

FAMILY SUBDIVISION PLAT CHECKLIST

Sec. 14-208 Family subdivisions.

The following sections of this chapter shall apply to each family subdivision, when applicable:

- A. General: Sections 14-100 through 14-108.
- B. Administration and procedure: Sections 14-200 through 14-204, 14-208, 14-209, 14-211, 14-212, 14-231, 14-231.1, 14-232(B) and 14-236.
- C. Plat requirements and documents to be submitted: Sections 14-300, 14-301, 14-302(A)(1), (3), (4), (5), (6), (7), (9), (10), (11), (13), (14) and (15), 14-302(B)(1), (2), (4), (5), (6), (7), (8), (9) and (10), 14-303(A), (B), (C), (D), (E), (F), (H), (I), (L), (M), (N), (O), (P), (Q) and (S), 14-304, 14-305(B), 14-307, 14-307.1, 14-308.1, 14-309, 14-310, 14-312, 14-314 and 14-318.
- D. On-site improvements and design: Sections 14-400, 14-401, 14-402, 14-403; if a private street will be constructed or approved as authorized by section 14-232(B)(1), then also sections 14-316, 14-406, 14-410(F) and 14-412(A)(4); if any part of the property within a proposed family subdivision is within the jurisdictional area of the service authority, then also section 14-414, but if not, each lot, including a lot not required to connect to public sewer service pursuant to section 14-414, which is less than five (5) acres, shall comply with the requirements of sections 14-416, 14-421 and 14-426 through 14-441.

Sec. 14-300 Persons authorized to prepare plat.

Each plat shall be prepared by a professional engineer or a land surveyor, to the limits of his license.

Sec. 14-301 Form and style of plats.

Each subdivision plat shall comply with the following:

- A. Standards. Except as otherwise provided in subsection (E), each plat shall meet the standards for plats set forth in 17 VAC 15-60-10 et seq.; provided that each final plat to be submitted for recordation in the office of the clerk of the Albemarle County circuit court shall meet the standards for plats set forth in 17 VAC 15-60-10 et seq.
- B. Scale. The plat shall be drawn to a scale of one (1) inch equals fifty (50) feet or to such scale as may be approved by the agent in a particular case.
- C. Size. The plat shall be prepared on one (1) or more sheets, provided that no sheet shall exceed twenty-four (24) inches by thirty-six (36) inches in size, and further provided that if the plat is prepared on more than one (1) sheet, match lines shall clearly indicate where the several sheets join.
- D. Approximate North. The top of each sheet shall be approximately north.

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Sec. 14-302 (A) Contents of preliminary plat.

A preliminary plat shall contain the following information:

A. A preliminary plat shall contain the following information, which must be included in order for a preliminary plat to be deemed complete under section 14-218:

- || **1. Name of subdivision.** The title under which the subdivision is proposed to be recorded. The title shall not duplicate or be a homonym of an existing or reserved subdivision name within the county, the City of Charlottesville, or the Town of Scottsville, except if the subdivision is an extension of an existing subdivision.
- || **3. Existing or platted streets.** The location, width and names of all existing or platted streets and all other rights-of-way.
- || **4. Private easements.** The location and dimensions of all existing and proposed private easements. Existing easements shall be labeled with the deed book and page number and the name of the owner of record.
- || **6. Alleys and shared driveways.** The location and dimensions of all easements for alleys and shared driveways.
- || **7. Existing and departing lot lines.** If the property consists of more than one existing lot, then the identification of the existing lots and their outlines, which shall be indicated by dashed lines; and, the location of departing lot lines of abutting lots.
- || **9. Building sites on proposed lots.** The location, area and dimensions of a building site on each proposed lot complying with the requirements of section 18-4.2. The plat shall also contain the following note: "Parcel [letter or number] and the residue of Tax Map/Parcel [numbers] each contain a building site that complies with section 4.2.1 of the Albemarle County Zoning Ordinance."
- || **10. Right of further division of proposed lots.** The number of lots, as assigned by the subdivider, into which each proposed lot may be further divided by right pursuant to section 18-10.3.1, if applicable. The plat shall also contain the following note: "Parcel [letter or number] is assigned [number] development rights and may/may not be further divided and when further divided these rights shall not comprise more than [number] acres. The residue of Tax Map/Parcel [numbers] is retaining [number] development rights and when further divided it shall not consist of more than [number] acres." Development rights need not be assigned to a special lot.
- || **11. Instrument creating property proposed for subdivision.** The deed book and page number of the instrument whereby the property was created, as recorded in the office of the clerk of the circuit court of the county.
- || **13. Proposed facilities.** The location of proposed water and sewer lines and related improvements; proposed drainage and stormwater management facilities and related improvements.
- || **14. Land to be dedicated in fee or reserved.** The location, acreage, and current owner of all land intended to be dedicated in fee or reserved for public use, or to be reserved in a deed for the common use of lot owners in the subdivision.
- || **15. Identification of all owners and certain interest holders.** The names and addresses of each owner of record and holders of any easements affecting the property.

