

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

H

2

HOUSE BILL 2272  
Second Edition Engrossed 6/14/90

Short Title: Henderson County Subdivisions.

(Local)

---

Sponsors: Representative Justus.

---

Referred to: Government.

---

June 1, 1990

1 A BILL TO BE ENTITLED  
2 AN ACT TO MODIFY THE AUTHORITY OF HENDERSON COUNTY TO  
3 REGULATE THE SUBDIVISION OF LAND.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 153A-335 reads as rewritten:

6 "§ 153A-335. 'Subdivision' defined.

7 For purposes of this Part, 'subdivision' means all divisions of a tract or parcel of land  
8 into two or more lots, building sites, or other divisions for the purpose of sale or  
9 building development (whether immediate or future) and includes all division of land  
10 involving the dedication of a new street or a change in existing streets; however, the  
11 following is not included within this definition and is not subject to any regulations  
12 enacted pursuant to this Part:

- 13 (1) The combination or recombination of portions of previously  
14 subdivided and recorded lots if the total number of lots is not increased  
15 and the resultant lots are equal to or exceed the standards of the county  
16 as shown in its subdivision regulations;
- 17 (2) The division of land into parcels greater than 10 acres if no street right-  
18 of-way dedication is involved;
- 19 (3) The public acquisition by purchase of strips of land for widening or  
20 opening streets; and
- 21 (4) The division of a tract in single ownership the entire area of which is  
22 no greater than two acres into not more than three lots, if no street  
23 right-of-way dedication is involved and if the resultant lots are equal to

1                   or exceed the standards of the county as shown by its subdivision  
2                   regulations.

3           A county in its ordinance may provide that 'subdivision' does not apply to a family  
4 subdivision. A 'family subdivision' is the division of land into two or more parcels or  
5 lots for the purpose of conveying the resulting parcels or lots to a grantee or grantees  
6 who are in any degree of lineal kinship to the grantor, or to a grantee or grantees who  
7 are within four degrees of collateral kinship to the grantor. The exemption provided by  
8 the ordinance shall only apply if the deed of conveyance notes that it is a family  
9 subdivision as defined by this section. Degrees of kinship shall be computed in  
10 accordance with G.S. 104A-1."

11           Sec. 1.1. This act does not impose any liability on the State of North Carolina  
12 concerning the construction or maintenance of any road.

13           Sec. 2. This act applies to Henderson County only.

14           Sec. 3. This act is effective upon ratification.