

## Zoning Interpretation Record

### Subject of Interpretation:

Family Divisions for Spouses

### Zoning Ordinance Reference (Article and Section):

Title I, Article 10, Section 3B and Title II, Section 7-1.2

### Interpretation:

Under the provisions of the Zoning Ordinance, a homestead lot can be created for the spouse of the property owner in certain circumstances. The homestead lot must meet certain criteria outlined in the Article 10, Section 3B. In addition, the Subdivision Ordinance provides that divisions of property for a spouse, either through the homestead provisions of the Zoning Ordinance or pursuant to the general regulations in the Zoning Ordinance, are exempt from general subdivision regulations. The Zoning and Subdivision Ordinances, however, clearly provide that the homestead provisions of the Zoning Ordinance and the family exception provisions of the Subdivision Ordinance cannot be used for the purpose of circumventing the ordinance requirements. In order to ensure that the purpose of allowing homestead lots and divisions for family members in situations involving spouses, the property owner shall indicate with the family division application who will own the remaining tract of land. The reason that the Planning Department requires this additional information is because typically spouses reside in the same dwelling. In certain circumstances the intent of the Ordinances may be satisfied; for example, if the remaining tract of land is given or sold to an eligible family member, the creation of the homestead lot or the family division may be acceptable. Under no circumstances can the creation of the homestead lot or a family division be used to transfer property to an individual who does not fall within the definition of a "family member" within the homestead and family division provisions.

Approved by Michael E. Crescenzo, Director of Planning 12/18/08