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Sec. 14-302 (B) Contents of preliminary plat.

B. A preliminary plat shall also contain the following information, provided that the preliminary plat shall not be deemed incomplete for purposes of section 14-218 if it does not include this information in the initial plat submittal:

- || **1. General information.** The date of drawing, including the date of the last revision, the number of sheets, the north point, and the scale. If true north is used, the method of determination shall be shown.
- || **2. Name of plat preparer.** The name of the person who prepared the plat.
- || **4. Places of burial.** The location of any grave, object or structure marking a place of burial located on the property.
- || **5. Zoning classification.** The zoning classification of the property, including all applicable zoning overlay districts, proffers, special use permits and variances.
- || **6. Tax map and parcel number.** The county tax map and parcel number of the property.
- || **7. Reservoir watershed; agricultural-forestal district.** A notation as to whether the land is within an Albemarle County and/or City of Charlottesville water supply watershed or an agricultural-forestal district.
- || **8. Yards.** The location of all yards required by this chapter and the zoning ordinance, which may be shown graphically or described in a note on the plat.
- || **9. Flood plain.** The location of any part of the property within the flood hazard overlay district, as set forth in section 18-30.3.
- || **10. Stream buffers.** The location of stream buffers required by the water protection ordinance, with the following note: “The stream buffer(s) shown hereon shall be managed in accordance with the Albemarle County Water Protection Ordinance.”

Sec. 14-303 Contents of final plat.

In addition to containing all of the information required by section 14 -302, except for the information required by section 14-302(A)(12), a final plat shall contain the following information:

- || **A. Statement of consent to division.** A statement that: “The platting or dedication of the following described land [insert a correct description of the land subdivided] is with the free consent and in accordance with the desire of the undersigned owners, proprietors and trustees, if any.”
- || **B. Section name or number.** The name or number of the section if the property is a part of a larger piece of land.
- || **C. Boundary lines.** The exterior boundary lines of the property with bearings in degrees, minutes and seconds. Curvilinear data shall include radius, central angle, arc length, and tangent distance. All dimensions shall conform to the standards set forth in this chapter.
- || **D. Acreage of lots.** The total acreage of each existing lot and each proposed lot.

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- || E. Dimension standards and information on all lots, streets, alleys, easements, and shared driveways.** All linear, angular, and curvilinear dimensions of lots, streets, alleys, public easements and private easements and shared driveways shall conform to the requirements set forth in 8 VAC 10-20-370(C), a copy of which shall be on file in the department of community development. Curvilinear data shall include radius, central angle, arc length, and tangent distances and may be shown either directly on the corresponding boundary or surveyed line or in table form. Easements shown for private streets, alleys and shared driveways shall be labeled as “private street easement”, “alley easement” or “shared driveway easement.” The easement holder(s) shall be identified on the plat. If shared driveways are shown, a note shall be added to the plat stating that maintenance shall be by the owners of the lots affected by the shared driveway easement, not by the Virginia Department of Transportation or the county.
- || F. Identification of sections, blocks and lots.** Sections (phases) shall be identified by numbers; blocks shall be identified by letters; lots shall be identified by numbers, assigned in numerical order.
- || H. Monuments.** The location and material of all permanent reference monuments. Monuments found or installed prior to plat recordation may be referred to if they are permanent and undisturbed. If any monument required by this chapter will be installed after recordation of the final plat, the certification of the professional engineer or land surveyor shall so note.
- || I. Bearing and distance ties.** A definite bearing and distance tie between not less than two (2) permanent monuments on the exterior boundary of the property and further tie to existing street intersection where possible and reasonably convenient.
- || L. Public utility, drainage and sight distance easements.** The location and dimensions of each public utility, drainage and sight distance easement outside of a street right-of-way; for each existing easement, include a note stating the deed book and page number.
- || M. Street names.** The name of each proposed street, which names shall be subject to approval by the agent.
- || N. Statement pertaining to private streets.** If the subdivision will contain one or more private streets, the following statement: “The streets in this subdivision may not meet the standards for acceptance into the secondary system of state highways and will not be maintained by the Virginia Department of Transportation or the County of Albemarle.”
- || O. Signature panels.** Signature panels for each owner and for the agent or his designee. The signature panel for the owner shall be located immediately below the statement required by paragraph (A).
- || P. Notary panels.** Notary panels for the notary to acknowledge the signature of the owner.
- || Q. Water supply.** A statement as to whether the subdivision will be served by a public water supply and a public sewer system. If the property is not within the service authority jurisdictional area, the following statement: “Under current county policy, public water and/or sewer service will not be available to this property.”
- || S. Control points.** At least four (4) control points, evenly distributed across the property and located at survey property corners, and shown on each sheet depicting the property. At the option of the subdivider, the control points may be shown on a copy of the final plat, rather than on the original final plat.

