

King & Queen County, Virginia

Information & Requirements for a Family Division Plat

1. Completed Land Development Application along with a completed & notarized Family Subdivision Affidavit (available online at www.kingandqueenco.net)
2. Delineate on plat Resource Protection Area (RPA), Resource Management Area (RMA), and buildable area boundaries. (§§ 60, 191(A)(4)-(5)).
3. Notes required on plats:
 - The 100' wide RPA buffer must be retained on this parcel undisturbed and vegetated unless proper buffer modification has been granted. (§§ 130(3)-(5)).
 - Subject to acceptable water quality impact assessment and other stipulated criteria, permissible land development in the RPA may include only:
 - water-development facilities,
 - redevelopment of existing structures,
 - road or driveway crossing satisfying specific criteria, or
 - a flood control or stormwater management facility meeting certain criteria. (§ 130(1), (6)).
 - For new construction, a 100% drainfield reserve area at least equal to the primary sewage disposal site is required on this parcel. (§ 120 (7)(b)).
 - The septic tank on this parcel must be pumped out at least once every 5 years, or every 5 years submit certified documentation that the tank does not need to be pumped. (§ 120(7)(a), (2)).
4. Owners & Dedication Statement with notary block required
5. Signature block for the Subdivision Agents' Approval
6. Sewage disposal system to be survey located with perimeters shown along with soil boring locations. Primary & Reserve drainfield area should be boxed off and labeled as such (Per the requirement of the Virginia Department of Health). Topography is requested by the Health Department for each drainfield area. Three copies of soil work, per lot, must be submitted with the plat submittal to the Zoning Office. This soil work will then be submitted by the Zoning Office with a copy of the plat to the Health Department for approval.
7. Two or three acre minimum lot size with 200' or 300' of road frontage is required per new lot (this includes road and/or a recorded 20' ingress and egress easement/right-of-way into, or part of each lot). Indicate on plat the name of the grantee and the relationship to the grantor for each parcel created.
8. Not more than twenty five percent (25%) of the minimum lot area required by the Zoning Ordinance shall be unusable by reason of elevation below the 100-year flood level, wetlands or protected natural resource areas, Chesapeake Bay Resource Protection Area zoning, easements or other encumbrances; provided, however, that in all cases a lot shall provide space for the principal building and accessory structures, together with its required yards, and any areas required for on-site water supply and sewage disposal by the Health Officer or any applicable regulations of the County or Commonwealth. (Article 6, Section 4-24(H)).

9. Current owner(s) information stated on the plat with present deed reference along with a statement as to whom each parcel is to be gifted or sold to and the relationship to the current owners(s).
10. The following statement shall appear on the plat of each lot, and in all approved deeds of subdivision or similar instruments:

"The street(s) in this subdivision do not meet the standards necessary for inclusion in the system of state highways and will not be maintained by the Department of Transportation or the county and are not eligible for rural addition funds or any other funds appropriated by the General Assembly and allocated by the Commonwealth Transportation Board. The street(s) serving this subdivision are private and their maintenance, including snow removal, is not a public responsibility and will not be maintained by VDOT or King & Queen County. The street(s) shall not be eligible for acceptance into the state system of highways for maintenance until such time as they are constructed and otherwise comply with all requirements of VDOT for the addition of subdivision streets current at the time of such request. Any cost required to cause the street(s) to become eligible for addition to the state system shall be provided from funds other than those administered by VDOT." (Subdivision Ordinance Article 4, Section 4-11)

Chapter 4, Land Subdivision & Development Ordinance **Article 4, Section 4-7C**

Requirements for Family Subdivisions

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 current 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, parent, sibling, grandchild or grandparent of the owner and as prescribed in the Code of Virginia § 15.2-2244. Such subdivision shall be subject to the following provisions:

- (1) Only one such sale or gift shall be allowed per immediate family member and each lot created shall be for residential use. The gift or sale shall not, in the opinion of the Zoning Administrator, be for the purpose of circumventing the provisions of this chapter.
- (2) The provisions of this section shall apply only to those properties located within the agricultural zoning district. No family subdivision will be allowed within any minor or major subdivision within King & Queen County.

