

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

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**HOUSE BILL 1651
Committee Substitute Favorable 5/4/07**

Short Title: Raleigh Subdivision Definition.

(Local)

Sponsors:

Referred to:

April 19, 2007

A BILL TO BE ENTITLED

AN ACT RELATING TO THE DEFINITION OF SUBDIVISION IN THE CITY OF
RALEIGH.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-376(a) reads as rewritten:

"(a) For the purpose of this Part, "subdivision" means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations authorized by this Part:

(1) The combination or recombination of 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 municipality as shown in its subdivision ~~regulations.~~ regulations, except that an ordinance adopted under this Part may provide that this exemption shall not apply to previously subdivided and recorded lots under either of the following circumstances:

a. No improvements (such as streets, sidewalks, or utilities) designed to allow the lots to function as individual lots have been installed within that subdivision and no buildings have been constructed on the lots, except that this sub-subdivision does not apply until the plat has been recorded for 10 years.

b. Where the recorded lots or portions of those lots have manifestly been developed and used as a single parcel as evidenced by the fact that on that parcel one or more buildings or other substantial structures have been constructed over the common lot lines of those previously subdivided and recorded lots.

- 1 (2) The division of land into parcels greater than 10 acres where no street
2 right-of-way dedication is involved.
- 3 (3) The public acquisition by purchase of strips of land for the widening or
4 opening of streets or for public transportation system corridors.
- 5 (4) The division of a tract in single ownership whose entire area is no
6 greater than two acres into not more than three lots, where no street
7 right-of-way dedication is involved and where the resultant lots are
8 equal to or exceed the standards of the municipality, as shown in its
9 subdivision regulations.
- 10 (5) The conveyance, transfer, or distribution of an intestate decedent's real
11 property, or any portion thereof, for the purpose of the property's
12 division among the decedent's heirs."
- 13 **SECTION 2.** This act applies to the City of Raleigh only.
- 14 **SECTION 3.** This act is effective when it becomes law.