

GENERAL ASSEMBLY OF NORTH CAROLINA
1991 SESSION

CHAPTER 204
SENATE BILL 545

AN ACT RELATING TO SUBDIVISION REGULATION IN PENDER COUNTY.

The General Assembly of North Carolina enacts:

Section 1. For the purpose of Part 2 of Article 18 of Chapter 153A of the General Statutes, "subdivision" means 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) that requires the dedication of a new road.

The following are specifically excluded from this definition:

- (1) The combination or recombination of all or any portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the county as shown in its zoning and subdivision ordinances;
- (2) The public acquisition by purchase or gift of strips of land for widening or opening streets;
- (3) The conveyance of land to heirs for the purpose of dividing real estate among said heirs, as described in the North Carolina Court of Appeals decision in *Claude A. Williamson, Jr. and wife, Angela C. Williamson vs. Dorothy A. Avant*, 21 N. C. App. 211;
- (4) The division of land into two or more parcels or lots for the purpose of conveying the resultant parcels or lots to a grantee or grantees who are in any degree of lineal kinship to the grantor, or to a grantee or grantees who are within four degrees of collateral kinship to the grantor. Degrees of kinship would be computed in accordance with G.S. 104A-1. All parcels or lots so conveyed must meet the size requirements and the access requirements of the County in its zoning ordinance;
- (5) The division of land into parcels of five acres or more, where the grantor records a right-of-way agreement prior to or simultaneously with the recording of the deed. The agreement must provide for access to the parcel by right-of-way width equal to or exceeding, and minimum curve centerline radii equal to or exceeding, the North Carolina Department of Transportation Subdivision Road requirements. The agreement must provide for construction and maintenance of the road;
- (6) The division of land for cemetery lots or burial plots;

(7) Any sale, conveyance, or exchange, (including by court order) between tenants in common or joint tenants, when such sale, conveyance, or exchange is solely for the purpose of effecting a division of the lands between such tenants in common or joint tenants, and to set off their interest in severalty, and when such purpose is not for building development (whether immediate or future) or for sale to the general public. Tenants in common and joint tenants shall include all persons owning undivided interests in real property by virtue of conveyance by deed, by will, or by inheritance.

Sec. 2. G.S. 153A-335 shall not be applicable in Pender County.

Sec. 3. This act applies only to Pender County.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 4th day of June,

1991.

James C. Gardner
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives