

Family Transfer Application Submittal & Review Procedure

Anticipated review time is a minimum of 3 months



- All materials labeled & submitted to Planning Department share file. Labeled with: Project name, type of document (application, full title report, plan, draft deed of gift, on site soil evaluation, etc.), 1st Submittal
- Proof of signatory authority if signing on behalf of owner and/or entity.
- Taxes paid
- Hard copy “ink signed” application submitted to the Planning Department



- Staff review period is a minimum of 30 days but can take up to 45 depending on the volume of applications in review.
- The Planner assigned will reach out to issue comments or to indicate it is ready for approval.



- If plans need to be resubmitted:**
- All materials should be uploaded to the Planning Sharefile and labeled as follows:
 - Case number (FTR2023-00025), project name, type of document, and submittal number (2nd, 3rd, etc.)
 - Please reach out to the Planning Department at 757-514-4060 to confirm your documents have been received.



- Repeat steps 2 and 3 until ready for approval.



- Once the project is ready for approval the planner will request owner(s) and recipient(s) come in and sign sworn affidavit statement (prepared by Planner).
 - Once approved by Planning Commission a signed and notarized hard copy of the plat and deed of gift will be requested.
 - When the hard copies are received, they will be signed by two Planning Commissioners and the applicant will be notified when they are ready for pick up.
 - Copies of recordation receipt for the plat and deed are required to be submitted to Planning once recorded.
- Please note: You will need to provide the Planning case number FTR2023-000xx) when dropping off or picking up plans and/ or documents.*

Applicant Signature: _____ **Date:** _____

City of Suffolk Department of Planning
APPLICATION FOR FAMILY TRANSFER SUBDIVISION PLAT



<i>PART 1- OFFICE INFORMATION: To be completed by staff</i>			
Application Number:		Date Paid:	
Taxes Paid:	<input type="checkbox"/> Yes <input type="checkbox"/> No	Application Fee Paid:	
Project Name:	Project Address or Tax Map:		
Date of Decision:		Decision:	<input type="checkbox"/> Approved <input type="checkbox"/> Denied

PART 2- GENERAL INFORMATION: To be completed by applicant

Important Notice: Only complete, hard copy applications with original signatures are accepted. Family transfer plats must be conveyed to an immediate family member, as defined by Virginia Code Section 15.2-2241.10 or 15.2-2244. No subdivision plat shall be recorded unless and until a Final Plat has been recorded as provided in section 31-509 “Final Plats” of the Unified Development Ordinance. The following application requirements are consistent with the procedures set forth in Section 31-514 “Family Transfers” and Appendix B, Section B-9, of the Unified Development Ordinance.

Taxes For All Properties Are Paid Up To Date of Application: Yes No

Application Fee: \$350.00

Zoning of affected properties: _____ (Must be A, RR, or RE)
 Property Address: _____
 Tax Map & Account No.: _____
 Existing total size in acres: _____

Family Transfer Recipients: The recipient(s) must be immediate family members of the property owner.

<i>List full name of each recipient below:</i>	<i>Relationship to the current property owner:</i>
Recipient 1: _____	Relationship: _____
Recipient 2: _____	Relationship: _____
Recipient 3: _____	Relationship: _____
Recipient 4: _____	Relationship: _____
Recipient 5: _____	Relationship: _____
Recipient 6: _____	Relationship: _____

PART 3- REVIEW OF REGULATIONS: To be completed by the property owner

The following regulations apply to Family Transfers in accordance with Section 31-514 of the UDO):

- (a) **Purpose and Intent - To keep the family estate within the immediate family** and not for the purpose of short term investment for sale after division to those outside of the immediate family. It is the further intent to provide family members the ability to remain in close proximity as housing needs change, to provide mutual opportunities for support and care of family members and to allow the preservation of family land holdings which might otherwise be fragmented for economic reasons.
- (b) A family subdivision shall be exempt from the provisions of this Chapter, provided that:
- (1) No fee simple owner of the original lot or parcel shall have made, within the City of Suffolk, Virginia (under the provisions of this Section or under the provisions of any other local law passed pursuant to VC § 15.2-2241.10 or 15.2-2244) **any other sale or gift of land solely to any of the immediate family member to whom property in the family subdivision is to be conveyed.** For the purpose of this Section, a member of the **immediate family shall not include an offspring under 18 years of age nor shall a family transfer be made by a Limited Liability Corporation or other legal entity which fails to meet the definition of a family.**
 - (2) The **property owner** requesting the Family Transfer subdivision **shall have held fee simple title to the subject property for a minimum of three (3) years prior to the filing of an application** for a Family Transfer conveyance unless the owner(s) thereof has established his or her primary domicile on such lot or parcel to be divided. The three (3) year prior holding period shall not apply to property obtained by inheritance from an immediate family member as defined in Section 15.2- 2244 of the Code of Virginia so long as the property inherited was held by a qualified immediate family member for at least three (3) years.
 - (3) **Lots created under this Section shall be titled only in the name of the immediate family member** for whom the subdivision is made **for a period of no less than ten (10) years** except that an immediate family member may hold title with his or her spouse during such period. **A person receiving land through a Family Transfer subdivision may not sell, transfer, subdivide, or otherwise convey such property for a period of ten (10) years after plat approval unless;**
 - (a) Such lots are subject to an involuntary transfer such as by foreclosure, death, judicial sale, condemnation, bankruptcy or illness certified by an attending physician.
 - (b) Upon application from a family transfer recipient, City Council finds that a change in circumstances has occurred that was not anticipated upon receipt of the family transfer parcel and the proposed conveyance must be made to satisfy a financial obligation that was not contemplated at the time of the transfer of the lot through the Family Transfer provisions and that cannot be satisfied from other assets.
 - (c) City Council may specify additional conditions to be imposed on a Family Transfer subdivision if an exception is sought from City Council for sale prior to ten (10) years.

I certify that I, _____ (print name), understand and agree to the above stated requirements.

Property Owner Signature: _____ Date: _____

PART 3 CONTINUED- REVIEW OF REGULATIONS: To be completed by the property owner

- (4) The plat is accompanied by a deed or deeds conveying fee simple title to each lot or parcel other than the remainder to an immediate family member as defined above; **said deeds shall include a restrictive covenant that prohibits the transfer of the property within ten (10) years of its receipt except in conformity with Section 31-514(3)(a) and (b) of this ordinance; said deeds to be executed and recorded simultaneously with the plat.**
- (5) **Each plat shall be accompanied by a signed affidavit from the grantor and the grantee** which acknowledges that all the provisions of this section will be adhered to under penalty of vacation of the family transfer plat or other applicable penalties by the City should such conditions be compromised.
- (6) Each grantor and grantee has executed an affidavit to the effect that the transfer is not for the purpose of circumvention of the Subdivision Ordinance, but instead is intended to provide separate places of residence for the grantees within the boundaries of the original parcel; **and is intended to keep the family estate within the immediate family and is not for the purpose of short term investment or for sale after division to those outside the immediate family** and to the effect that the family subdivision is in compliance with all other requirements of this Section.
- (7) **A parcel received by a grantee under the Family Transfer provisions, shall not be further subdivided to create additional parcels via a family transfer, until the 10-year post conveyance period has expired.**
- (8) **The applicant** for a family transfer subdivision **shall submit one (1) copy of a title report** prepared within the last six months by a title examiner verifying the ownership and subdivision history of the parcel being subdivided including the parent tract if the parcel being subdivided was derived from a previous tract of land.

I certify that I, _____ (print name), understand and agree to the above stated requirements.

Property Owner Signature: _____ Date: _____

PART 3 CONTINUED- REVIEW OF REGULATIONS: To be completed by the property owner

- (9) If the original lot or parcel does not front on a publicly dedicated, recorded, and maintained street, it shall have a reasonable **right-of-way not less than fifteen (15) feet** in width providing ingress and egress to a dedicated, recorded public street or thoroughfare (the subdivision access).

Each lot or parcel created by the family subdivision, including the remainder, **shall front on a right-of-way not less than fifty (50) feet in width** providing ingress and egress to the subdivision access. While said rights-of-way need not be exclusive, or developed to public street standards, it shall be a requirement of family subdivision approval that they be developed so as to provide at a minimum an all weather surface of rock, stone, or gravel with a minimum depth of three inches and a **minimum width of ten feet**.

The right-of-way shall be maintained by the adjacent property owners in a condition passable by emergency vehicles at all times. A notation to this effect shall be placed on the face of the final plat and this provision shall also be included in the deeds by which the subdivision is effected. Passable condition shall refer not only to the surface but also to horizontal and vertical clearance.

- (10) Except as provided in subsection (5), above, each lot or parcel shall comply fully with every other provision of law, including, but not limited to the Zoning Ordinance and Health Department regulations concerning sewage disposal and wells for single family residences.
- (11) The plat shall be signed by all persons having any real property interest in any land included within the subdivision, including required rights-of-way.
- (12) Any **well and septic system shall be approved by the Suffolk Health Department** prior to approval of the final plat.
- (13) **Family Transfer subdivisions shall only be permitted in the A, Agricultural, RR, Rural Residential and RE, Rural Estate zoning districts. No Family Transfer parcel shall be allowed for any parcel created through the provisions of a major subdivision as defined elsewhere in this Ordinance.**
- (c) The Planning Commission shall be the final plat approving authority for all family transfer subdivisions. In accordance with Section 31-505, the Planning Commission shall review, approve, conditionally approve or disapprove applications for the subdivision of land. For minor subdivisions, the Director is the decision-maker. The City Council, after review by the Planning Commission, may grant variances from these regulations pursuant to the provisions of VC § 15.2-2242.1.
- (d) In the event the Director determines that a family subdivision has been used to circumvent the 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, as provided in § 31-516.

