

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 545

Local Government and Regional Affairs Committee Substitute Adopted 5/15/91

Short Title: Pender Local Bill-1.

(Local)

Sponsors:

Referred to:

April 10, 1991

A BILL TO BE ENTITLED

AN ACT RELATING TO SUBDIVISION REGULATION IN PENDER COUNTY.

The General Assembly of North Carolina enacts:

Section 1. For 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

- 1 G.S. 104A-1. All parcels or lots so conveyed must meet the size
2 requirements and the access requirements of the County in its zoning
3 ordinance.
- 4 (5) The division of land into parcels of five acres or more, where the
5 grantor records a right-of-way agreement prior to or simultaneously
6 with the recording of the deed. The agreement must provide for access
7 to the parcel by right-of-way width equal to or exceeding, and
8 minimum curve centerline radii equal to or exceeding, the North
9 Carolina Department of Transportation Subdivision Road
10 requirements. The agreement must provide for construction and
11 maintenance of the road.
- 12 (6) The division of land for cemetery lots or burial plots.
- 13 (7) Any sale, conveyance, or exchange, (including by court order)
14 between tenants in common or joint tenants, when such sale,
15 conveyance, or exchange is solely for the purpose of effecting a
16 division of the lands between such tenants in common or joint tenants,
17 and to set off their interest in severalty, and when such purpose is not
18 for building development (whether immediate or future) or for sale to
19 the general public. Tenants in common and joint tenants shall include
20 all persons owning undivided interests in real property by virtue of
21 conveyance by deed, by will, or by inheritance.
- 22 Sec. 2. G.S. 153A-335 shall not be applicable in Pender County.
- 23 Sec. 3. This act applies only to Pender County.
- 24 Sec. 4. This act is effective upon ratification.