

Sec. 105-28. -General definitions.

Subdivision.

- (1) The term "subdivision" means the division of a parcel of land that is a lot of record at the time of enactment of the ordinance from which this chapter is derived into three or more lots, building sites, or other divisions, at least one of which is smaller than five acres, for the purpose—whether immediate or future—of sale, legacy, or building development. This definition includes all of the following:
 - a. All divisions of land involving a new street.
 - b. All divisions of land involving a substantial change in existing streets.
 - c. Any resubdivision of land into three or more lots if any lot is smaller than five acres.
- (2) The term "subdivision" does not include the following:
 - a. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards set forth in this chapter.
 - b. The transfer of unsubdivided land or the transfer of a lot or parcel of land established by deed or plat recorded in the office of the clerk of the superior court of the county prior to the initial effective date of the ordinance from which this chapter is derived.
 - c. The division of land among heirs by judicial decree.
 - d. The division of land into parcels of five or more acres where no new road is involved.
- (3) All residential subdivisions in zoning district RES, other than minor plats as defined, shall comply with the provisions indicated in [chapter 105](#), article VI, Conservation Subdivisions.

Sec. 105-162. - Conservation subdivision design.

(a) Purposes. The purposes of conservation subdivisions are as follows:

- (1) To provide flexibility of design in order to promote environmentally sensitive and efficient uses of the land when developing as a residential subdivision.
- (2) To preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat.
- (3) To preserve important historic and archaeological sites.
- (4) To permit clustering of houses and structures on less environmentally sensitive soils which will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development.
- (5) To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development.
- (6) To promote interconnected greenways and corridors throughout the community.
- (7) To promote contiguous green space with adjacent jurisdictions.
- (8) To encourage street designs that reduces traffic speed and reliance on main arteries.
- (9) To promote construction of convenient landscaped walking trails and bike paths both within the subdivision and connected to neighboring communities and businesses.
- (10) To conserve scenic views and reduce perceived density by maximizing the number of houses with direct access to and views of open space.

(11) To protect prime agricultural land and preserve farming as an economic activity.

(b) Applicability.

This district is to be used to preserve conservation space and to protect natural resources. For properties which are submitted for a conservation subdivision, the applicant shall declare the intent to preserve conservation space at the time of application. The application shall be accompanied by an existing features site analysis plan, and a map that clearly indicates what is found on site according to the existing features site analysis plan. The conservation district shall not be used on property that has been timber harvested within seven years prior to adoption filing an application for a conservation subdivision.

(c) General regulations.

- (1) Applicability of regulations. The conservation subdivision option is available as a use by right in RES zoning districts. An applicant shall comply with all other provisions of this chapter, [chapter 119](#) and all other applicable laws, except those that are incompatible with the provisions contained herein. Where there is any conflict in language, these regulations shall supersede.
- (2) Ownership of development site. The tract(s) of land to be subdivided may be held in single and separate ownership or in multiple ownership. If held in multiple ownership, however, the site shall be developed according to a single plan with common authority and common responsibility.
- (3) Housing density determination. The housing density determination will be determined by subtracting all the roads and right-of-way, required exterior buffers, and all conservation areas, and meeting the minimum lot size for each new lot as shown in the chart below:

Zoning District	RES
Lot Size	5 Acre
Minimum Lot Size Allowed	3 Acre

(4) Required buffers.

a. A 50-foot buffer shall be maintained around the perimeter of the subdivision adjoining outside parcels. This shall be counted toward the total required greenspace.

b. A 100-foot buffer shall be maintained adjacent to existing public county streets and a 150-foot natural buffer along all state routes that abut the subdivision, this should be counted toward total required greenspace.

c. A buffer of not less than 50 feet at rear property line that is outside the buildable lot.

(d) Application requirements.

(1) Site analysis map required. Concurrent with the submission of a site concept plan, the applicant shall prepare and submit a site analysis map. The purpose of the site analysis map is to ensure that the important site features have been adequately identified prior to the creation of the site design, and that the proposed open space will meet the requirements of this article. The preliminary site plan shall include the following features:

a. Property boundaries;

b. All streams, rivers, lakes, wetlands and other hydrologic features;

c. Topographic contours of no less than ten-foot intervals;

d. All primary and secondary conservation areas labeled by type, as described in [section 105-162\(e\)](#), Open space;

e. General vegetation characteristics;

f. General soil types;

g. The planned location of protected open space;