

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 1991

CHAPTER 972  
HOUSE BILL 1587

AN ACT TO AUTHORIZE TRANSYLVANIA COUNTY TO REGULATE ROADS  
WITHIN UNIFIED DEVELOPMENTS.

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 divisions of land involving the dedication of a new street or a change in existing streets; and includes any unified residential or nonresidential development; however, the following is not included within this definition and is not subject to any regulations enacted pursuant to this Part:

- (1) The combination or recombination of portions of previously subdivided and recorded lots if 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;
- (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 land for widening or opening streets;
- (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.~~ regulations;
- (5) The division of land for the purpose of conveying a single lot or parcel to each tenant in common, all of whom jointly inherited the land by intestacy or by will;
- (6) The division of land into no more than two parcels for the purpose of conveying at least one of the resulting lots to a grantee(s) who would have been an heir(s) of the grantor if the grantor had died intestate immediately prior to the conveyance;
- (7) The division of land pursuant to an order of a court of the General Court of Justice;
- (8) The division of land for cemetery lots or burial plots; and

(9) The division of land for the purpose of changing the boundary line(s) between adjoining property owners and no new road right-of-way dedication is involved."

Sec. 2. Notwithstanding any provision of G.S. 153A-331, no county subdivision ordinance development standard shall apply to a unified residential or nonresidential development except insofar as such a standard pertains to a road (including a direct access road) that will serve such a development.

Sec. 3. Chapter 349 of the 1979 Session Laws is repealed.

Sec. 4. This act applies only to Transylvania County.

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 16th day of July, 1992.

James C. Gardner  
President of the Senate

Daniel Blue, Jr.  
Speaker of the House of Representatives