

GENERAL ASSEMBLY OF NORTH CAROLINA
1995 SESSION

CHAPTER 337
SENATE BILL 661

AN ACT RELATING TO THE DEFINITION OF SUBDIVISION IN
MONTGOMERY COUNTY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 153A-335 reads as rewritten:

"§ 153A-335. 'Subdivision' defined.

For purposes of this Part, '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) and includes all division 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 ~~Part~~: Part, provided that the grantor of any land who by deed subdivides the land other than by recorded subdivision plat shall include in the deed a statement as to why the subdivision is exempt from these regulations by reference to one or more of the following subsections:

- (1) The combination or recombination of portions of previously subdivided and recorded lots ~~if 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 subdivision ~~regulations; regulations and the combination or recombination does not change or alter the location of a public or private road as shown on a plat previously recorded in the county registry of deed;~~
- (2) ~~The division of land into parcels greater than 10 acres if no street right-of-way dedication is involved;~~
- (3) ~~The public acquisition by purchase of strips of and for widening or opening streets; and~~
- (4) ~~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 the county as shown by its subdivision regulations.~~
- (2) The public acquisition by purchase of strips of land for widening or opening of streets;
- (3) The conveyance of a lot or tract for the purpose of dividing lands among the tenants in common, all of whom inherited by intestacy or by will, the land from a common ancestor;

- (4) The division of land by any method of transfer among members of a lineal family, which shall include direct lineal descendants (children, grandchildren, great-grandchildren) and direct lineal ascendants (father, mother, grandfather, grandmother) and brothers, sisters, nieces, and nephews;
- (5) The division of land pursuant to an order of the General Court of Justice;
- (6) The division of land for cemetery lots or burial plots;
- (7) The conveyance of a tract or parcel of land of at least 20,000 square feet exclusive of State right-of-way for a road with at least 100 feet frontage upon a State-maintained road, as well as a driveway permit previously issued by the Department of Transportation along the 100 foot frontage and a means of sewage disposal by a previously issued permit from the Division of Environmental Management of the county health department;
- (8) The division of land into parcels of five acres or more where the grantor records a road right-of-way agreement prior to or simultaneously with the recording of the deed, which said agreement provides for access to the parcel by a right-of-way of at least 45 feet in width and contains an agreement for construction and maintenance of the road; and
- (9) The division of land into parcels where 10 or fewer lots result after the subdivision is completed and each lot in the subdivision is at least one acre in size. The intent of the exemption provided by this subsection is to provide for special situations in the rural area of the county in accordance with standards and procedures as set forth in the county subdivision ordinance."

Sec. 2. This act applies to Montgomery County only.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 28th day of June, 1995.