I certify that I, _____ (print name), understand and agree to the above stated requirements.

Property Owner Signature: _____ Date: _____

PART 4- REQUIRED INFORMATION TO BE SUBMITTED: To be completed by applicant

The applicant must INITIAL next to each item and ATTACH materials in the order that is listed below. In accordance with Sections 31-509 and Appendix B, Section B-9 of the Unified Development Ordinance, applications for family transfer subdivision plats must include the following.

1. ***Final Plat- Hard copies not required until plat is ready for approval. Please submit plat electronically via sharefile.*** _____
 - Refer to Appendix B, Table B-2, "Final Subdivision Plats." No final plat may be accepted unless it contains a statement signed by a Licensed Land Surveyor to comply with Section 42.1-82 of the Code of Virginia, Virginia Public Records Act (Section 42.1-76 et seq.).
 - Monumentation shall be tied to the City of Suffolk Geodetic Control Network. Bearings shall be shown to the nearest second; lengths to the nearest hundredth foot; areas to the nearest hundredth acre.
 - Lot layout should comply with the "Lot Layout Standards" set forth in Article 6, Section 31-605 of the Unified Development Ordinance.
2. ***Full title report*** made within the past 6 months that includes a history of all subdivisions. _____

NOTE: The title report must be prepared by a title examiner verifying the ownership and subdivision history of the parcel being subdivided including the parent tract if the parcel being subdivided was derived from a previous tract of land.
3. ***Two (2) copies of existing or proposed private deed restrictions***, if any. _____
4. If a variance request is accompanying the final plat, the application form and processing fee and documentation supporting such request. _____
5. If applicable, ***copies of all required state or federal approvals*** including, but not limited to, VDOT access or encroachment permits, Section 404 wetlands permits (Army Corps of Engineers), and any other permit required by any state or federal agency prior to undertaking the use or development of land, the installation of any public street, private street or driveway, or utility. Any amendment, modification, or alteration of any such permit shall be disclosed to the Director, and any such modification that would require a substantial deviation of the application or shall require resubmission of the final plat application. _____
6. If applicable, ***two (2) copies of documents assigning responsibility for long-term maintenance*** of common lands and facilities, including a Deed of Easement to the City to be used in case of default. _____
7. ***Health Department approval letter for well and septic.***
8. ***A completed deed***, to be executed upon approval by the Planning Commission along with necessary recordation fees (to be determined by the Clerk of Circuit Courts). _____
9. ***Affidavits verifying relationship(s)*** to be completed in the Planning Office with sworn oath before a notary public. _____

This form must accompany the family transfer application and be signed by the responsible party certifying that the items noted above have been fully addressed as part of this submittal.

Applicant Signature: _____ ***Date:*** _____

PART 5- CONTACT INFORMATION: To be completed by applicant, owners, and other contacts

This application must be signed by the property owner(s) or must have attached to it written evidence of the owner's consent, which may be in the form of a binding contract of sale, a letter signed by the owner(s), articles of incorporation, or operating agreement authorizing the applicant to act as his or her agent. Signing this application shall constitute the granting of authority of the City to enter onto the property for the purpose of conducting site analyses.

Applicant Information/Person or Company to be Invoiced:

Name: _____ Company: _____
Address: _____ City, State, Zip: _____
Email: _____ Phone Number: _____
Applicant Signature: _____ Date: _____

Property Owner(s) Information (Complete if different from applicant):

Name: _____ Company: _____
Address: _____ City, State, Zip: _____
Email: _____ Phone Number: _____
Owner Signature 1: _____ Date: _____
Name: _____ Company: _____
Address: _____ City, State, Zip: _____
Email: _____ Phone Number: _____
Owner Signature 2: _____ Date: _____

Other Contacts (Such as engineers, surveyors, architects, agents, attorneys, owners, etc.):

Name: _____ Company: _____
Address: _____ City, State, Zip: _____
Email: _____ Phone Number: _____
Specify type of contact/relationship: _____
Signature: _____ Date: _____
Name: _____ Company: _____
Address: _____ City, State, Zip: _____
Email: _____ Phone Number: _____
Specify type of contact/relationship: _____
Signature: _____ Date: _____