- (3) Area requirements:
- a. The minimum lot size of any lot created or remaining under this section shall meet the requirements as described in Chapter 3 Zoning, Article 5, Site Development Regulations.
 - b. No more than seven total lots/parcels including the residual lot/parcel may be created from the original parcel under the terms of this section.
 - c. The grantor may divide lots from the original parcel in accordance with the Article 5, Site Development Regulations of the Zoning Ordinance and if all other requirements of this section are met.
- (4) The grantor shall execute a family subdivision affidavit provided by the Zoning Administrator as a part of the application submission. The affidavit shall stipulate that the proposed family subdivision is not for the purpose of circumventing the requirements of this ordinance and set forth the name and relationship of all eligible grantees. A true copy of said family subdivision affidavit shall be recorded with the plat creating the subdivision.
- (5) Where the division creates only two lots or parcels, each lot or parcel shall front a public road or shall front upon a private driveway or road which is in a permanent deeded easement of right-of-way not less than 20 feet in width. Such right-of-way shall include a driveway within it consisting of, at a minimum, an all weather surface of rock, stone or gravel, with a minimum depth of three inches and a minimum width of 12 feet. The right-of-way shall be maintained by the property owners 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 and this provision shall also be included in the deeds by which the subdivision is affected. Passable condition refers not only to the surface, but also to horizontal and vertical clearance.
- (6) In the event the division creates three or more lots or parcels, a new permanent deeded 50-foot right-of-way serving those lots shall be provided. The new right-of way and/or entrance shall meet all Virginia Department of Transportation (VDOT) requirements. Building permits will not be issued on lots until the roadway is constructed and meets county and VDOT approval.
- (7) Prior to final approval of the subdivision:
- a. the health department must approve on each lot of the proposed subdivision the location of:
 1. A water well;
 2. A primary septic drain field; and
 3. A 100-percent reserve septic drain field
 - b. If there are any extensions of or connections to public roads, the Virginia Department of Transportation must approve the proposed subdivision.

- (8) No parcel created by family subdivision shall be further subdivided under another family division.
- (9) The property to be divided under this section must have been held by the grantor (current owner) for a period of two years prior to the division.
- (10) The grantee of any such sale or gift must hold the property sold or given by the grantor under the provisions of this section for a period of ten years before leasing, reselling or gifting it to another person unless the lot is subject to involuntary transfer through death, foreclosure, judicial sale, condemnation or similar circumstance or an exception is granted by the Zoning Administrator.
- (11) The plat shall include the following owner's certificate:

OWNER'S CERTIFICATE

THIS FAMILY SUBDIVISION AND PLAT ARE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE WISHES OF THE UNDERSIGNED OWNER(S). THE UNDERSIGNED OWNER(S) CERTIFIES THAT THIS SUBDIVISION IS A BONA FIDE DIVISION UNDER THE PROVISIONS OF SECTION 4-7(c) OF THE KING AND QUEEN COUNTY SUBDIVISION ORDINANCE AND IS NOT SUBMITTED FOR THE PURPOSE OF CIRCUMVENTING THE SUBDIVISION ORDINANCE OF KING AND QUEEN COUNTY.

ALL LOTS CREATED BY THIS SUBDIVISION MUST BE HELD BY THE GRANTEE HEREUNDER FOR A PERIOD OF TEN (10) YEARS FROM DATE OF PLAT RECORDATION.

- (12) All lots subdivided under this section shall meet the following application and platting requirements listed herein above before being approved by the Zoning Administrator:
 - (a) Land Development Application
 - (b) Name of subdivision
 - (c) Date, scale and north arrow
 - (d) Boundaries, dimensions, bearings and area of the new lot(s) including building setback lines
 - (e) Public street to which the lot has access
 - (f) Zoning district
 - (g) Surveyor's Certificate and Seal
 - (h) Owner's Consent statement
 - (i) Health Department approval for each lot created
 - (J) Primary and reserve drainfield for each lot created
 - (k) Chesapeake Bay Preservation Area Designation and Management Regulations
 - (l) Indicate on the face of the plat to whom each parcel is to be conveyed to and their relationship to the current owner(s)

A. Exceptions to holding periods.

- (1) Notwithstanding the requirements of subsection (a) above, a grantor or grantee of a family subdivision lot may request an exception to the holding periods by filing a written request with the Zoning Administrator setting forth therein the facts for the request, including what change in life circumstances that was unforeseen at the time of the division has occurred.
- (2) The Zoning Administrator shall either grant or deny the request in writing. In approving a request the Zoning Administrator shall find that because of the change in life circumstances that was unforeseen at the time of the division, a strict application of the holding period would produce a unique and undue hardship upon the grantor or grantee.
- (3) Appeals of unfavorable actions by the Zoning Administrator shall be made in writing to the Zoning Administrator within 30 days after the decision is rendered by the Zoning Administrator. An Administrative Appeal then will be placed before the Board of Zoning Appeals.