



## RESIDENTIAL DEVELOPMENT SUBDIVISION ORDINANCE EXCEPTION FOR FAMILY

The Subdivision Ordinance provides that the division of property must comply with certain stated requirements. There are certain divisions of property, however, that are exempt from meeting these requirements, including the division of property where the lots that are being created are to be conveyed to qualifying family members. In order to take advantage of this exemption, a property owner who is interested in conveying property to a family member must submit an application for a [Subdivision Ordinance Exception \(SOE\) for Family](#) with the Planning Department. While these divisions are exempt from the requirements set forth in the Subdivision Ordinance, the lots must still meet the requirements of the Zoning Ordinance.

To begin this process, a property owner must submit an application for a family division with the Planning Department. In order to qualify, the property must be divided for a qualifying family member, which includes **children, grandchildren, grandparents, parents, siblings, aunts, uncles, nieces, nephews, and spouses.**

The new lot must be conveyed to the family member and each family member is eligible to receive a lot using this process only one time. At the time of application, the property must be titled in the name(s) of the family member(s), not the family member's business or corporation.

In the A-1, Agricultural District, the creation of lots for certain qualifying family members may also be exempt from having to meet the minimum lot size requirement of ten (10) acres. Lots as small as two (2) acres may be created for eligible family members, including **children, grandchildren, grandparents, parents, siblings, and spouses.** There is a separate application for this process, which includes a homestead agreement and affidavit that must be signed by all grantors and grantees and notarized. The following is a list of Zoning Ordinance requirements (contained in Article 5, Section 1, and Article 10, Section 3B) that must be met in order to be eligible for this procedure:

- The homestead lot must meet the minimum width, yard, and area requirements of the A-1 District:
  - Minimum lot size – 2 acres
  - Minimum lot width – 250 feet
  - Minimum lot depth – 200 feet
- Each homestead lot shall have frontage on a public road or on a 20' right-of-way or access easement. The driveway within the right-of-way shall be a minimum of 10 feet, constructed with an all-weather surface consisting of rock, stone, or gravel, with a minimum depth of 1 inch. Improvements within the right-of-way may require an application for an Erosion and Sedimentation Control Plan with the Department of Public Works if the driveway disturbs more than 2,500 square feet of the property. Please be advised that your access easement should not divide the subject property and should run along a property line.
- The Parent Tract must remain greater than 10 acres in size after subdivision of the homestead lot.
- The homestead lot must be for **new construction only**. This lot cannot contain the existing house.
- The family member who is granted the homestead lot must apply for a **building permit within 2 years** of the date of the recorded homestead agreement and plat. This family member must also obtain a **certificate of occupancy within 3 years** of recordation of the agreement and plat. This family member must then **hold the title to the property for a minimum of 3 years** from the date of the issuance of the certificate of occupancy.

**Please be advised:** If the property you are proposing to divide is in the Land Use Program, you should contact the [Commissioner of Revenue's Office](#) to discuss possible rollback taxes.