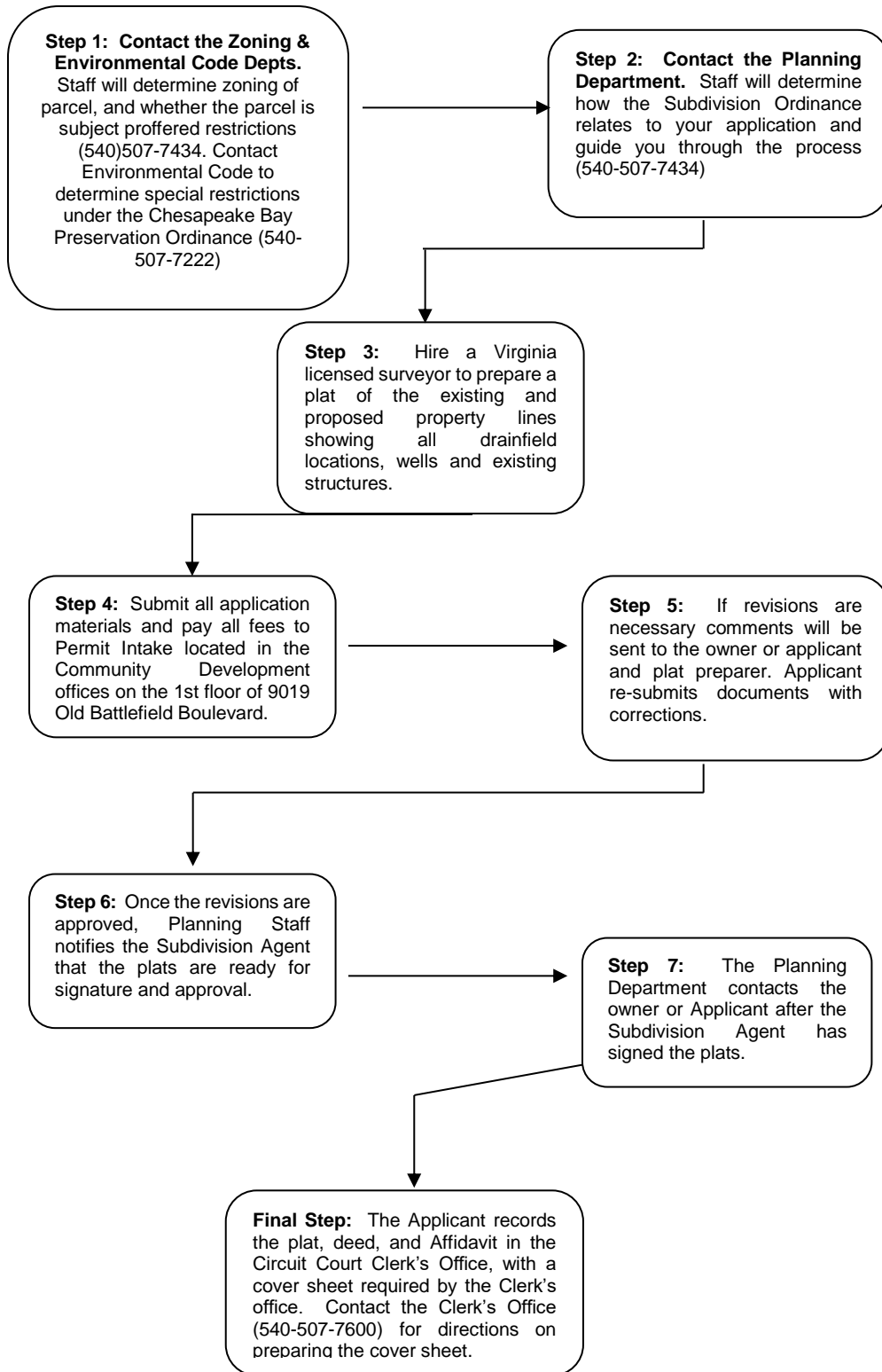
**\*Back end fees for all Environmental Code reviews will be collected at project approval.**

Upon receipt of notice from the Subdivision Agent that an exempt application has not been approved, the applicant shall submit a revised application within ninety (90) days of the date of notice, addressing all deficiencies identified in the notice. Prior to expiration of the resubmission deadline, the applicant may request an extension in writing of a period not to exceed sixty (60) days. A second extension may be requested in writing for a period not to exceed thirty (30) days. The required resubmission timeline may be extended further by the Subdivision Agent in extenuating circumstances. The additional extension shall be requested, in writing to the Subdivision Agent, by the applicant at least ten (10) days prior to the last extension period end date. The hardship request shall fully describe the circumstances related to the failure to resubmit a revised application and provide reasonable justification for granting the extension. The Subdivision Agent may grant one (1) hardship extension for a period not to exceed six (6) months. Failure to resubmit a revised application timely shall render the application null and void.

9. **Recording the Plat, Deed(s) & Affidavits:** The final, signed plat(s), deed(s), and Affidavit(s) must be recorded in the Circuit Court Clerk's Office (in the Judicial Center located at Spotsylvania Court House) by the Applicant. The Clerk of the Court will require a cover sheet. For more information on this procedure, contact the Clerk's Office (540-507-7600). You will need two (2) copies of the County approved plat (both with original signatures), the original signed and notarized deed(s), the original signed and notarized Affidavits, a cover sheet, and the recording fees.

10. **Special Note:** Development of a new driveway/access (after plat approval) may require the filing of a minor site plan with the Planning Department. Please contact the Planning Department at (540-507-7434) for further instructions.

## Family Exempt Division Process Flow Chart



## Family Exempt Division Plat Checklist

File #: \_\_\_\_\_

Name: \_\_\_\_\_

Date Received: \_\_\_\_\_

Date Sent to GIS: \_\_\_\_\_

Date Sent for Final Review: \_\_\_\_\_

### I. Application Completeness Review:

- \_\_\_ 1. The seven (7) folded plats (18" X 24") submitted are sealed, signed, and dated by the surveyor (original signatures required on all copies). **Four paper copies and plat on CD or thumbdrive for initial submission.**
- \_\_\_ 2. One (1) copy of the "Grantor Family Division Affidavit" and "Grantee Family Division Affidavit" that is complete, signed, and notarized. The individuals listed on the Affidavits are eligible according to Chapter 20-14.1.1.B. All names match the plat exactly, and the Affidavits contains the name and address of the person(s) filling out the document.
- \_\_\_ 3. One (1) original, signed, and notarized deed (per lot created) is submitted that matches the plat and Affidavit exactly. The deed(s) contains the required five (5) year retention condition/fifteen (15) years for beneficiary of a trust and the six (6) private road clauses (see "Family Division Deed Restriction Language" on page 14).
- \_\_\_ 4. Provide proof of familial relationship as defined in Sec. 20-14.1.1.B .
- \_\_\_ 5. A completed Family Division Checklist is provided .Parcel being divided **is/is not** in the Land Use Program. If currently in the Land Use Program, a copy of the completed application has been forwarded to the Commissioner of Revenue upon receipt.
- \_\_\_ 6. The application form is complete, signed by the owner or agent with a Power of Attorney (POA), and all fees have been paid.

### II. Plat Review:

- \_\_\_ 1. The Owner's Consent form is complete and correct (see "Model Forms and Notes" on page 14).
- \_\_\_ 2. The Owner's Consent, on all seven (7) plats, contains original signatures that match the deed and Affidavits exactly.
- \_\_\_ 3. The Notary form is correct and includes a list of all signing parties (exactly as shown in the Owner's Consent). The Notary is required to sign their name **as commissioned** & affixed their seal. The seal must be sharp, legible, permanent & photographically reproducible when copied. The Notary's Registration Number and Commission expiration date are shown as well.
- \_\_\_ 4. The Surveyor's certificate or seal is correct, complete, signed (with original signatures), and dated on all plat sheets (Please note if revisions were made the seal should contain the date of the last revision).
- \_\_\_ 5. The County Review Form is present and in the correct format (see "Model Forms and Notes" on page 11).
- \_\_\_ 6. Note required on all plats, in bold print: **"NOTICE: APPROVAL AND/OR RECORDING OF THIS PLAT DOES NOT CONSTITUTE ASSURANCE THAT PUBLIC SEWER OR PUBLIC WATER SERVICE WILL BE AVAILABLE TO SERVE THE LAND DESCRIBED ON THIS PLAT AT ANY PARTICULAR TIME. [20-4.6.1 (a) (4)]**
- \_\_\_ 7. A Vicinity Map is provided at a scale of 1" = 2,000', includes a north arrow, scale, and scale graphic {Sec. 23-4.11.2.c.4}.
- \_\_\_ 8. Show a north arrow on the plat.
- \_\_\_ 9. Floodplain boundary shown on the plat if zone "A" touches parcel, or there is a note stating that parcel is not in zone "A" per FEMA maps (see "Other Required Plat Notes" on page 15).
- \_\_\_ 10. Any existing RPA is labeled on the plat. The plat has a Note stating whether the RPA was field delineated or that the "RPA Shown per County Maps." Required RPA clause is shown in the Notes section (see "Other Required Plat Notes" on page 12.).
- \_\_\_ 11. CBPA clause is present in the Notes section (see "Other Required Plat Notes" on page 12).
- \_\_\_ 12. Family divisions have a minimum lot size of two (2) acres, including the remainder/parent parcel, unless as noted below for properties in the River and/or Reservoir Protection Overlay



Districts.

- \_\_\_ 13. Is the property within the Reservoir Protection Overlay District? If so, a note is included that identifies the property as being within the Reservoir Protection Overlay District. Additional restrictions are as follows (see "Other Required Plat Notes" on page 12):
  - \_\_\_ a. Five (5) acre minimum lot size if using a septic system and the property is adjacent to an existing/proposed reservoir [Sec. 23-7.5.4 (1) a].
  - \_\_\_ b. Two (2) acre minimum lot size if using public sewer and the property is adjacent to an existing/proposed reservoir [Sec. 23-7.5.4 (1) b].
  - \_\_\_ c. A minimum 200' lot width exists along the mean high water line of an existing/proposed reservoir [Sec. 23-7.5.4 (2)].
  - \_\_\_ d. A 150' buffer is shown from the existing or proposed "mean" or "normal pooling level" of the reservoir [Sec. 23-7.5.4 (3) a].
  - \_\_\_ e. A 75' river and perennial stream buffer is shown [Sec. 23-7.5.4 (3) b].
  - \_\_\_ f. A 250' septic setback exists from the mean high water line of the existing or proposed reservoir [Sec. 23-7.5.4 (4) b].
  - \_\_\_ g. A 100' septic setback exists from the flood easement (Ni Reservoir only) [Sec. 22-232].
  - \_\_\_ h. A 200' septic setback exists if under 1.25 acres (Ni Reservoir only) [Sec. 22-232].
- \_\_\_ 14. Minimums conform to the "River Protection Overlay District" standards. If the property is located within the district, a note is added that identifies the property as such (see "Other Required Plat Notes" on page 12).
  - \_\_\_ a. A five (5) acre minimum lot size if using a septic system [Sec. 23-7.4.4].
- \_\_\_ 15. If the property is located in the Highway Corridor Overlay District (HCOD): add the HCOD note (see "Other Required Plat Notes" on page 12).
- \_\_\_ 16. No drainfields are located in the 100-year floodplain [Sec. 23-7.4.7(1)].
- \_\_\_ 17. No structures or septic systems are located within the RPA, unless a buffer reduction is approved in accordance with Section 6A. Water wells are permissible [Sec. 6A-10 (c)].
- \_\_\_ 18. All drainfield systems are set back a minimum of five (5) feet from all property lines and a minimum of 10' from all utility easements (including overheads) per VDH regulations.
- \_\_\_ 19. All existing structures are shown with no apparent building setback encroachments.
- \_\_\_ 20. No apparent access road/driveway entrance hazards exist.
- \_\_\_ 21. Minimum road frontage is provided as required by the zoning district for public road frontage [Sec. 23-6], if required.
- \_\_\_ 22. Parcels share access points on the existing secondary road to the maximum extent possible [Sec. 20-14.1.1(D)(5)].
- \_\_\_ 23. VDOT access to public road note is present on the plat (see "Other Required Plat Notes" on page 12).
- \_\_\_ 24. Any plat with lots created without the submission of soil reports demonstrating primary and one hundred (100) percent reserve septic capacity shall include a note in **BOLD AND CAPITAL LETTERS STATING WHICH LOTS WERE PLATTED WITHOUT DEMONSTRATING SEPTIC CAPACITY MEETING THE REQUIREMENTS OF SPOTSYLVANIA COUNTY CODE, CHAPTER 6A.**
- \_\_\_ 25. Private Access Easements:
  - \_\_\_ a. If serving more than three (3) lots and is greater than 300' in length, the access easement must end in a "T" or "cul-de-sac" [Sec. 20-14.1.1(D)(6)]
  - \_\_\_ b. If serving 3 or more lots, the access easement must be provided with a street name [County/GIS Policy, page 17]
  - \_\_\_ c. If not fronting on a public road, a minimum 20' wide private access easement (labeled as "Private" and "Hereby Reserved" on the plat) is shown that does not exceed 2,500' in length [Sec. 20-14.1.1(D)(6)].
  - \_\_\_ d. The six (6) required road maintenance, use, etc. clauses appear in the "Notes" section of the plat, as well as in the deed(s) [Sec. 20-14.1.1 (D)(7) (a-f)].
- \_\_\_ 26. No peculiarly shaped parcels or elongations exist, and no lot has a length greater than five (5) times its width (5:1 rule) [Sec. 20-5.1.9 (e)].
- \_\_\_ 27. No pipe-stem lots exist, except as approved by the Planning Commission for lots fronting on lakes, water bodies, or golf courses [Sec. 20-5.1.9 (i)].
- \_\_\_ 28. Parcel(s) provide a desirable building site, with at least 10,000 contiguous square feet of buildable area exclusive of steep slopes (>15%), floodplains, wetlands, drainfields, reservoir/river protection overlay district buffers, and RPA [Sec. 20-2.1.3, definition of Buildable Lot].
- \_\_\_ 29. Property lines do not extend into a water body [Sec. 20-5.1.9 (g)].

