

**LOUISA COUNTY COMMUNITY DEVELOPMENT  
INSTRUCTIONS FOR FAMILY DIVISION **BY A TRUST****

1. Submit a sketch to the Community Development Department showing what you would like to do and who the lot is being deeded to (relationship). Leave your name and telephone number for someone to contact you about the division. Please allow a couple of days for a response.

*Once Reviewed:*

2. Contact VDOT for information on existing and proposed entrances.
3. Contact a surveyor to do the survey for the Family Division. The plat needs to show state and county code sections for Family Division. (See Below)

“This is a Family Division pursuant to the Code of Virginia Sec. 15.2-2244.2 & Louisa County Code Sec. 66-2 & 66-10.”

4. Deeds and plats of such divisions shall include the language required under section 66-82(10)g of the Louisa Code.
5. Have a new Deed drawn up from current owner to qualifying family member.
6. Complete the Family Division Certification Form. This form must be signed by all beneficiaries of the trusts and notarized (owner and recipient)
7. All plats will be forwarded to VDOT for review and/or approval.
8. Submit the new plat, (must be originals), (minimum of 5 copies), the new deed (1 copy) and the completed Family Division by Trusts Certification Form, to Community Development for review and approval. Leave your name and telephone number for contacting when complete. This process can take approximately one week.  
**SUBMISSIONS WILL NOT BE ACCEPTED UNLESS ALL PAPERWORK IS COMPLETED.**
9. The Family Division Plat Review Fee is \$200.00, plus \$25.00/GIS Fee per parcel created which needs to be paid at the time of pick up.
10. Once signed off by Community Development, you must take the plats, deed and Family Division Certification Form to the Circuit Court Clerk’s Office to have the family division recorded.
11. A copy of the recordation receipt must be returned to the Community Development Department once all documents have been recorded.

**COUNTY OF LOUISA  
 CERTIFICATE OF QUALIFICATION  
 FAMILY DIVISION BY TRUSTS**

The undersigned, Trustees of the \_\_\_\_\_ Trust, whose current address is \_\_\_\_\_, do hereby certify that the subdivision of the property held in trust identified as Tax Map Parcel \_\_\_\_\_ in the \_\_\_\_\_ Magisterial District is a Family Division by a Trust as defined by Section 66-2 of the Louisa Code and Section 15.2-2244.2 of the Code of Virginia for the purpose of exemption from the Louisa County Subdivision Ordinance and must be recorded in the name of a qualifying immediate family member (natural or legally defined offspring, spouse, grandchild, parent, grandparent, sibling, aunt, uncle, niece, nephew). Those family members identified to receive the lots subdivided in this manner are:

	<b>Immediate Family Member</b>	<b>Relation to Owner</b>
<b>Lot 1</b>	_____	_____
<b>Lot 2</b>	_____	_____
<b>Lot 3</b>	_____	_____
<b>Lot 4</b>	_____	_____
<b>Lot 5</b>	_____	_____

I further certify that the property owner and the recipients of the family division lots have not given or received any other divisions created in this manner (if so, please file a separate form for each such division) and that this division is not for the purpose of circumventing the subdivision ordinance and is subject to the following requirements:

- (1) An access way consisting of a ten-foot wide right-of-way or easement providing ingress and egress to a dedicated recorded public street or thoroughfare; provided that, if such access way serves more than three lots it shall be no less than 50 feet in width.**
- (2) Unless otherwise constructed to meet standards eligible for addition to the secondary system of highways, access to such lots created by family subdivision shall be deemed to be privately maintained roads and the deeds and plats of such divisions shall include the language required under sections 66-82(10)(g-) of this chapter.**
- (3) Only one such division in the county shall be allowed per immediate family member, and shall not be for the purpose of circumventing this subsection.**
- (4) The beneficiaries must, simultaneously with recordation of the plat of subdivision, place a restrictive covenant on each such division, that would prohibit transfer of the property to a nonmember of the immediate family for a period of 15 years. Such restrictive covenant shall provide an exception in the case of condemnation and may contain exceptions for involuntary transfer such as foreclosure, death, divorce, judicial sale, condemnation or bankruptcy, provided that the holding period may not be reduced to less than the minimum holding period required by §66-10(a)(4). If an exception is granted, the requester shall execute and deliver to a party in interest in recordable form a writing reflecting such modification, which writing shall be recorded in accordance with Va. Code § 17.1-227.**

**(5) For the purpose of this subsection, a member of the immediate family is defined as any person who is a natural or legally defined offspring, stepchild, spouse, sibling, grandchild, grandparent, aunt, uncle, niece, nephew or parent of the owner.**

**(6) Such sale or gift may be made to include the immediate family member as defined in paragraph (6) above and the immediate family member's spouse but not the immediate family member's spouse alone.**

**(7) Lots created by family subdivision would not count against the total number of lots allowed outside of a family division.**

Attested to the \_\_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_.

