LAND SUBDIVISION ORDINANCE

OF

MCDOWELL COUNTY, NORTH CAROLINA

Article 1. TITLE

LAND SUBDIVISION ORDINANCE
MCDOWELL COUNTY, NORTH CAROLINA

Article 2. AUTHORITY

This ordinance is adopted under the authority and provisions of the General Statutes of the State of North Carolina, (NCGS) Chapter 153A, sections 330-335.

Article 3. JURISDICTION

This Land Subdivision Ordinance shall apply to all areas of unincorporated McDowell County, which are not included in the extraterritorial jurisdiction of any municipality in the County.

Article 4. PURPOSE

By adoption of this Ordinance, the McDowell County Board of Commissioners will promote the health, safety and general welfare of the community by providing rules and guidelines for the subdivision of land and construction of roads. The Ordinance is intended to:

1. Provide for the orderly growth and development of the County.

2. Allow for the coordination of streets and highways within the subdivision with existing or planned streets and highways and with other public facilities.

3. Reduce the danger to health or peril from flood, erosion or water pollution.

4. Provide roads that (l) will allow for a safe, convenient and functional system for vehicular circulation; (2) if designated public, will be eligible for state maintenance and school bus service and (3) afford adequate access for emergency vehicles and services.

5. Provide for the dedication of street right-of-way, utility easements and public facilities.

6. Ensure proper and accurate description and recordation of real property.

7. Provide public officials with information regarding land development in McDowell County in order to project the need for various public programs and facilities, in estimating population growth, and in projecting revenues and expenses.

Article 5. DEFINITIONS And INTERPRETATIONS

1. The word **may** is permissive.

2. The word **shall** is Mandatory.

3. The word **lot** includes the words **plot**, **parce**l, **tract** and **site**.

4. **Calculated Acreage**. The total acreage of the lot including dedicated easements and right-of-ways. For the purpose of this Ordinance, total lot size shall be determined in this manner.

5. **Easement**. A strip of land designated by the property owner for a specified purpose and use by the public, a corporation or others.

6. **Family Subdivision of Real Property**. The conveyance of a portion of real property from an owner to his or her direct lineal ascendants (parents or grandparents) or descendants (children of grandchildren) following the effective date of this Ordinance.

7. **Lot**. A portion of subdivision intended as a unit for transfer of ownership or for development or both: (See Article 8).

*8. **Major Subdivision**. Any subdivision with ____21___ lots or greater.*

*9. **Minor Subdivision**. Any subdivision with ____3-20___ lots.*

10. **Planned Community**. An area with a contiguous specified minimum acreage of two (2) acres, to be developed as a single entity according to a plan of development, the plan for which does not correspond in lot size, bulk or type of dwelling or density with traditional subdivision requirements. It may contain one or more residential cluster or planned unit residential developments, and may incorporate commercial and industrial uses. Adequate provision shall be made for water, sewer, adequate access and open areas. Examples include, but are not limited to row houses, cluster developments, zero lot line developments, apartment courts, hospital campuses, shopping centers with residential components and industrial parks.

11. **Plat**. Includes the terms: map, plan, or replat; a map or plan of a parcel of land, which has been, or is to be subdivided.

12. **Private Driveway**. A non-public road, driveway or right-of-way providing access from a publicly or privately maintained road to five (5) or fewer lots, or other divisions of land and not intended for public use. A Private Driveway shall not be required to meet the minimum construction requirements of a Public Road, but should be sufficient to provide adequate access to those areas served, including emergency services, and minimum access requirements of lenders.

13. **Private Road, County Standard**. A road constructed in accordance with the provisions of Article 8.

14. **Public Road, State Standard**. A dedicated and accepted public road for vehicular traffic constructed to standards that meet or exceed the specifications of the North Carolina Department of Transportation (NCDOT).

15. **Right-of-Way**. A strip of land designated by the owner or acquired by another authority by which persons may legally pass, and on which may construct a road or other utilities.

16. **Subdivider or Developer**. The owner and any agent of the owner, including purchaser or other professional who subdivides or develops any land deemed to be a subdivision under the terms of this Ordinance.