- \_\_\_ 30. If the lot is minimum acreage, the Owner's Consent and/or plat do not say "more or less".
- \_\_\_ 31. A boundary survey with courses and distances of all parcel lines affected to include proposed parcel lines and rights-of-way. A complete boundary survey of the entire parcel may be required, if applicable, to ensure compliance with the Zoning and Subdivision Ordinance.
- \_\_\_ 32. Property lines to be eliminated are labeled "hereby vacated" or "hereby extinguished."
- \_\_\_ 33. Label all adjoining owners of record with deed book references or subdivision designations. 18 VAC 18-20-370 Subsection D 2 (c).
- \_\_\_ 34. All signatures are original and preferred to be in **blue ink**.
- \_\_\_ 35. The plat title contains the tax map number and "Family Division" as part of its identification. Also, surveyor contact information is present, i.e. company name, phone number, address, etc.
- \_\_\_ 36. The parent parcel tax map number is shown as the tax map number of the remainder/residual acreage parcel, while the newly created parcels are shown as "Parcel A, Parcel B, etc." or some other such similar configuration.
- \_\_\_ 37. Upon approval of plat, please send CAD File of project with Survey Lines, Parcel Lines and Easements to [ParcelUpdates@spotsylvania.va.us](mailto:ParcelUpdates@spotsylvania.va.us).

**III. Plat/Deed Approvals (Staff Only):**

- \_\_\_ GIS has reviewed and approved plat.
- \_\_\_ Legal documents have been approved as to form.
- \_\_\_ Subdivision Agent has approved and signed plat.

**Model Forms and Notes**

<b>Family Division With Public/Private Roads</b>	<b>Surveyor's Seal or Certificate Review Form</b>	<b>Owner's Consent Form</b>	<b>County Review/ Approval Note</b>	<b>Other Notes</b>
Public Road Frontage	Seal	1	Yes	CBPA, RPA, Floodplain, Overlay & Family Notes
Private Access Easement	Seal	2	Yes	CBPA, RPA, Floodplain, Overlay & Family Notes

**OWNER'S CONSENT FORMS 1 & 2**

**Owner's Consent #1:  
DESIGNATED AS PARCELS/LOTS  
USING PUBLIC ROAD FRONTAGE**

**Owner's Consent and Dedication**  
 The creation of the parcels of land shown on this plat, containing \_\_\_ acres, and designated as (tax map # of parent parcel), (subdivision name/lot number) situated in \_\_\_\_\_ Magisterial District, in the County of Spotsylvania, Virginia, is with the free consent and in accordance with the desires of the undersigned owners thereof.

The said \_\_\_ acres of land hereby subdivided having been conveyed to (names of owners) by \_\_\_\_\_ by deed dated \_\_\_\_\_ 20\_\_, and recorded in the Clerk's Office of the Circuit Court of Spotsylvania County, Virginia, in Deed Book \_\_\_ Page \_\_ or Instrument # \_\_\_\_\_.

Given under my/our hand(s) this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_(Seal)

\_\_\_\_\_(Seal)

State/Commonwealth of \_\_\_\_\_  
 City/County of \_\_\_\_\_, to wit:

The foregoing instrument was acknowledged before me by \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

My Commission expires the \_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
 My Registration # is: \_\_\_\_\_.

\_\_\_\_\_ Notary Public

**Owner's Consent #2:  
DESIGNATED AS PARCELS/LOTS  
USING PRIVATE ACCESS EASEMENTS**

**Owner's Consent and Dedication**  
 The creation of the parcels of land shown on this plat, containing \_\_\_ acres, and designated as (tax map #. of parent parcel), (subdivision name/lot number) situated in \_\_\_\_\_ Magisterial District, in the County of Spotsylvania, Virginia, is with the free consent and in accordance with the desires of the undersigned owners thereof, all streets, access easements or accesses for this parcel/lot are private and do not comply with the Virginia Department of Transportation (VDOT) requirements for acceptance into the Secondary System and will not be maintained by either the County or VDOT. The streets, access easements or accesses shall be maintained by the owners of the parcels/lots and/or the owners of dwellings located on such parcels/lots that use the street, access easements or accesses. Prior to any future request for their addition to the State Secondary System, these streets, access easements or accesses must be developed in full compliance with VDOT requirements in effect at that time. Any such development shall be at the expense of the owners of the parcels/lots and/or dwellings located on such parcel/lots who use the streets, access easement or accesses.

The said \_\_\_ acres of land hereby subdivided having been conveyed to (names of owners), by \_\_\_\_\_ by deed dated \_\_\_\_\_, 20\_\_, and recorded in the Clerk's Office of the Circuit Court of Spotsylvania County, Virginia in Deed Book \_\_, Pg. \_\_ or Instrument # \_\_\_\_\_.

Given under my/our hand(s) this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_(Seal)

\_\_\_\_\_(Seal)

State/Commonwealth of \_\_\_\_\_  
 City/County of \_\_\_\_\_, to wit:

The foregoing instrument was acknowledged before me by \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

My Commission expires the \_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
 My Registration # is: \_\_\_\_\_.

\_\_\_\_\_ Notary Public

**COUNTY REVIEW/APPROVAL NOTE**

Based on the representations contained in the Owner's Consent, this plat does not constitute a "subdivision" as defined in Section 20-2.1.3 of the Spotsylvania County Code. Further division of this parcel or the parent parcel may constitute a "subdivision" and require compliance with the County Subdivision Ordinance.

\_\_\_\_\_  
 County Administrator or Date  
 Agent of the County Board of Supervisors

**NOTICE: APPROVAL AND/OR RECORDING OF THIS PLAT DOES NOT CONSTITUTE ASSURANCE THAT PUBLIC SEWER OR PUBLIC WATER SERVICE WILL BE AVAILABLE TO SERVE THE LAND DESCRIBED ON THIS PLAT AT ANY PARTICULAR TIME.**

## Other Required Plat Notes

### Floodplain Note

The following is the preferred wording to be shown on all plats as it relates to FEMA Floodplain designations (the engineer/surveyor is responsible for replacing “xxx” with the correct FEMA map #):

- ❖ *No portion of the land hereon is located in the F.I.R.M. 100-year special flood area zone “A”, as indicated on FEMA map # xxx dated May 9, 2023. However, this land is located in zone “X” (areas outside of the 500-year floodplain)*

or

- ❖ *Portions of the land hereon are located in the F.I.R.M. 100-year special flood area zone “A” as indicated on FEMA map # xxx dated May 9, 2023 and is so designated hereon*

### Chesapeake Bay Preservation Act Notes

Per the Chesapeake Bay Preservation Act (CBPA) and the Chesapeake Bay Preservation Ordinance of Spotsylvania County the following statements must be applied to all site plans and plats.

- ❖ *CBPA is an overlay district for the entire Spotsylvania County and the parcel described within this plan lies within the RMA features and (does/does not) contain RPA features within the Chesapeake Bay Preservation Area Overlay District.*
- ❖ *In accordance with Chapter 6A of the Spotsylvania County Code, the lots shown hereon are subject to having sewage disposal systems pumped out every five (5) years. The primary and the one hundred (100) percent reserve sewage disposal sites cannot be altered by construction or excavation. Building shall be prohibited on the area of all such sewage disposal sites, including the reserve sewage disposal site, until the structure is connected to public sewer or an on-site sewage treatment system that operates under a permit issued by the Virginia Department of Health.*

### RPA MUST BE FIELD DELINEATED:

**A reliable, site-specific evaluation must be conducted to determine whether water bodies on or adjacent to the development site have perennial flow and Resource Protection Area boundaries are adjusted, as necessary, on the site, based on this evaluation of the site.**

**If the parcel/lot has an RPA feature located on it, include the following notes:**

- ❖ *RPA field delineated by [firm] on [date].*
- ❖ *The 100-foot vegetated RPA buffer shall remain undisturbed in accordance with Chapter 6A of the Spotsylvania County Code. Only water-dependent facilities or redevelopment are permissible in RPA and the 100-foot buffer area, or as otherwise approved or excluded/excepted by the Administrator.*

### Reservoir Protection Overlay District Note

If the parcel/lot is located in a Reservoir Protection Overlay District, include the following note:

- ❖ *This parcel/tract is located in the Reservoir Protection Overlay District of the County.*

### River Protection Overlay District Note

If the parcel/lot is located in a River Protection Overlay District, include the following note:

- ❖ *This parcel/tract is located in the River Protection Overlay District of the County.*

**Highway Corridor Overlay District Note**

If the parcel/lot is located in the Highway Corridor Overlay District, include the following note:

- ❖ *This parcel/tract is located in the Highway Corridor Overlay District of the County.*

**Additional Required Family Exempt Division Notes**

The following shall be placed in the “Notes” section on all affected plats:

- ❖ *VDOT approval required prior to access to all public roads.*
- ❖ *Any plat with lots created without the submission of soil reports demonstrating primary and one hundred (100) percent reserve septic capacity shall include a note in **BOLD AND CAPITAL LETTERS STATING WHICH LOTS WERE PLATTED WITHOUT DEMONSTRATING SEPTIC CAPACITY MEETING THE REQUIREMENTS OF SPOTSYLVANIA COUNTY CODE, CHAPTER 6A.***

**Owner’s Consent of Transfer (insert)**

The following note shall be completed and inserted into the “Owner’s Consent and Dedication” (between paragraphs one [1] and two [2] of the model used) on each plat submitted. The accompanying deed of transfer must match the family names exactly as listed below:

BY DEED(S) EXECUTED AND RECORDED CONCURRENTLY HEREWITH AMONG THE LAND RECORDS OF SPOTSYLVANIA COUNTY, VIRGINIA AS SET FORTH BELOW, THE PARCEL(S) OF LAND CREATED BY THIS PLAT ARE CONVEYED TO **(\*\*NAME), (PARCEL IDENTIFIER AND ACREAGE), (RELATIONSHIP)** OF THE UNDERSIGNED OWNER(S), WHO SHALL RETAIN TITLE TO SUCH PARCELS IN THEIR OWNERSHIP FOR A PERIOD OF FIVE (\*5) YEARS/FIFTEEN (\*15) YEARS FOR THE BENEFICIARY OF A TRUST FROM THE DATE OF TRANSFER, IN ACCORDANCE WITH SPOTSYLVANIA COUNTY SUBDIVISION ORDINANCE SECTION 20-14.1.1.B.

SUCH TRANSFERS ARE PROPOSED AS FOLLOWS: (add as many lines as there are family members receiving divisions from the parent parcel)

PARCEL #	GRANTEE NAME	RELATIONSHIP	GRANTOR
_____	_____	_____	_____
_____	_____	_____	_____

\*\*\*\*\*

*(\*\*whomever - Insert the full name and their relationship to the owner in this space)*

***\*Choose either Five (5) Years or Fifteen (15)Years for the newly created family lot to be retained by the immediate family member. Beneficiaries of a Trust must retain the parcel for a period of Fifteen (15) years.***

## Family Division Deed Restriction Language

- A) **The following language shall appear in all deeds whereby a family division lot is initially conveyed:**

**Family Division:** The lot conveyed herein is created by a family division of land; the conveyance herein is to an immediate family member of the Grantor; the Grantee shall retain title to such lot for a period of not less than five (5) years/fifteen (15) for the beneficiary of a trust from the date of this conveyance; only one (1) such family division lot shall be conveyed to the Grantee within the County, and this conveyance is not made with the purpose or intent to circumvent the County's subdivision ordinance requirements, all such provisions made in compliance with and as provided for in Section 15.2-2244(A) of the Code of Virginia and Section 20-2.1.3 of the Code of Spotsylvania County. A voluntary transfer or conveyance of this lot by the Grantee, within five (5) years/fifteen (15) for the beneficiary of a trust of the date of this conveyance, to anyone other than (i) the Grantee's spouse or (ii) an immediate family member (as defined by Section 20-14.1.1.B of the Code of Spotsylvania County) of the Grantor of this deed shall render the family subdivision whereby this lot was created void and of no legal effect; and any subsequent division of this property must then comply with all requirements of Spotsylvania County Subdivision Ordinance as in effect at the time of such subsequent transfer.

