

NORTH CAROLINA GENERAL ASSEMBLY  
1961 SESSION

CHAPTER 203  
HOUSE BILL 322

AN ACT PROVIDING FOR THE REGULATION OF THE SUBDIVISION OF LAND  
IN MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Charlotte-Mecklenburg Planning Commission as Platting Authority. The Board of County Commissioners of Mecklenburg County is hereby authorized to enact an ordinance providing that no plat of a subdivision of land lying within Mecklenburg County outside the territorial jurisdiction of the City of Charlotte defined in Chapter 124 of the 1955 Session Laws as now or hereafter amended and outside the subdivision-regulation jurisdiction of any other cities or towns in the county shall be filed or recorded until it shall have been submitted to and approved by the Charlotte-Mecklenburg Planning Commission in accordance with regulations adopted under authority of this Act and such approval entered in writing on the plat by the Secretary of the Commission.

Sec. 2. Recording of Plats. If the Board of County Commissioners of Mecklenburg County adopts an ordinance regulating the subdivision of land as authorized herein, it shall file a copy of such ordinance with the Mecklenburg County Register of Deeds. The Mecklenburg County Register of Deeds shall not thereafter file or record, nor shall the Clerk of Superior Court of Mecklenburg County order or direct the recording of, a plat of a subdivision of land located within the territorial jurisdiction defined in Section 1 hereof, without the approval of the Charlotte-Mecklenburg Planning Commission, as required by this Act. The owner of land shown on a subdivision plat thereafter submitted for recording, or his authorized agent, shall be required to sign a statement on the plat stating whether or not any land shown thereon is within the territorial jurisdiction defined in Section 1. The filing or recording of a plat of a subdivision without the approval of the Charlotte-Mecklenburg Planning Commission, as required by this Act, shall be null and void.

Sec. 3. Subdivision Regulations. If the Board of County Commissioners of Mecklenburg County wishes to exercise the powers granted to it by this Act, it shall by ordinance adopt regulations governing the subdivision of land within the platting jurisdiction defined in Section 1.

Such ordinance may provide for the orderly development of the county; for the coordination of streets within subdivisions with existing or planned streets or with other public facilities; for the dedication or reservation of adequate open spaces for traffic, recreation, and school sites; and for distribution of population and traffic which shall

avoid congestion and overcrowding, and which shall create conditions essential to health, safety, convenience, and the general welfare.

Such ordinance may include requirements for the final plat to show sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every street and alley line, lot line, easement boundary line, and other property boundaries, including the radius and other data for curved property lines, to an appropriate accuracy and in conformance with good surveying practice.

Such ordinance may include requirements as to the improvement and grading of streets and the construction and installation of street pavements, curbs, gutters, sidewalks, and water, sewer, surface water drainage, and other utility mains, as conditions precedent to the approval of the plat. The governing body shall provide for the tentative approval of the plat previous to such improvements and installations, but any such tentative approval shall not be entered on the plat. Such ordinance may provide that in lieu of the completion of such work and installations prior to the final approval of a plat, the governing body may accept a bond, in an amount and with surety and conditions satisfactory to it, securing to the county the actual construction and installations of such improvements and utilities within a period specified by the board of county commissioners and expressed in the bond; and the board of county commissioners is hereby granted the power to enforce such bonds by all appropriate legal and equitable remedies.

Such ordinance shall provide that the Charlotte-Mecklenburg Planning Commission shall approve or disapprove the final plat not later than sixty (60) days after the submission thereof; otherwise, such plat shall be deemed to have been approved and a certificate to that effect shall be issued by the Planning Commission on demand; provided, however, that the applicant for the Planning Commission's approval may waive this requirement and consent to the extension of such period. The grounds for disapproval of any plat shall be stated upon the records of the Planning Commission. Said regulations shall provide that appeal may be taken from the Planning Commission action to the board of county commissioners, which board shall have power to disapprove in whole or in part or otherwise modify the action of said Planning Commission.

Sec. 4. Public Hearing on Ordinance. Before the adoption of a subdivision-control ordinance or any amendment thereof, the Board of County Commissioners of Mecklenburg County shall hold a public hearing. A notice of such public hearing shall be given once a week for two successive calendar weeks in a newspaper published in Mecklenburg County, such notice to be published the first time not less than fifteen days prior to the date fixed for said hearing.

Sec. 5. Effect of Plat Approval on Status of Dedications. The approval of a plat by the Charlotte-Mecklenburg Planning Commission shall not be deemed to constitute or effect the acceptance by the county or the public of the dedication of any street or other ground, public utility line, or other public facility shown upon the plat.

Sec. 6. Penalties for Transferring Lots in Unapproved Subdivisions. If the Board of County Commissioners of Mecklenburg County adopts an ordinance regulating the subdivision of land as authorized herein, any person who, being the

owner or agent of the owner of any land located within the platting jurisdiction defined in Section 1, thereafter transfers or sells such land by reference to a plat showing a subdivision of such land before such plat has been approved by the Charlotte-Mecklenburg Planning Commission, and recorded in the office of the Mecklenburg County Register of Deeds, shall upon conviction be guilty of a misdemeanor. Mecklenburg County through its county attorney, or other official designated by the board of county commissioners, may enjoin such transfer or sale by action for injunction.

Sec. 7. Definitions. For the purpose of this Act, the following definition shall apply:

Subdivision: A "Subdivision" shall include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development, and shall include all divisions of land involving the dedication of a new street or change in existing streets; provided, however, that the following shall not be included within this definition nor be subject to the regulations authorized by this Act: (1) a combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the county; (2) the division of land into parcels greater than five acres where no street right-of-way dedication is involved; (3) the public acquisition by purchase of strips of land for the widening or opening of streets.

Sec. 8. Powers Granted Herein Supplementary. The powers granted to Mecklenburg County by this Act shall be deemed supplementary to any powers heretofore or hereafter granted by statute for the same or a similar purpose, and in any case where the provisions of this Act conflict with or are different from the provisions of such statutes, the board of county commissioners may in its discretion proceed in accordance with the provisions of such statute, or, as an alternative method, in accordance with the provisions of this Act. This Act shall have no effect upon any existing ordinances of Mecklenburg County. The adoption of any ordinance under authority of this Act shall have no effect upon any litigation which is pending at the time of the adoption of such ordinance.

Sec. 9. Repealing Clause. All laws and clauses of laws in conflict with the provisions of this Act, except as indicated in Section 8 hereof, are hereby repealed to the extent of such conflict.

Sec. 10. Separability. If any Section, subdivision, clause, or provision of this Act shall be adjudged invalid, such adjudication shall apply only to such Section, subdivision, clause or provision so adjudged, and the remainder of the Act shall be deemed valid and effective.

Sec. 11. Effective Date. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1961.