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Documents and or information to be submitted with Plat ,as applicable

- ┘ Request to disturb critical slopes.[Sec. 14-304]
- ┘ Stormwater management information. [Sec. 14-305B]
- ┘ Stream crossings. [Sec. 14-307]
- ┘ Dam break inundation zones. [Sec. 14-307.1]
- ┘ Groundwater assessment information. [Sec. 14-308.1]
- ┘ Soils evaluations if any lot is less than 5 acres [Sec. 14-309]
- ┘ Health Director Approval. [Sec. 14-310]
- ┘ Location of existing buildings. [Sec. 14-312]
- ┘ Identification of all interests of the County in property. [Sec. 14-314]
- ┘ Approval of entrance onto public streets. [Sec. 14-316] **SEE BELOW**
- ┘ Dam break inundation zones; engineering study and mapping information. Sec. 14-318]

SEE CODE For Sections 14-400, 14-401, 14-402, 14-403;

If a private street will be constructed or approved as authorized by section 14-232(B)(1), then also sections 14-316, 14-406, 14-410(F) and 14-412(A)(4);

If any part of the property within a proposed family subdivision is within the jurisdictional area of the service authority, then also section 14-414, but if not, each lot, including a lot not required to connect to public sewer service pursuant to section 14-414, which is less than five (5) acres, shall comply with the requirements of sections 14-416, 14-421 and 14-426 through 14-441.

FAMILY SUBDIVISION INFORMATION

Sec. 14-211 Family subdivisions; conditions precedent.

A family subdivision shall be approved only if, in addition to satisfying all other applicable requirements of this chapter, the agent is satisfied that:

- A. Only one lot is created for transfer by sale or gift to the same family member.
- B. The subdivider has not previously divided any other land within the county by family subdivision for transfer by sale or gift to the same family member.
- C. Each lot proposed to be created complies with all applicable requirements of the zoning ordinance.
- D. If the lot proposed to be created will be transferred to a member of the immediate family owning an abutting lot, the family subdivision lot shall be combined with the abutting lot and shall be so noted on the plat by appropriate symbol and wording.

Sec. 14-212 Family subdivisions; conditions of approval.

Each approval of a plat for a family subdivision shall be subject to the following conditions:

- A. No lot may be created by family subdivision unless it has been owned by the current owner or a member of his or her immediate family for at least four (4) consecutive years immediately preceding the date the family subdivision plat is submitted under section 14-209. For the purposes of this section, and subject to approval by the county attorney:
 - 1. Land owned as part of a trust for estate planning purposes may be considered to be owned by the current owner or a member of his or her immediate family upon consideration of the following factors:
 - (i) the title to the real property is in the name of one or more of the trustees;
 - (ii) if there is more than one trustee, the intended grantee is a qualifying member of each trustee's immediate family;
 - (iii) if there is more than one trustee, all of the trustees agree in writing to the family subdivision;
 - (iv) under the trust instrument, the trustee(s) retain complete control over the trust assets; and
 - (v) the trust instrument allows the trustee(s) to convey real property.
 - 2. A lot created by family subdivision may be conveyed to the custodian of a qualifying member of the immediate family under the Virginia Uniform Transfers to Minors Act (Virginia Code § 64.2-1900 et seq.)
- B. No lot created by the family subdivision, including the residue, may be transferred, except by devise, descent or operation of law, to a person other than an eligible member of the immediate family of the subdivider, for a period of four (4) years after the date of recordation of the plat, except for purposes of securing any purchase money and/or construction loan, including bona fide refinancing, or if the lending institution requires in writing that the spouse of the member of the immediate family be a co-grantee and co-owner of the lot. The subdivider shall place a restrictive covenant on the lots created by the family subdivision prohibiting the transfer of the lots so created to a person who is not a member of the immediate family for the retention period after the date of recordation. The restrictive covenant shall be subject to review and approval by the county attorney before it is recorded. If the lot created is conveyed back to the grantor during the retention period, it shall be recombined with the parent lot within six (6) months after such conveyance and no building permits shall be issued for the lots until they are recombined.
- C. The entrance of the principal means of access for each lot onto any public street shall comply with Virginia Department of Transportation standards and be approved by the Virginia Department of Transportation.
- D. The following note shall be added to each plat for a family subdivision: "No lot shown on this family subdivision plat may be sold or conveyed to a person other than an eligible 'member of the immediate family,' as that term is defined in Chapter 14 of the Albemarle County Code, for a period of four (4) years after the date of recordation of this plat except as authorized by section 14 -212(A) of the Albemarle County Code. If any lot created by the recordation of this plat is conveyed back to the grantor during the four (4) year period, it shall be recombined with the parent lot within six (6) months after such conveyance."