*[Explanatory Note (do not include the following in the deed): The intent of this deed restriction language is to prevent circumvention of the Subdivision Ordinance by abuse of the Family Subdivision provisions. This language is not intended and shall not be construed to work a restraint on alienation of property. Transfer of a lot created by family subdivision within less than five (5) years/fifteen (15) for the beneficiary of a trust shall, by this language, render the family subdivision void, but shall not in itself affect the transferee's title to the property transferred. In consequence of this, the transferee would continue to hold title to the subject property, but such property would no longer constitute a legal lot for which a building permit, occupancy permit, or other governmental approval could be granted or maintained.]*

- B) **All plats, contracts of sale, and deeds for a lot in a subdivision in which private lanes, roads or streets are allowed shall contain language which clearly discloses to a potential purchaser the following minimum information. Lots with frontage on state maintained roads, streets, or lanes are not required to use this language when accessing those roadways directly via a driveway**

- a) The lot is served by a privately maintained road and will not be maintained by the state or county. Any costs necessary to bring the road to a condition qualifying it for acceptance as part of the secondary system of state highways shall be sustained from resources other than those administered by the Virginia Department of Transportation and the County of Spotsylvania or any other public agency;
- b) School bus service shall not be provided by the County along private roads, lanes or streets; unless approved by the Spotsylvania County School Board;
- c) United States Postal Service shall not be provided along private roads, lanes or streets; unless approved by the United States Postal Service;
- d) The expense and responsibility for maintaining the roads within the development shall be paid for and borne by the lot owners and/or developer, as the case may be;
- e) It shall be the responsibility of the developer for the initial construction and subsequent maintenance, if any, of the roads. If the roads are to be maintained by a property owners' association or other legal entity, the disclosure must clearly so inform the buyer.
- f) Ingress and egress easements for public emergency vehicles is hereby granted to Spotsylvania County for all private roads, lanes, or streets within this development.

## Family Division Affidavit and Form

The affidavits on the following two pages must be completed, signed, notarized, and submitted with the application. The affidavits must be recorded with the final deed of transfer and the plat.

**Family Division Grantor Affidavit**

STATE/Commonwealth OF: \_\_\_\_\_ Prepared By: \_\_\_\_\_  
CITY/COUNTY OF: \_\_\_\_\_ Address: \_\_\_\_\_  
to wit: \_\_\_\_\_

I/we, \_\_\_\_\_ after having been duly sworn, do hereby certify and affirm that: (Print Name of Grantor Affiant/s)

1. I/We hold title to the parent parcel identified below, and desire to divide the parent parcel under the authority of the County's Family Exempt provisions as found in Section 20-14.1.1.B.

2. The parent parcel is identified as: Spotsylvania County Tax Map # \_\_\_\_\_, also known by the street address of: \_\_\_\_\_ and otherwise described as set forth and recorded in: DB# \_\_\_\_\_ Pg.# \_\_\_\_\_, dated \_\_\_\_\_ or LR # \_\_\_\_\_ dated \_\_\_\_\_ and recorded on \_\_\_\_\_.

3. The transfer of the divided portion of the parent parcel will be to: \_\_\_\_\_ whose relationship to the Grantor(s) is \_\_\_\_\_, such relationship being within the definition of an immediate family member of the owner of the parent parcel as defined in Section 20-14.1.1.B of the Spotsylvania County Code; and

4. That the deed of such transfer to be recorded in the Clerk's Office of the Spotsylvania County Circuit Court upon County approval of the proposed plat of division of land shall include a restriction on voluntary transfer or alienation of the land by the immediate family member (the grantee under the deed) for a period of not less than (Select appropriate time period as applicable) [five (5) years] [fifteen (15) for the beneficiary of a trust] from the date of transfer to such immediate family member named herein; and

5. That no previous transfer under Sec. 20-14.1.1.B has been granted to the grantee in Spotsylvania County.

**6. THAT THE PROPOSED FAMILY DIVISION IS NOT FOR PURPOSE OF CIRCUMVENTION OF THE SPOTSYLVANIA COUNTY SUBDIVISION ORDINANCE;**

AND FURTHER, I/we hereby affix our seal(s):

\_\_\_\_\_  
(Print name of Grantor Affiant)  
\_\_\_\_\_  
(Signature of Grantor Affiant)  
\_\_\_\_\_  
(Print name of Grantor Affiant)  
\_\_\_\_\_  
(Signature of Grantor Affiant)

I, \_\_\_\_\_, a notary public for the Commonwealth of Virginia, do hereby certify that \_\_\_\_\_ Grantor affiant(s), whose name(s) is/are subscribed to the foregoing affidavit, duly swore and made oath that the facts contained herein are true and correct to the best of his/her/their information, knowledge and belief, all before me in the said County of Spotsylvania, State of Virginia, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
My registration number is: \_\_\_\_\_

**Family Division Grantee Affidavit**

STATE/Commonwealth of: \_\_\_\_\_ Prepared By: \_\_\_\_\_  
CITY/COUNTY OF: \_\_\_\_\_ Address: \_\_\_\_\_  
to wit: \_\_\_\_\_

I/we, \_\_\_\_\_ after having been duly sworn, do hereby certify and affirm that: (Print Name of Grantee Affiant/s)

1. The parent parcel to be divided under the authority of the County's Family Exempt provisions found in Section 20-14.1.1.B is identified as: Spotsylvania County Tax Map # \_\_\_\_\_, also known by the street address of: \_\_\_\_\_ and otherwise described as set forth and recorded in: DB# \_\_\_\_\_ Pg.# \_\_\_\_\_, dated \_\_\_\_\_ or LR # \_\_\_\_\_ dated \_\_\_\_\_ and recorded on \_\_\_\_\_.

