

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003**

**SESSION LAW 2003-79  
HOUSE BILL 765**

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

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 153A-335, as amended by Section 8 of S.L. 2002-141, reads as rewritten:

**"§ 153A-335. "Subdivision" defined.**

For purposes of this Part, "subdivision" means all divisions of a tract or parcel of land into ~~three~~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:

- (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; and~~ regulations;
- (5) The gift of a parent of a single lot to the parent's child or each of the parent's children where no new road is involved, provided:
  - a. That each and every lot has dedicated right-of-way access to the State-maintained road serving the principal parcel or direct access to an approved private road as defined in the ordinance; and
  - b. There are no more than three conveyances under this ~~subdivision~~subdivision; and
- (6) The division of land by will; however, the resultant lots may not be eligible for a compliance permit or building permit if the lots do not meet the minimum lot size requirements of the zoning ordinance, septic tank regulations or the building setback ordinance."

**SECTION 2.** This act applies to Chowan County only.

**SECTION 3.** This act is effective when it becomes law.  
In the General Assembly read three times and ratified this the 22<sup>nd</sup> day of  
May, 2003.

s/ Marc Basnight  
President Pro Tempore of the Senate

s/ James B. Black  
Speaker of the House of Representatives