_____	_____
Owner	Recipient
_____	_____
Owner	Recipient
_____	_____
Owner	Recipient
	_____
	Recipient
	_____
	Recipient

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City/County of \_\_\_\_\_  
Commonwealth/State of \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by  
\_\_\_\_\_  
\_\_\_\_\_

Witness my hand and official seal.

\_\_\_\_\_ Notary Public  
My Commission Expires

\_\_\_\_\_  
Notary Registration Number

## **ORDINANCE AMENDMENT RELATING TO FAMILY SUBDIVISIONS BY TRUSTS**

### **Sec. 66-2. Definitions.**

*Family subdivision.* Pursuant to Va. Code §§ 15.2-2244(C) and 15.2-2244.2, splitting any tract, parcel or lot of land, within the Agricultural (A-1), Agricultural (A-2), Residential Limited (R-1), or Residential General (R-2) Zoning Districts, into two or more parts for the purpose of sale or gift to a member of the immediate family of the property owner or the beneficiary of a trust that owns the property, subject to the requirements of § 66-10 of this chapter.

### **Sec. 66-10. Same—For family subdivision.**

(a) *In general.* A family subdivision shall meet all provisions of this chapter related to zoning, health requirements; but shall be exempt from other provisions of this chapter, provided it meets the following requirements:

- (1) An access way consisting of a ten-foot wide right-of-way or easement providing ingress and egress to a dedicated recorded public street or thoroughfare; provided that, if such access way serves more than three lots it shall be no less than 50 feet in width.
- (2) Unless otherwise constructed to meet standards eligible for addition to the secondary system of highways, access to such lots created by family subdivision shall be deemed to be privately maintained roads and the deeds and plats of such divisions shall include the language required under sections [66-82](#)(10)(g) of this chapter.
- (3) Only one such division in the county shall be allowed per immediate family member, and shall not be for the purpose of circumventing this subsection.
- (4) Each such division shall remain in the name of the qualified family member for a minimum of ten years from the date of recordation, unless the lot is the subject of an involuntary transfer such as foreclosure, death, divorce, judicial sale, condemnation or bankruptcy.
- (5) Similar to the requirements of [section 66-108](#), any lot created by family subdivision shall be required to include provisions for the dedication of right-of-way when the property is adjacent to a state road that is less than 50 feet in width; provided that, this requirement does not apply to a residual portion of the parent tract that is five or more acres and has a minimum of 400 feet of existing state road frontage.
- (6) For the purpose of this subsection, a member of the immediate family is defined as any person who is a natural or legally defined offspring, stepchild, spouse, sibling, grandchild, grandparent, aunt, uncle, niece, nephew or parent of the owner.
- (7) Such sale or gift may be made to include the immediate family member as defined in paragraph (6) above and the immediate family member's spouse but not the immediate family member's spouse alone.
- (8) Lots created by family subdivision would not count against the total number of lots allowed outside of a family division.

(b) *Procedure for family subdivision of property held in trusts.* Property held by a trust may be divided as a family subdivision provided it meets the following requirements:

- (1) All trust beneficiaries must be immediate family members of one another, as defined in subsection (A)(6) of this section.
- (2) All trust beneficiaries must agree in writing that the property should be subdivided.
- (3) All purchasers or grantees of subdivided parcels must be immediate family members of beneficiaries of the trust, although they need not themselves be beneficiaries.
- (4) The beneficiaries must, simultaneously with recordation of the plat of subdivision, place a restrictive covenant on each such division, that would prohibit transfer of the property to a nonmember of the immediate family for a period of 15 years. Such restrictive covenant shall provide an exception in the case of condemnation and may contain exceptions for involuntary transfer such as foreclosure, death, divorce, judicial sale, condemnation or bankruptcy, provided that the holding period may not be reduced to less than the minimum holding period required by §66-10(a)(4). If an exception is granted, the requester shall execute and deliver to a party in interest in recordable form a writing reflecting such modification, which writing shall be recorded in accordance with Va. Code § 17.1-227.
- (5) The subdivision shall comply with the requirements of subsections (a)(1), (2), (3), (6), (7), and (8).

**(Statutory Reference:** Va. Code §§ 15.2-2241(A)(10), 15.2-2244, 15.2-2244.2.)

**Sec. 86-2. Definitions.**

*Family subdivision.* Pursuant to Va. Code §§ 15.2-2244(C) and 15.2-2244.2, splitting any tract, parcel or lot of land, within the Agricultural (A-1), Agricultural (A-2), Residential Limited (R-1), or Residential General (R-2) Zoning Districts, into two or more parts for the purpose of sale or gift to a member of the immediate family of the property owner or the beneficiary of a trust that owns the property, subject to the requirements of § 66-10 of this code.