17. **Subdivision**. All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and includes all divisions of land involving the dedication of a new street or a change in existing streets. However, the following is not included within this definition and is **not** subject to any regulations enacted pursuant to this ordinance:

a. The combination or recombination of portions of previously subdivided and recorded lots if the total number of lots are not increased and the resultant lots are equal to or exceed the standards of McDowell County as shown in this Ordinance.

b. The division of land into parcels greater than 10 acres if no street right-of-way dedication is involved.

c. The public acquisition by purchase of strips of land for widening or opening streets.

d. The division of a tract in single ownership the entire area of which is no greater than two acres into not more than three lots, if no street right-of-way dedication is involved and if the resultant lots are equal to or exceed the standards of McDowell County as shown in this Ordinance.

e. Family Subdivision of real property as defined in Article 5. Such conveyance must meet minimum lot requirements and the resulting lot may be served by a private driveway to avoid the necessity of constructing a Private Road or Public Road defined herein. Subsequent conveyances from Parent to Child(ren) are governed by this Ordinance unless otherwise excluded. The burden of establishing a Family Subdivision shall rest with the Grantor and the instrument of conveyance shall note the Family Subdivision in a manner prescribed by the County Planning Administrator.

f. The division of decedent's property among his or her heirs for the sole purpose of settling an estate, providing that no street right-of-way dedication is involved and that the

resultant lots are equal to or exceed the standards of McDowell County as shown in this Ordinance.

g. The division of lots in a cemetery and/or graveyard.

h. Subdivision plats recorded at the McDowell County Register of Deeds Office prior to the effective date of this Ordinance. However, further subdivision of parcels shown on such recorded plats shall be subject to the terms of this Ordinance.

Any subdivision that is under development at the date of adoption of this Ordinance (August 20, 2007) shall be exempt from the provisions of this Ordinance; provided that the subdivider submits a preliminary plat for the subdivision to the County Planner within nine (9) months of the effective date of this Ordinance, along with documentation showing that substantial work was underway at the time this Ordinance was adopted. This exemption shall include phased subdivisions, provided that all current and future phases are shown on the preliminary plat or master plan for the subdivision and that the subdivider provides documentation showing that he/she was in ownership of the entire area to be subdivided prior to the date of adoption of this Ordinance. All phases of a subdivision for which this exemption is requested must be contiguous.

Article 6. REVIEW PROCESS

1. **Pre-application Conference**. It is required that the Subdivider meet with the McDowell Planning Administrator in a pre-application conference to discuss this Ordinance and the subdivision of land in McDowell County. Developers of major subdivisions will be briefed on the tenets of Conservation Subdivision design and Green Infrastructure. Although not required, McDowell County strongly recommends these development standards and would offer density bonus incentives for the use of these techniques. It is recommended that a sketch plan of the proposed plat be provided to the Planning Administrator for preliminary review. Following the preliminary review the Subdivider will be responsible for submitting his or her plan to the appropriate agencies, commissions, and Boards for review and approval consistent with the terms of this Ordinance.

2. **Planning Board Review and Approval**. Pursuant to NCGS 153A-332, no real property within the jurisdiction of this ordinance shall be subdivided and offered for sale; or a plat recorded; or a building permit issued for a structure to be erected in a subdivision, until all applicable agencies and officials have been given an opportunity to review and make recommendations regarding the proposed subdivision and the Planning Board has approved the subdivision of land. There shall be no conveyance of subdivided real property until the provisions of this Ordinance have been met and the plat has been properly recorded with the McDowell County Register of Deeds.

3. **Agency Review**. The developer shall make available a preliminary plat to the following agencies for review and recommendation of any proposed subdivision prior to submission of the plat to the County Planning Adminstrator.

a. The District Highway Engineer when the proposed roads are to be dedicated as public or to review the manner in which proposed roads would intersect with the state system.

b. The County Health Director for the purpose of reviewing proposed water and sewerage systems.

c. A National Pollution Discharge Elimination System (NPDES) construction general storm water permit shall be received from the North Carolina Division of Water Quality by way of and in coordination with the North Carolina Division of Land Resources.

d. Department of Environment and Natural Resources, Division of Land Resources for an approved erosion and sediment control plan for land development activities that will disturb one acre of land or more.

e. Signed Certificates Required. The McDowell Planner shall make available from time to time up-to-date certificates for use on subdivision plats, including the following certificate formats: Ownership, Certificate of Survey and Accuracy in accordance with GS sec. 47-30, Certificate of the County Health Department, NC District Highway Engineer, Certificate of Approval of subdivision plat by McDowell Planning Board. The certificates in proper form shall be affixed to and signed by appropriate representatives prior to final approval of the plat.

f. Private Road Disclosure. Every subdivision plat submitted that reflects the use of private roads shall include the disclaimer language contained in Article 7.