2. The transfer of the divided portion of the parent parcel will be to: \_\_\_\_\_ whose relationship to the Grantor(s) is \_\_\_\_\_, such relationship being within the definition of an immediate family member of the owner of the parent parcel as defined in Section 20-14.1.1.B of the Spotsylvania County Code; and

3. That the deed of such transfer to be recorded in the Clerk's Office of the Spotsylvania County Circuit Court upon County approval of the proposed plat of division of land shall include a restriction on voluntary transfer or alienation of the land by the immediate family member (the grantee under the deed) for a period of not less than (Select appropriate time period as applicable) [five (5) years] [fifteen (15) for the beneficiary of a trust] from the date of transfer to such immediate family member named herein; and

4. That no previous transfer under Sec. 20-14.1.1.B has been granted to the grantee in Spotsylvania County.

**6. THAT THE PROPOSED FAMILY DIVISION IS NOT FOR PURPOSE OF CIRCUMVENTION OF THE SPOTSYLVANIA COUNTY SUBDIVISION ORDINANCE;**

AND FURTHER, I/we hereby affix our seal(s):

\_\_\_\_\_  
(Print name of Grantee Affiant)  
\_\_\_\_\_  
(Signature of Grantee Affiant)  
\_\_\_\_\_  
(Print name of Grantee Affiant)  
\_\_\_\_\_  
(Signature of Grantee Affiant)

I, \_\_\_\_\_, a notary public for the Commonwealth of Virginia, do hereby certify that \_\_\_\_\_ Grantee affiant(s), whose name(s) is/are subscribed to the foregoing affidavit, duly swore and made oath that the facts contained herein are true and correct to the best of his/her/their information, knowledge and belief, all before me in the said County of Spotsylvania, State of Virginia, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
My registration number is: \_\_\_\_\_



## Family Division Checklist

Project: \_\_\_\_\_

**Applicant  
Initial:**

**Planner  
Initial:**

\_\_\_\_\_

\_\_\_\_\_

First page of the document bears an entry showing the name of either the person or entity who drafted the instrument.

Prepared by: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Owners name on documents **must** match name on plat and match the name as shown on the recorded deed where the owner acquired title.

\_\_\_\_\_

\_\_\_\_\_

Verified proof of familial relationship to the landowner.

\_\_\_\_\_

\_\_\_\_\_

The Tax Map No. is listed at the top of the document.

\_\_\_\_\_

\_\_\_\_\_

The Tax Map No. must be the same on plat.

\_\_\_\_\_

\_\_\_\_\_

The title of the plat in the deed must match the title of the plat.

\_\_\_\_\_

\_\_\_\_\_

The property is zoned RU, A1, A2, A3, RA, RR, R-1, R-2 or R-3.

\_\_\_\_\_

\_\_\_\_\_

The property is passing to a member of the immediate family as defined in Section 20-14.1.1.B of the Code of the County of Spotsylvania

\_\_\_\_\_

\_\_\_\_\_

Minimum lot size is two (2) acres

\_\_\_\_\_

\_\_\_\_\_

Items of Section 20-14.1.1(D)(7) (a) through (f) are included on the plat, in the deed and where there are private roads

\_\_\_\_\_

\_\_\_\_\_

Family deed restrictions language is included in the deed.

\_\_\_\_\_

\_\_\_\_\_

The Notary must list his/her commission expiration date.

\_\_\_\_\_

\_\_\_\_\_

The Notary must list his/her registration number.

\_\_\_\_\_

\_\_\_\_\_

If sealed, whether by hand held or stamp, the notary must be able to be reproduced by photocopy.

\_\_\_\_\_

\_\_\_\_\_

If someone other than the owner is signing on behalf of the owner he/she must provide a copy of a document authorizing a power of attorney to sign for any party to the document.

# **Spotsylvania County Road and Subdivision Naming Policy**

(Pursuant to Virginia Code Section 15.2.2019, authorizing localities to name streets, roads, and alleys.)

***Adopted 2001.01.23 Amended 2005.12.13***

## **Prerequisites to County requirement and recognition of an Official Road Name:**

- Road must have at minimum three addressable structures, or some combination of existing addressable structures and valid building permits for additional addressable structures to equal three or more. Upon establishment of the third addressable structure or permit, the GIS office shall contact all eligible property owners to begin determination of the new road name.
- Road must be a platted and recorded right-of-way or easement, or an acceptable form of proof must be submitted in writing by the landowner(s) that such permanent ingress/egress easement exists.

## **Standards for selecting suitable and “Public Safety Agencies Compliant” Road and Subdivision Names:**

1. Duplicate names of existing roads with different suffixes shall not be permitted, except when the duplicates occur within the same subdivision and intersect.
2. Sound-alike names, including similar sounding names, shall not be permitted, at the discretion of the Information Services Department, FRES, or the Sheriff's Department.
3. Continuous roads should carry the same name throughout their length. Exceptions should occur only at major intersections, such as signalized intersections of major highways where a cross street could change names, or where opposing entrances to different subdivisions would make differing road names necessary.
4. Standard directionals (N, S, E, W etc.) or suffixes (Street, Lane, Avenue, etc.) shall not be permitted as part of the root road name.
5. Road names should not be named for businesses, with rare exception.
6. Road names should not be named for individuals, except where it can be demonstrated that a particular name carries significant and appropriate historical context.
7. The main portion of any road name, exclusive of any suffix or directionals, shall not exceed 24 characters.
8. Punctuation, including hyphens, apostrophes, or symbols, shall not be permitted.
9. At minimum, two-thirds written consent of all affected property owners must be achieved prior to approval of newly established road names. Approval authority shall rest with the County Administrator or his designee for new road naming in cases where two-thirds consent is reached.

If, after two rounds of property owner notification, a two-thirds approval is not reached, the County Administrator shall forward the issue with recommendations to the Board of Supervisors for resolution.

10. At a minimum, unanimous written consent of all affected residents must be achieved for consideration of a change to an existing road name. Approval authority shall rest with the County Administrator or his designee for road name changes when such unanimous consent is reached.
11. Subdivision and road names approved by the County Administrator's designee as a part of standards and availability review or development application review, but not properly recorded on a subdivision, right-of-way dedication, or easement plat, shall be held in reserve for only one year.
12. Road names shall not take the same name of any existing subdivision, nor shall any subdivision take the same name as any existing road, unless such road is within the subdivision of the same name.

\* As stated in the Spotsylvania County Road and Subdivision Naming Policy, it is the county's policy that upon the establishment of the third addressable structure or permit accessing a shared ingress/egress easement, the easement is to become a named road.

It may be determined during review of a division that a third (fourth, etc.) parcel is proposed that will access a shared easement. Depending on the situation, it may be deemed appropriate to name the easement on the plat, so that new addresses can be assigned prior to permits being issued, which will prevent the new parcels from having to change addresses after-the-fact. When an ingress/egress easement becomes a named road, any existing addresses using the easement will have new addresses assigned.

In order to name an easement, the Request for Road Name Assignment/Change form provided below should be submitted to GIS with appropriate signatures. Two-thirds of the affected property owners will need to sign the form to demonstrate agreement to naming the easement. While not all adjacent property owners may be directly affected by the road naming (meaning that their addresses will not change), it is expected that as a courtesy when the easement crosses another property, the applicant will inform the property owner(s) of the pending road name.

