

**TOWN OF SILER CITY**  
**ORDINANCE 2022 UDO SUBDIVISION, OTHER EXCEPTIONS**  
**AN ORDINANCE AMENDING ARTICLE IV (PERMITS AND FINAL PLAT**  
**APPROVAL) OF THE TOWN OF SILER CITY UNIFIED DEVELOPMENT**  
**ORDINANCE (UDO)**

NOW THEREFORE, be it ordained by the Board of Commissioners of the Town of Siler City, in the State of North Carolina, as follows:

**SECTION 1:**        **AMENDMENT** "41 Definitions" of the Town of Siler City Unified Development Ordinance (UDO) is hereby *amended* as follows:

**AMENDMENT**

41 Definitions

- (a) **Subdivision.** The division of a tract or parcel of land into two (2) or more lots, building sites, or other divisions when any one (1) 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 of this ordinance applicable strictly to subdivisions:
- (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 minimum standards set forth in this ordinance; or
  - (2) the division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved; or
  - (3) the public acquisition by purchase of strips of land for widening or opening streets, or for public transportation system corridors; or
  - (4) the division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the minimum standards set forth in this Ordinance.
  - (5) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.
- (b) **Subdivision, Major.** Any subdivision other than a minor subdivision.
- (c) **Subdivision, Minor.** A subdivision that does not involve any of the following:
- (1) the creation of more than a total of twelve (12) lots including the remaining portion of the parent tract;
  - (2) the creation of any new public streets or right-of-way dedication;

- (3) the extension of a public water or sewer system;
- (4) the installation of drainage improvements through one (1) or more lots to serve one (1) or more other lots; or
- (5) the creation of more than twelve (12) lots created out of one (1) parent tract using the minor subdivision plat approval process within a three (3) year period.

(d) **Subdivision, Other Exceptions.**

- (1) The purchase or dedication of strips of land for sidewalks, greenways, water and sewer utilities, access for ingress/egress, parks, and open space; or
- (2) The division of land into plots or lots for use as a cemetery; or
- (3) If the remaining portion of a parent tract is open space, stormwater facilities, etc., and the remaining portion of the parent tract is in shared ownership with a home/property owner's association, then the remaining portion of the parent tract is not considered a lot. The remaining portion of the parent tract shall not be allowed to be developed as a building lot unless all exceptions are satisfied and in full compliance with the Town's UDO.
- (4) Proceedings to partition interests in lots or parcels pursuant to Chapter 46 of the North Carolina General Statutes (or any successor statute) resulting in the division of a lot or parcel into two or more lots or parcels except where the partition proceeding is brought to circumvent the provisions of this Ordinance.

Commentary Note: Splitting up land for the settlement of an estate is not considered a subdivision. But for it to be considered the settlement of an estate, the owner has to be deceased. It cannot be a parent deciding to divide the property between the children before death. That's not the settlement of the parent's estate because the parent is not dead. If a parcel is left in a will to the children as joint owners or as tenants in common, the passing of ownership from the decedent to the children is the settlement of the estate. If the children decide to divide the land between themselves, that is not part of the settlement of the estate.

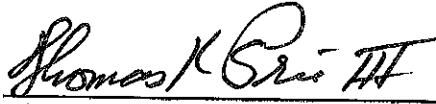
**Amended March 21, 2016, December 7, 2020**

**REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

**SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

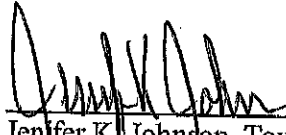
PASSED AND ADOPTED BY THE TOWN OF SILER CITY BOARD OF COMMISSIONERS April 18, 2022.

Presiding Officer



Thomas K. Price III, Mayor Pro Tempore, Town of Siler City

Attest



Jennifer K. Johnson, Town Clerk Town of Siler City