4. **Minor Subdivision**. If the subdivider seeks to accomplish a Minor Subdivision, the developer or subdivider shall provide the County Planning Administrator two (2) copies of the plat meeting the requirements of this Ordinance along with all relevant agency review documents. Within twenty-one (21) days of receipt, the County Planning Administrator will review the plat to insure it meets the standards of this Ordinance. Written notification of the decision will be mailed to the applicant by the end of this period. Failure to take action within this time frame shall have the same effect as a recommendation that the plat be approved. If approved, the County Planning Administrator will so note and sign one copy of the plat and the subdivider shall record this copy within one year of approval with the McDowell County Register of Deeds. Failure to record this plat within this timeframe will cause the approval to be void.

5. **Major Subdivision**. If the Subdivider seeks to accomplish a Major Subdivision, the review and approval process shall include the following steps.

a. **Submission of Preliminary Plat**. (**1**) Six (6) copies of the preliminary plat along with all relevant agency review documents shall be delivered to the County Planning Administrator. (**2**) The County Planning Administrator will provide preliminary plat copies and recommendations to the Planning Board at their regularly scheduled meeting within thirty (30) days of receipt. (**3**) The Planning Board shall review the preliminary plat and discuss with the applicant any changes required so that the proposed subdivision will comply with this Ordinance. (**4**) The Planning Board shall take action on the preliminary plat by their next regularly scheduled meeting following their initial review. Failure to take action within this time frame shall have the same effect as a recommendation that the preliminary plat be approved. (**5**) Written notification of the Planning Boards' decision will be sent to the applicant within seven (7) days of the Board's decision. Absent Preliminary Plat approval from the Planning Board, there shall be no improvements or site disturbing activities conducted on the site of the proposed subdivision.

b. **Phased Development**. If the developer plans to accomplish the subdivision in phases, a master plan showing the entire proposed subdivision and the phases of the development, proposed type and location of utilities, and proposed development timetable shall be submitted to the Planning Board along with the preliminary plat for approval. Each phase of development shall be proceeded by submission and approval of a preliminary plat as outlined in Article 6, Section 5.a. This provision shall not prohibit additional subdivision of subdivided areas where a master plan was not submitted. However, each phase of development shall be subject to meeting planning and subdivision guidelines in place at the time of application.

c. **Road Construction**. After approval of the preliminary plat by the Planning Board, the applicant may proceed to construct the proposed roads consistent with this Ordinance and the approved preliminary subdivision plat. Prior to approval of the final plat, the subdivider shall have installed the roads to the specifications required by this Ordinance and those approved in preliminary plat, or guaranteed their installation as provided herein**.** The County Planning Administrator has the authority to authorize minor changes to the preliminary plat during the construction period. Changes to the preliminary plat shall be reported to the Planning Board during the final plat review process.

d. **Guarantee of Road Installations Agreement and Security Required**. If required roads are not to be constructed in a contemplated subdivision prior to final plat approval, a Guarantee Agreement (Agreement) shall be developed and submitted to the County Planning Administrator for review. The contents and requirements of the final Agreement must be approved by the County Attorney and the Board of Commissioners, and shall be signed by the subdivider and filed with the Planning Department prior to the consideration of any guaranteed preliminary plat. The Agreement shall bind the subdivider to complete proposed roadways not yet installed at the time of guaranteed preliminary plat consideration by the Board of Commissioners. To secure this Agreement, the subdivider shall provide, subject to acceptance by the Board of

Commissioners, one or more of the following guarantees in a total amount not less than 1.25 times the entire cost of road improvements as provided herein:

1. **Cashiers Check(s)**. The subdivider shall obtain a cashiers' check(s) from a bank or other qualified financial institution authorized to do business in North Carolina. The check(s) shall be payable to McDowell County and shall be in an amount equal to 1.25 times the entire cost, as estimated by the subdivider and as further outlined below, of installing all required road improvements.

2. **Irrevocable Letter of Credit**. The subdivider shall obtain an irrevocable letter of credit from a bank or other qualified financial institution authorized to do business in North Carolina. The amount of authorized credit shall be equal to 1.25 times the cost, as estimated by the subdivider and as further outlined below, of installing all required roadways. The Board of Commissioners and the County Attorney shall approve the wording and language of the irrevocable letter of credit. The duration of the letter of credit shall extend until such time as the Board of Commissioners accepts the roadways.

3. **Performance Bond**. The subdivider shall obtain a performance bond from a qualified insurer or bonding company authorized to do business in the State of North Carolina. The amount of authorized bond shall be equal to 1.25 times the cost, as estimated by the subdivider and as further outlined below, of installing all required road improvements. The County Attorney shall approve the wording of the performance bond. The duration of the performance bond shall extend until such time as the Board of Commissioners accepts the roadways.

The Guarantee Agreement may include a provision allowing the subdivision application to be withdrawn at any time prior to completion of roadways upon written application by developer or subdivider. Withdrawal of the subdivision application shall be permitted only if the Developer has NOT conveyed parcels pursuant to the preliminary, guaranteed plat. Upon withdrawal of an application under these conditions, the guarantee shall be refunded or returned.

e. **Default**. Upon default, meaning failure on the part of the subdivider to complete the required installation of roadways in a timely manner as spelled out in the Guarantee Agreement and/or by this Ordinance, then the financial institution that issued the guarantee instrument shall, upon the request of the Board of Commissioners, pay all or any portion of the amount needed to complete the installation of roadways based upon an engineering estimate. Upon payment, the Board of Commissioners in its discretion may expend such portion of said funds as it deems necessary to complete all or any portion of the required roadways. The County shall return to the subdivider any funds not spent in completing the roads after the recovery of the County's costs for personnel and contract services related to the installation of the roadways.

f. **Release of Guarantee Security**. The Board of Commissioners may release a portion of any security posted as the required roads are completed and recommended for approval by the County Planner. Within forty-five (45) days after receiving the County Planning Administrators recommendation, the Board of Commissioners shall approve or disapprove the completed roadways. If the Board of Commissioners approves the newly constructed roadways, then it shall immediately release any security posted on that portion of the improvements.

6. **Agreement and Security Required**. The developer shall provide a written estimate from a North Carolina Licensed Engineer, the NC Department of Transportation, or other qualified Person for the cost of construction of the proposed subdivision roadways. The developer shall be responsible for submitting a satisfactory Guarantee Agreement that proposes to reimburse the County for reasonable administrative, supervisory, contract and legal fees, the total of which shall not exceed $5,000, incurred as a result of the developer electing to utilize the guarantee provision of this Ordinance. This guarantee is intended to cover the construction costs of the improvements as well as any administrative or legal fees incurred by McDowell County in the event that the developer fails to comply with the Guarantee Agreement permitted by this Ordinance.

7. **Timing and Extension**. The guaranteed improvements shall be accomplished within one year of the Planning Board approval of the preliminary plat. The Planning Board may, upon proof of difficulty, grant an extension of the completion date set forth in its approval for a maximum period of six (6) additional months.

8. **Approval Procedure, Guarantee**. If approved as a guaranteed preliminary plat, the Chairman of the Planning Board will so note on one copy of the preliminary plat. The signed copy will be returned to the developer. The developer shall record the approved guaranteed preliminary plat with the McDowell-County Register of Deeds prior to any conveyance of real property.

9. **Refund**. All unused guarantee funds will be returned to the developer or financial institution after approval of the Major Subdivision Final Plat.

Article 7. PLAT REQUIREMENTS

A plat submitted for review or recordation shall be prepared in accordance with NCGS 47-30 and 39-32.1 - 32.4. Every subdivision plat subject to this Ordinance which includes private roads shall contain the following statement: A privately maintained road serves this parcel of land. As a private road, and not a public road, the responsibility for maintenance of this road is upon the property owners. School bus service is not provided on private roads by the McDowell County School system. State road maintenance and snow removal are not provided on private roads. Road conditions may adversely affect the timely delivery of emergency services.

In developments which are accessed by roads that do not meet the 45 foot right-of-way standard, the developer must disclose that the access road to the development does not meet the established

standard. Developers must also disclose the length of the roadway that does not meet the 45 foot requirement.