# Request for Road Name Assignment / Change



Is this a :      Public roadway          Private roadway (3 or more homes)   

This road was previously known as: \_\_\_\_\_

Please complete this form to request a road name assignment/change. You should discuss with all of the other adjoining property owners' any possible road names, and list them in order of preference below along with their signatures. Return this form to the GIS Office and we will eliminate any names already being used or sounds alike. We will then forward your request on to the County Administrator's Office for approval. After a road name has been adopted you will be contacted by mail of your new address.

First Choice	Second Choice	Third Choice

Tax Parcel I.D.	Property Owner	Signature

If I can be of any assistance during this process please feel free to contact me at  
(540) 507~7554, Monday ~ Friday 8 a.m. ~ 4 p.m. or via email at  
AddressingD@spotsylvania.va.us

Name of Person completing this form: \_\_\_\_\_  
Daytime Phone Number: \_\_\_\_\_

Please complete & return this form by:  
To: Spotsylvania County IS / GIS  
PO Box 865  
Spotsylvania, VA 22553  
Attn: Addressing Staff

## Family Division Frequently Asked Questions (FAQ)

### ❖ What was the intent of the family division ordinance that had been originally adopted on 7/12/05?

- Land in the RU, A-1, A-2, A-3, RA, RR, R-1, R-2 and R-3 districts are allowed to have family divisions;
- Divisions are based upon the parent parcel being large enough to meet the two (2) acre family lot size requirement and maintain a minimum of two (2) acres for the remainder parcel. Lots can be conveyed to a family member: including the immediate family member's spouse: defined as natural or legally defined offspring, spouse, sibling, grandchild, grandparent, parent, step-child, step-parent or step-siblings of the owner;
- Include a recorded deed restriction for five (5) years from the date of transfer; or a recorded deed restriction for fifteen (15) years for the beneficiary of a trust.
- Minimum lot size (which includes the parent/remainder parcel) shall be two (2) acres;
- All plats of division submitted under this provision shall be accompanied by a signed and notarized Affidavit indicating the proposed transfer of the parcel from one family member to another immediate family member as defined in Chapter 20-14.1.1.B. The approved Affidavits must then be recorded with the deed and plat.

### ❖ How does the Land Use Program affect my ability to create a Family Division?

The subdivision of a lot enrolled in the land use taxation program (administered by the Commissioner of Revenue) may disqualify the property owner from the program. Once the property changes, the owner is responsible for paying the County a roll back tax based on the amount of taxes that were deferred. The deferred tax is the difference between the land use value and the assessed value. Virginia Code Sec. 58.1-3237 requires the landowner to report a change in use, zoning, or property configuration to the Commissioner of Revenue within 60 days of the action. The Commissioner of the Revenue can be contacted at 540-507-7053 for additional information.

### ❖ What is the minimum lot size for parcels created under this ordinance?

Two (2) acres (including the parent parcel), unless located in the River or Reservoir Protection Overlay Districts, which may require a larger parcel (see Checklist).

### ❖ What zoning districts allow family divisions?

A1, A2, A3, RU, RR, RA, R-1, R-2 and R-3 only.

### ❖ Do I need to build a public (VDOT) and/or paved private road?

No, you are only required to provide a minimum of a private, 20' wide ingress/egress easement to the nearest public road for the new lot(s). No public road frontage is required. There are road standards depending on the number of lots created, though. These standards are detailed in the definition of subdivide (page 4 of this packet). A minor site plan may be required to construct a new driveway/access. Contact the Planning Department (540-507-7434) for further instructions.

### ❖ How long do I need to keep the new parcel in the family name?

Once the lot is conveyed to an immediate family member, the new lot must remain in the family for not less than five (5) years or fifteen (15) years for the beneficiary of a trust. The five (5) year, or fifteen (15) year for the beneficiary of a trust, time period is committed to in a required deed restriction and on the plat. The five (5) year, or fifteen (15) year for the beneficiary of a trust, period begins with the recording of the deed of transfer.

### ❖ What is a deed restriction?

The deed transferring ownership must specifically state that the family division (lot) must stay in the family member's name for a minimum of five (5) years or fifteen (15) years for the beneficiary of a trust from the date the property is deeded to said family member (see page 15 of this packet).

❖ **Can I prepare my own deed for a family division?**

Yes, but it is not advised, and it is strongly recommended that you hire an attorney to ensure all legal standards are met.

❖ **What is the definition of family?**

Family is defined as the natural or legally defined offspring, step-child, spouse, sibling, grandchild, grandparent, or parent of the owner, and includes the spouse of the immediate family member.

❖ **If my land was divided prior to February 12, 2002, can I still divide it?**

Yes. The requirement is based on the acreage of the parent parcel. Consult the Planning Department for a determination.

❖ **How many lots can an individual family member receive under the Family Exempt Ordinance?**

You can transfer only one (1) lot to each immediate family member during their lifetime.

❖ **Can a spouse (husband or wife) give the other a parcel under the Family Division Ordinance?**

Yes, but only if the spouse deeding the parcel is the only one named on the parent parcel's deed, and then the new parcel must be deeded in the other spouse's name only.

❖ **How many lots can I create?**

Under the family division ordinance there is no lot cap as long as the family lot is a minimum of two (2) acres, remainder parcel remains a minimum of two (2) acres and the family lot is being transferred to an immediate family member of the landowner as defined in 20-14.1.1.B.

❖ **What if my land is landlocked and I want to create a family division?**

You will need to obtain a minimum of a 20' wide access easement from any neighbor to the nearest public road. This is a private issue and can only be resolved between you and your neighbor(s). The county does not have any involvement in private easements.

❖ **How do I start the process?**

Follow the plat procedures outlined in the "Family Exempt Division Plat Application" packet (see page 7 of this packet).

❖ **Can I divide land in a conventional subdivision?**

If the parcel/lot is in a conventional subdivision (contact the Planning Department if you are not sure), it meets all the acreage requirements previously outlined, and there are no acreage restrictions imposed by a Homeowner's Association, covenants, or the deed of ownership, you may be able to undertake a Family Exempt Division of your property. To be sure, though, consult with the Planning Department and your Homeowner's Association, as well as checking both your deed and any subdivision covenants before beginning the process.

❖ **Can I divide a lot that has been recently created through the Family Division process**

Yes, as long as the family lot is a minimum of two acres and the remainder parcel remains a minimum of two (2) acres. Consult the Planning Department for a final determination.

❖ **Can I do a conventional and family division on the same parcel at the same time?**

No. The two processes are dissimilar, have different standards and requirements, and therefore must work independent of one another. After consulting with the Planning Department to determine what division rights may be available to you, you should complete the family division first, recording the new lots, and only then attempting to undertake a Record Plat for the remaining lots.

