

**Sec. 47-14. - Family subdivision.**

- (a) Review by agent. Each subdivision of a lot or parcel of land for the purpose of sale or gift to a member of the immediate family of the owner of the parent tract shall be subject to the review by the agent for compliance with the requirements of this section.
- (b) Compliance with requirements. Each subdivision of a lot or parcel of land for the purpose of sale or gift to a member of the immediate family of the owner of the parent tract shall be subject to the following requirements:
  - (1) Only one lot is created from the parent tract for transfer by sale or gift to the same family member, and no lot has previously been created from the parent tract for transfer by sale or gift to the same family member under this section.
  - (2) The owner of the parent tract has not previously divided any other land within the county by family subdivision for transfer by sale or gift to the same family member.
  - (3) Each lot proposed to be created complies with all applicable requirements of the zoning ordinance.
  - (4) Each lot shall be a minimum of one (1) acre.
  - (5) The transfer is not for the purpose of circumvention of the subdivision ordinance.
  - (6) For the purpose of this section, the owner of the parent tract may be a family trust or family partnership so long as the trustees, beneficiaries and/or partners are composed only of members of the immediate family of the landowner/subdivider.
  - (7) The grantee is an immediate family member of the owner(s) of the parent tract. For the purpose of this section, a member of the immediate family is defined as any person who is a natural or legally defined offspring (including stepchildren), sibling, spouse, grandchild, grandparent or parent of the owner.
  - (8) The grantor holds fee simple title to the property to be subdivided, and the grantee is at least eighteen (18) years of age and able to hold real estate under the laws of Virginia.
  - (9) All proposed plats for family subdivision shall include a family conveyance relationship affidavit in a form approved by the agent which shall be signed by the grantor and grantee under oath and penalty of

perjury that identifies the subdivision as being for the purposes of conveyance to a qualifying family member(s) and identifies the receiving family member(s) and their relationship to the grantor.

(10) All family subdivisions not fronting on a public road shall include the conveyance of a perpetual right of way at least twenty (20) feet in width to provide access from the subdivided parcel to the public road. In addition, there shall be an easement of not less than fifty (50) feet at the point where right-of-way to the subdivided parcel connects to any public road, and the connection shall be in conformity with Department of Transportation subdivision street requirements. Deeds and plats showing such easement shall contain the following language:

“Subdivision streets as shown on this plat do not meet the standards of and will not be maintained by nor included in, the secondary system of state highways maintained by the Virginia Department of Transportation until any such street is brought up to minimum Department of Transportation Standards for addition to the secondary system of state highways, at which time the street may be eligible to be included in the secondary highway system. Neither the County of Halifax nor the Department of Transportation will be responsible for any costs of improvements to meet these standards.”

In addition, a disclosure statement with the same language must be signed by the grantee and each subsequent grantee and recorded with each deed of conveyance.

(11) Easements of not less than fifteen (15) feet in width shall be provided along all lot lines to a dedicated recorded public street or right of way, or an existing service line, for water, sewer, power lines, or other utilities.

(12) The approved family subdivision plat shall be recorded in the office of the Clerk of the Circuit Court within six (6) months accompanied by a notarized family conveyance relationship affidavit.

(c) Previous conveyances. The plat shall specify all lots previously conveyed from the parent tract.

(d) Conveyance to person not a member of the immediate family. The property owner shall place a restrictive covenant on the subdivided property that would prohibit the transfer of the subdivided parcel to a non-member of the owner's immediate family for a period of five (5) years. All plats pursuant to this section shall specify: “Family conveyance, pursuant to chapter 47, Subdivision of Land, section 47-14 of

the Halifax County Code; which shall not be further conveyed to any person not a member of the immediate family except in compliance with the requirements of this chapter.”

Upon application, the agent may reduce or provide exceptions to the five-year retention period when changed circumstances so require, including, but not limited to, foreclosure, death, judicial sale, condemnation, bankruptcy or permanent relocation by the owner out-of-state. Additionally, the agent may approve the transfer of property between eligible immediate family members within the five-year retention period. Any such relief granted by the administrator shall be in the form of an instrument that the applicant shall record against the parcel in the land records of the circuit court.

If a lot is conveyed back to the grantor during the five-year retention period, it shall be recombined with the parent tract within six months of such conveyance and no building permits shall be issued for the property until they are recombined.

- (e) In the event the agent determines that a family division has been used to circumvent the county subdivision ordinance, he shall initiate the vacation of all or part of the plat or plats of the original lot or parcel to the extent necessary to correct the violation.
- (f) Final approval by agent. Family subdivisions may be reviewed by the agent without further review by the planning commission or the board of supervisors.

(Code 2000, § 15-10.1; Ord. No. 2019-6, § 1, 3-4-19)

Section 2. Section 1 of this Ordinance shall be made a part of the Code.

Section 3. This Ordinance shall become effective immediately.

Passed and adopted by the Board of Supervisors of the County of Halifax, Virginia this 4th<sup>t</sup> day of March, 2019.