Article 8. DEVELOPMENT STANDARDS

1. **Public Road, State Standard**. Roads constructed in a subdivision that are designated as public shall conform to the minimum construction standards of the North Carolina Department of Transportation as required under NCGS 136-102.6. This section does not apply to private driveways as defined in Article 5, Number 12.

2. **Private Road, County Standard**. Developers planning to install private roads in a subdivision are encouraged to meet the minimum right-of-way standards of the North Carolina Department of Transportation for subdivision roads. Conformity to NCDOT standards would allow property owners to request that the road be accepted for maintenance by NCDOT at some future time.

Roads to be constructed as private roads shall meet the following minimum standards:

a. All road rights-of-way shall be a minimum of __forty-five____ *(45)* feet.

b. Two lane roads shall be at least eighteen (18) feet in width and shall be constructed with a shoulder of at least three (3) feet in width on each side of the roadway.

c. Road grades shall not exceed eighteen percent (18%).

d. A paved roadway surface is not required unless the road grade exceeds twelve percent (12%), only the portion of the road that exceeds twelve percent (12%) needs to be paved. Pavement shall conform to the minimum standards of the North Carolina Department of Transportation as required under NCGS 136-102.6. Unpaved roads shall be surfaced with a minimum of four (4) inches of crushed and packed stone or NCDOT standard ABC compacted stone. Unpaved roadbeds shall be constructed to a compaction standard of _____95%_____.

e. The minimum radius for curves shall be sixty (60) feet.

f. Dead end roads shall terminate in a cul-de-sac having a minimum right-of-way radius of forty-five (45) feet and a drivable radius of thirty-five (35) feet. Other types of terminations shall meet NCDOT standards. If phased development is proposed and a road is planned to extend into a later development phase, such roads may be terminated in a temporary T-section which provides adequate maneuvering room to turn any vehicles expected to use such road.

g. Subdivision roads, including the intersection of a subdivision road with a State System road, shall intersect at an angle of no less than sixty-five (65) degrees.

h. Where a subdivision road intersects a State System road, the maximum grade of the subdivision road shall be _____6____ % within ___50_____ feet of such intersection.

i. All bridges must be designed by an engineer licensed to provide such service in North Carolina and constructed to those engineered standards.

This section does not apply to private driveways as defined in Article 5, Number 12.

3. **Dedication of Roads**. In accordance with NCGS section 136_12.6, streets designated on the plat as public shall be conclusively presumed as an offer of dedication to the public and shall be designed to NCDOT standards. An approved permit is required for connection of any subdivision road to any State System highway. Nothing herein shall obligate the State of North Carolina or McDowell County to accept, construct, maintain, or reconstruct any roadway, whatsoever.

4. **Lot Size**. Lots developed in areas designated by the State of North Carolina, as High Quality Waters (HQW) or Outstanding Resource Waters (ORW) shall be developed in accordance with the State of North Carolina's low-density option, requiring a minimum one (1) acre lot. Lots developed in areas designated by the State of North Carolina as a public water supply watershed, shall be developed with a minimum lot size in accordance with the McDowell County Water Supply Watershed Management and Protection Ordinance. If a proposed subdivision is located within the jurisdiction of the McDowell County Zoning Ordinance, lot sizes shall conform to the requirements of the zoning district in which the subdivision is located. Lots in areas that are under the jurisdiction of the McDowell County Lake James Ordinance shall meet the minimum lot size requirement of one and one half acre (1.5), however the minimum lot size may be reduced to three-quarters (0.75) of an acre if the subdivision in which the lot is located has an average lot size of at least one and one half acre (1.5).
Major subdivisions not served by public water or wastewater services shall have an average lot size of one (1) acre.
Minor subdivisions not served by public water or wastewater services shall have a minimum lot size of half (.5) an acre, un less the Rutherford, Polk, McDowell Health District approves a smaller lot size which can accommodate the location of well, septic system, and septic system repair area.

5. **Planned Communities**. Individual units within a planned community that are served by a community water system but not a community sanitary sewer system shall have a minimum lot size of three quarters (0.75) acre ***per building***. This exemption shall not apply in areas subject to the Water Supply Watershed Management and Protection Ordinance or the Zoning Ordinance.

6. **Private Driveway**. Private driveways may provide access from a publicly or privately maintained roadway and serve up to five lots. When a private driveway serves more than one lot, a driveway maintenance agreement is required. If future development is possible, a forty five (45)-foot wide easement is required. It is recommended that private driveways be constructed to

such minimum standards so as to adequately meet access requirements of lenders and emergency services.

7. Utilities: McDowell County requires that all developers contact local cable and high speed internet companies for availability of services in their area, and provide written proof of contact. However, McDowell County does not require that a developer install these services.

Article 9. VARIANCES

Where, because of topographical or other conditions peculiar to the site, strict adherence to the provisions of this Ordinance would cause an unnecessary hardship, the Planning Board may authorize a variance, if such variance can be made without destroying the intent of this ordinance. Any variance thus authorized is required to be entered into the minutes of the Planning Board with the reasoning set forth on why the departure was justified. Requests for variances must be presented in writing to the County Planner along with any supporting maps or information.

Article 10. FINAL PLAT, MAJOR SUBDIVISION

After completion of improvements, the developer shall submit two (2) copies of the final major subdivision plat to the County Planner. Within twenty-one (21) days of receipt, the County Planning Administrator will verify that the final plat is consistent with the preliminary plat, and that the standards of the ordinance have been met. After the County Planning Administrator review, one copy of the final plat along with the written recommendation of the County Planning Administrator shall be presented to the Planning Board during their next regularly scheduled meeting for their consideration. If so approved, the Chairman of the Planning Board will so note and sign the plat. The approved plat will be returned to the developer within seven (7) days for recording with the McDowell County Register of Deeds. The approved final plat must be recorded within one year of approval or the approval is void.

Article 11. PRIVATE ROAD DISCLOSURE

After the effective date of this Ordinance, any conveyance of land that is accessed by or situated on a private road shall include notice from the seller to the purchaser containing the following disclosure: "A privately maintained road serves this parcel of land. As a private road, and not a public road, the responsibility for maintenance of this road is upon the property owners. School bus service is not provided on private roads by the McDowell County School system. State road maintenance and snow removal are not provided on private roads by the NC Department of Transportation. Road conditions may adversely affect the timely delivery of emergency services"**.** In addition, the disclosure notice shall indicate the means of access to a public road.

Article 12. PENALTIES

1. **Criminal**. Any person violating the provisions of this ordinance shall be guilty of a misdemeanor and shall be subject to punishment as provided by NCGS 14.4. This Ordinance may be enforced by equitable remedies provided by NCGS 153A-123, including, but not limited to injunction and abatement. Every day that a violation of this Ordinance exists shall be considered a unique and separate offense.

2. **Civil**. In lieu of, or in addition to, criminal penalties, the McDowell County Board of Commissioners may impose civil penalties of up to five hundred dollars ($500) a day for each and every day that a violation of this Ordinance exists. No penalty shall be assessed prior to notification. If the violator does not pay such penalty within thirty (30) days of receipt of notification of the violation, McDowell County may recover the penalty in a civil action in the nature of a debt. The violator may contest such penalty in the Court of appropriate jurisdiction.

Article 13. INJUNCTIVE RELIEF

McDowell County may bring an action for injunctive relief and order abatement for any illegal subdivision, transfer, conveyance or sale of land therein, and the Court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with this Land Subdivision Ordinance under NCGS 153A-123(e).

Article 14. SEVERABILITY

Should any section or provision of this Ordinance be decided by a Court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this Ordinance as a whole or a part thereof other than the part so declared to be unconstitutional or invalid.

Article 15. CONFLICT WITH OTHER LAWS

Whenever the regulations of this Ordinance are in conflict with the requirements of a Federal or State statute, or other County ordinance, the more restrictive standard shall govern.

Article 16. EFFECTIVE DATE

This Ordinance was adopted by the McDowell County Board of Commissioners and shall take effect and be in force on August 13, 2007. Adopted this 13th day of August, 2007.

MCDOWELL COUNTY

Andrew K. Webb, Chairman
Board of Commissioners

Attest:

Carrie Padgett, Clerk to the Board

Article 5, Paragraph 6 amended May 13, 2013 to remove the word 'first' to make it clear subsequent subdivisions of family property as defined by the ordinance are exempt from the subdivision ordinance.