

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

S

2

SENATE BILL 385\*  
State and Local Government Committee Substitute Adopted 3/18/09

Short Title: Macon Subdivisions.

(Local)

Sponsors:

Referred to:

March 4, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO MODIFY THE AUTHORITY OF MACON COUNTY TO REGULATE THE  
3 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 (a) For purposes of this Part, "subdivision" means all divisions of a tract or parcel of  
8 land into two or more lots, building sites, or other divisions when any one or more of those  
9 divisions are created for the purpose of sale or building development (whether immediate or  
10 future) and includes all division of land involving the dedication of a new street or a change in  
11 existing streets; however, the following is not included within this definition and is not subject  
12 to any regulations enacted pursuant to this Part:

13 (1) The combination or recombination of portions of previously subdivided and  
14 recorded lots if the total number of lots is not increased and the resultant lots  
15 are equal to or exceed the standards of the county as shown in its subdivision  
16 regulations.

17 (2) The division of land into parcels greater than 10 acres if no street  
18 right-of-way dedication is involved.

19 (3) The public acquisition by purchase of strips of land for widening or opening  
20 streets or for public transportation system corridors.

21 (4) The division of a tract in single ownership the entire area of which is no  
22 greater than two acres into not more than three lots, if no street right-of-way  
23 dedication is involved and if the resultant lots are equal to or exceed the  
24 standards of the county as shown by its subdivision regulations.

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

32 (b) A county may provide for expedited review of specified classes of subdivisions."

33 **SECTION 2.** This act does not impose any liability on the State of North Carolina  
34 concerning the construction or maintenance of any road.

35 **SECTION 3.** This act applies to Macon County only.

36 **SECTION 4.** This act is effective when it becomes law.