❖ **May I deed property to my family?**

Yes, you may transfer property ownership to family members as defined in the ordinance (20-14.1.1.B). If you divide the property by deed or plat that will require a new tax map identification number, you will need County approval. If the property is deeded to all family members without dividing the property, no County approval is needed. If the tax map identification number changes for any reason, then County approval is required.

❖ **Can I deed a parcel to my minor (under 18) son/daughter through a Trust?**

Yes. The beneficiary of a trust must retain title to the family division lot for a period of not less than fifteen (15) years.

❖ **Can property held in an Estate be subdivided under the Family Exempt process?**

No. By the definition of family contained in the Ordinance, an “Estate” is not an immediate family member and, therefore, is not eligible under the Family Exempt Ordinance.

❖ **Can a Will be used to subdivide property under the Family Exempt process?**

No. By the definition of family contained in the Ordinance, a “Will” in of itself is not an “immediate family member” and, therefore, cannot be used as a family member under the Family Exempt Ordinance.

❖ **When do I record the plat, affidavits, and deed(s) at the Clerk of the Circuit Court’s office?**

Do not record any of these documents until you received final approval but the County, which will include County official signatures on the Certificate of Approval on the plats.

❖ **Is a right-of-way dedication required?**

No, not unless you want to. You only need an ingress/egress easement that is a minimum of 20’ wide for the new parcels.

❖ **What if I divide land under the Family Division Ordinance and then sell it outside of the family prior to the five (5) years?**

Voluntary transfer of a lot created by a family subdivision within less than five (5) years or fifteen (15) years for beneficiary of trust shall, by the deed restriction language, render the family subdivision void but shall not in of itself affect the transferee’s title to the property transferred. In consequence of this, the transferee would continue to hold title to the subject property, but such property would no longer constitute a legal lot for which a building permit, occupancy permit, or other governmental approval could be granted or maintained.

**Appendix A**  
**Plat Application**





### SPOTSYLVANIA COUNTY PLAT APPLICATION

Submit the completed application with the required plats, all supplemental documents and fees to Community Development Permit Intake  
 9019 Old Battlefield Blvd, Suite 100  
 Spotsylvania, Virginia 22553  
 (540)507-7434

Fees Per July 1, 2022 Fee Schedule		
Planning:	110-0000-316-16.03 (39)	\$
Zoning:	260-0000-313-03-45 (017)	\$
GIS:	110-0000-316-16-10 (334)	\$
Transportation:	280-0000-313-03-35	\$
Processing Fee:	260-0000-318-99-14 (017)	\$ 75.00
<b>TOTAL FEE PAID:</b>		<b>\$</b>

Type: (Check One) **NOTE: All plats must be folded prior to submission w/digital copies on disk or thumb drive.**

- Preliminary Plat: **8 plats** - Planning fee: (50 lots or less) \$1,905; (51 lots or more) \$3,310 + \$20 per each 5 lots or portion > 55; GIS fee: \$435 + \$6 per lot > 10 lots; Zoning fee: \$315 + \*\$85 if proffers; Transportation \$405
- Record Plat/Final Plat: **8 plats** - Planning fee: Minor (3 lots or less) \$2,015; Major (4 or more lots) \$3,935+ \$15 per lot > 10 lots; GIS fee: \$1390 + \$12 per lot > 3 lots; Zoning fee: \$100 + \*\$85 if proffers
- Non-Residential/Article13 Plat: **8 plats**- Planning fee: \$1,750 + \$20 per lot > 10 lots + \$500 w/legal docs; GIS fee: \$1,390 + \$12 per lot > 3 lots; Zoning fee: \$100 + \*\$85 if proffers exceeding 1 hour review
- Family Exempt Division: **7 plats** Planning fee: \$1,390; GIS fee: \$945; Zoning \$70
- Annual Exempt Division: **7 plats** Planning fee: \$1,285; GIS fee: \$945; Zoning \$70
- Consolidation or Adjustment: **7 plats** Planning fee: \$1,145; GIS fee: \$945; Zoning \$70 + \*\$30 if proffers
- Easement /Right of Way Plat: **8 plats** Planning fee: \$1,995; GIS fee: \$945; Zoning \$70 + \*\$30 if proffers
- Easement Exhibit **7 exhibit plats:** Planning fee: w/legal docs. \$975.00; w/out legal docs \$590.00; GIS \$460; Zoning \$70 + \*\$30 if proffers

**\*Potential Back End Fees May Be Applicable At Project Approval.**

Project Name: \_\_\_\_\_ Tax Map #: \_\_\_\_\_

Section #: \_\_\_\_\_ # of lots: \_\_\_\_\_ Nearest State Route #: \_\_\_\_\_ Zoning District: \_\_\_\_\_ Public Water: Y N

Public Sewer: Y N Public Streets: Y N Parcel Acreage: \_\_\_\_\_ In Land Use Program: Y N

Developer (Owner if no developer) \_\_\_\_\_

Engineer/Surveyor \_\_\_\_\_

Address \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Phone Number \_\_\_\_\_

Contact Person \_\_\_\_\_

Phone Number \_\_\_\_\_

Contact Person \_\_\_\_\_

E-mail: \_\_\_\_\_

E-mail: \_\_\_\_\_

E-mail will only be used to send comments as a result of the project's review.

**Signature(s):** All owners must sign the application or submit an agent authorization letter. Signature(s) of owner(s) or authorized agent: \_\_\_\_\_

Date: \_\_\_\_\_

I hereby certify by my signature above that I am the owner of record of the named property or that I am authorized to act on behalf of all the owners of record of the named property to execute this application. I further certify that all information I have provided thereon is complete and accurate. I agree on behalf of myself and all owners to conform to the Zoning Ordinance, Subdivision Ordinance, Virginia Uniform Statewide Building Code, Erosion Ordinance, Chesapeake Bay Preservation Ordinance, the Water and Sewer Construction Specifications of Spotsylvania County, and all other applicable laws and regulations of this jurisdiction.

**\*\*Refunds (Planning) – All refunds must be requested in writing to the Planning Director. Refunds will be issued in the following circumstances: 95% of Planning fees if application is withdrawn within two (2) business days of submission; 80% of Planning fees if application is withdrawn during the initial review period (time varies depending on application type); 40% of Planning fees if application is withdrawn within ten (10) business days after initial review comments are issued.\*\***

**FOR OFFICE USE ONLY**

Application received by \_\_\_\_\_

Date \_\_\_\_\_

Application Number \_\_\_\_\_