

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 282
HOUSE BILL 762

AN ACT TO PROVIDE FOR MODIFICATION OF THE HAYWOOD COUNTY
PREDEVELOPMENT ORDINANCE.

The General Assembly of North Carolina enacts:

Section 1. Chapter 970 of the 1985 Session Laws is amended by adding a new section to read:

"Sec. 3.1. (a) The exemption for a family subdivision under the predevelopment ordinance adopted pursuant to this act shall apply only if the deed of conveyance contains the following information: (i) the subdivision is a 'family subdivision' as defined by subsection (d) of Section 4 of this act, (ii) the subdivision is exempted from the provisions of the predevelopment ordinance, and (iii) the various lot evaluations, including septic tank suitability evaluation, may not have been performed in accordance with the predevelopment ordinance adopted pursuant to this act.

(b) Any plat of property exempted from the predevelopment ordinance as a family subdivision shall be stamped 'Family Subdivision Exempted from Predevelopment Ordinance'.

(c) The predevelopment ordinance adopted pursuant to this act may provide that no instrument or plat may be recorded in the Office of the Register of Deeds unless it is in compliance with this section.

(d) The predevelopment ordinance adopted pursuant to this act shall provide whether the combination provided for by subsection (d)(9) of Section 4 of this act must be accomplished by a new recorded deed, a new recorded plat, or a mere statement of intent in a recorded deed."

Sec. 2. Subsection (d) of Section 4 of Chapter 970 of the 1985 Session Laws reads as rewritten:

"(d) 'Subdivision' means all divisions of a tract or parcel of land; however, each of the following is not included within this definition and is not subject to regulation under this act:

- (1) The combination or recombination of portions of previously subdivided and recorded lots if the total number of lots is not increased;
- (2) The division of a tract into lots or parcels each of which is greater than 10 acres, if no public road right-of-way dedication is proposed;
- (3) The division of a tract in common ownership the entire area of which is less than five acres;

- (4) 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;
- (5) ~~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 who would have been an heir of the grantor if the grantor had died intestate immediately prior to the conveyance;~~
- (5a) The division of land into two or more parcels for the purpose of conveying all the resulting parcels or lots, with the exception of parcels retained by the grantor, to a grantee or grantees who are in any degree of lineal kinship or to a grantee or grantees within three degrees of collateral kinship to the grantor. Such a division shall be known as a 'family subdivision';
- (6) The public purchase of strips of land for widening or opening roads or highways;
- (7) The division of land pursuant to an order of a court of the General Court of ~~Justice; and Justice;~~
- (8) The division of land for cemetery lots or burial ~~plots; plots; and~~
- (9) The division of land into more than two parcels for the purpose of combining one of the parcels with an adjacent tract of land if the adjacent tract is in compliance with all the provisions of the county ordinance adopted pursuant to this act and the combining of the parcel and adjacent tract results in a newly created single 'parcel' for land records purposes."

Sec. 3. This act does not impose any liability on the State of North Carolina concerning the construction or maintenance of any road.

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

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 5th day of July, 1993.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives